HOUSE OF ASSEMBLY

Thursday, November 10, 1966.

The SPEAKER (Hon. L. G. Riches) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS.

His Excellency the Governor, by message, intimated his assent to the following Bills:

Mines and Works Inspection Act Amendment,
Police Regulation Act Amendment,
Registration of Dogs Act Amendment,
Underground Waters Preservation Act Amendment,
Stamp Duties Act Amendment,
Medical Practitioners Act Amendment.

QUESTIONS

GREENWAYS LIMITED.

Mr. HALL: On October 20 I asked the Premier a question about the Fairview Park housing estate in which Greenways Limited was (and still is) involved in selling houses. The Premier said that the Government was closely watching events occurring at Fairview Park. I understand that the situation regarding the people who have paid deposits on houses is still in doubt; indeed, several have told me that they do not know where they stand in relation to the obligations and the deposits that have been paid under their contracts. This situation is undoubtedly not a good advertisement for the building industry or for the State generally, especially as most of the people involved have been brought from another State. Peculiarities exist in relation to some of the contracts and activities in respect of the sale of these houses, some of which (if not all) have been sold under two contracts; the land has been sold separately from the house, even though, I am told, at the time of the sale the house had already been built.

I understand that four finance companies are involved, three of which are accepting a $10 a week temporary rental payment from occupants who, having paid deposits, are awaiting a bank loan and continuing to reside in the houses. One company, however, is charging $14 a week. I understand also that houses in Fairview Estate are still being sold. Having learned that the people involved are unable to obtain from any source sufficient information to allay their fears in this matter, and that they have received no indication as to where they legally stand, I ask the Premier whether the depositors awaiting bank loans in respect of houses in the Fairview Park housing estate have any equity in their properties. Can the Premier say what action the Government intends to take to protect the deposits paid by these people?

The Hon. FRANK WALSH: The people concerned were told that if they were a little patient in the matter it was expected that many of their problems would be solved. True, a number of the people concerned were brought by a certain gentleman on a bus ride from another State and were told they might have houses.

The Hon. B. H. Teusner: And employment.

The Hon. FRANK WALSH: Yes, but the difficulty was that some did not trouble to find employment; some did not even trouble to ascertain whether they might eventually have to pay more interest than was estimated; and they were living in fairly grand style.

Mr. Hall: About whom are you speaking now?

The Hon. FRANK WALSH: I am speaking about the people who brought about all this trouble—Greenways and a few more. It is important to know that some people in the area had not even registered for a loan, apart from the fact that some just were not in a position to obtain a loan from the bank. The Savings Bank and the State Bank can lend a certain sum to people wishing to purchase a house, but the banks inspect each property at some time to ascertain whether there is sufficient equity in it. Even if sufficient equity exists, the property must still be examined. Some people then become indebted to another financial organization in respect of the contents of the home or in respect of a motor car, and the question arises whether they are able to make the necessary payments. The banks themselves have undertaken to do what I suggested (following my representations) and negotiations are continuing, but the problem will not be solved overnight. Not only the Greenways Estate is involved but also a similar project beyond the Greenways Estate. I regret that the matter has been raised again today. The Government has offered to help and the steps being taken will continue to be taken until the problem is solved. More than double numbers of people that left the Greenways Estate are now housed in Housing Trust rental homes.

Mr. HALL: Although the Premier says he regrets that this matter has been raised in this House again, I must point out that I have

been informed that some persons who signed contracts to purchase houses and paid deposits have found subsequently that the houses were mortgaged. I also understand that the amount of mortgage in no known case exceeds the expected sale price. Nevertheless, it seems to be a very questionable matter, as these people have paid deposits on houses that they believed were not encumbered. The mortgagees involved are additional to the four finance companies involved in this matter. Can the Premier say where these people who have signed contracts and paid deposits stand in this regard?

The Hon. FRANK WALSH: The people are at liberty to resort to litigation, but I certainly would not advise that at this stage. I know from remarks passed at a meeting I attended on the estate originally that the person concerned hastened to assure all the people involved that some complications were associated with the mortgages but that they would all be ironed out in good time.

Mr. Hall: Do you expect that this will be done?

The Hon. FRANK WALSH: I know that the person who has caused all the strife was the most popular person out there because of his charitable disposition towards those people: it was not possible to charge an economic rent, although he was borrowing money at fairly extravagant rates. I have already indicated to the House (and I hope the Leader will accept this) that both the banks involved are trying to assist people and are doing their utmost to ascertain where all the disabilities are. As soon as they can ascertain details concerning applications for loans they will be able to straighten the matter out.

Mr. Hall: Are the banks dealing with the whole question or only their side of it?

The Hon. FRANK WALSH: The Government will not be involved in certain aspects. For instance, it will not be involved in any inquiry regarding people who have entered into arrangements with hire-purchase companies in this matter. However, it will still ask the banks to continue their inquiries into what equity is held in the houses involved, and particularly to ascertain whether long-term loans were applied for. It is not the responsibility of the Government, however, to ascertain from whom the people mentioned by the Leader borrowed money. I assure the Leader that other people are trying to resolve this important matter. For instance, there are four hire-purchase companies involved in this. The officers of the Savings Bank and of the State Bank are doing their share of inquiring. I have not received any report from any of the organizations concerned in the matter, so I cannot give any further information. However, I know that a representative of the Attorney-General's Department has already carried out certain investigations.

GAS.

Mr. HUGHES: I read in this morning's *Advertiser* a statement made in Queensland by the Prime Minister that the submissions made by the Premier to him about the loan to build a pipeline from Gidgealpa to Adelaide would have to wait until after the coming Commonwealth election. Can the Premier comment on that statement?

The Hon. FRANK WALSH: I sent a telegram late last month to the Prime Minister, as follows:

Would appreciate advice when I may expect Commonwealth reply on natural gas pipeline submission. In view of rising of Parliament shortly and necessity detailed planning matter is now urgent. Walsh Premier Adelaide.

I received a reply from the Prime Minister which was very similar to the statement in the press. The reply was as follows:

I have your telegram in which you ask when you might expect to receive the Commonwealth reply to your submission requesting financial assistance towards the pipeline project to supply natural gas from the Gidgealpa and Moomba fields to Adelaide and environs. At our meeting in Canberra I said that your Government's proposals would be closely examined by Commonwealth officials after which it would be considered by the Cabinet. I had hoped, following receipt of your telegram, that I might be able to arrange for some consideration to be given to your request for financial assistance towards the project. However, the fact is that the officials' study has only just been received by the Government. More importantly, with the election pending, I feel that we should adhere to the established practice under which matters of substance such as these are deferred for consideration by the incoming Government. I can assure you that if my own Government is returned, your proposal will be considered as early as practicable after the new Government is formed. Yours sincerely, Harold Holt.

I then forwarded another telegram:

Your letter *re* finance for pipeline received. My Government seriously disturbed at delay in this matter first raised with you in June last at time of Loan Council meeting and furthered by fully detailed and documented submission in September together with my Government's offer of any further information desired by you or Commonwealth officers. Your latest advice would mean further serious delay to commencement of this project of national development

which is vital to the economic progress of the State and important to the Commonwealth. In view of all circumstances and the urgent need to commence the project I strongly urge you to reconsider decision in your letter and submit the proposal for urgent favourable decision by your Government.

A further telegram was received from the Prime Minister, as follows:

Reference your telegram. Although you raised your pipeline proposal at the Loan Council in June you did not advance a specific proposal and the matter was left at that time for Premiers to submit proposals either relating to their particular requirements or having wider reference when they were ready to do so. Your specific proposal for financial assistance was presented at the meeting in Canberra on September 22. Your detailed case required close study by Commonwealth officials and as I said in my letter the officials' report had only just been received by the Government. I can only repeat that matters of substance such as this one must in accordance with established practice be deferred for consideration by the incoming Government. I might add that consideration of a number of other similar matters has had to be deferred in the same way.

I have done my utmost in the interests of South Australia with a view to prevailing on the Prime Minister and his Government to advance the necessary finance. I also considered in the interests of all concerned that I was under some obligation not to rush out and make known the contents of the letter or telegram: I left it for the Prime Minister himself to make an announcement, and apparently, according to the press report this morning, he did this at his public meeting in Brisbane.

The Hon. G. A. Bywaters: You were extending a courtesy to him.

The Hon. FRANK WALSH: I thought I was under an obligation to do that, seeing that he was the author of the communication. This matter is not finished. Other action that I have taken is a matter for the Government of the State at this stage until I can get further information from other sources. A case was presented as a result of the Bechtel Pacific Corporation's report on this matter which was laid on the table of this House for perusal. Within a couple of days of my presenting the case, Commonwealth officials visited this State, but I do not know how long they were here. At this stage I can only accept the situation with much regret, because I believe our case on behalf of the State could not have been improved upon, particularly in view of our known future resources of natural gas for both industrial and domestic use.

The Hon. Sir THOMAS PLAYFORD: The Premier has said that the Government is prepared to go ahead immediately if the money is available. Can he say whether it is not necessary for some legislation to be introduced before the Government has the authority either to establish a semi-government authority or to authorize anyone else to construct a pipeline? If the Government has considered this aspect, will such a Bill be introduced before the House rises or will the matter stand over until after the new year?

The Hon. FRANK WALSH: The Government is aware of what has to be done, and it intends to introduce the legislation necessary to set up the authority early next year. I do not wish to be carried away so that it can be suggested that I am not doing the correct thing. When we know that we will receive sufficient finance, much work must be done by the Delhi-Santos company before any firm agreements can be entered into for spending public money on a pipeline. As we must know where we are going and how much gas is underground, more drilling will have to be done before one cent is spent on a pipeline. Also, if approval were given for the money to be provided, some work might be done before any money was spent, especially work on the preparation of plans and specifications of the pipeline. Although I do not know its details, the legislation necessary to set up an authority will be introduced as soon as it is ready.

HOSPITALS.

Mrs. STEELE: On Tuesday, in reply to a question I had asked during the previous week about the intention of the Government to build a new teaching hospital, I received a savage reply which impugned the veracity of my statements, as well as my honesty and sincercity, by implying that I had created a wholly fictitious informant and a wholly fictitious occasion. Last evening my informant saw the Premier. In fairness to me and so that all members may know the true position, I ask the Premier, as Leader of the Government, to say that he is now satisfied that my question seeking information was based on a conversation that took place between my informant and the Minister of Health.

The Hon. FRANK WALSH: I do not desire to ignore the purpose of the honourable member's question. I regret however, that I cannot agree with all that the honourable member has said. I believe that I am under an obligation to the person concerned, because the matter was discussed entirely within the four walls of the room in which the interview

took place. In view of the honourable member's question, I must ask how far I am permitted to go.

Mrs. Steele: I must be cleared.

The Hon. FRANK WALSH: Mr. Speaker, I did undertake last evening to leave this matter as it was. I am, however, prepared to ask the person concerned how far I can go. I will go this far in addition—

Mr. Jennings: Name the person.

The Hon. FRANK WALSH: I am under an obligation to that person, and I am not prepared to name anyone. I did see the member for Burnside outside this place, and I indicated that I believed there could have been some misunderstanding between all the parties concerned.

DARLINGTON PRIMARY SCHOOL.

Mr. HUDSON: Has the Minister of Works a further reply to my question of last Tuesday concerning the condition of the Darlington Primary School building?

The Hon. C. D. HUTCHENS: At my request, the Director, Public Buildings Department, arranged for a further inspection of this school and this was carried out on November 7. The following report by the Supervising Design Architect, Schools Section, sets out the results of the inspection:

As previously stated, settlement seems to have taken place on some of the piers under the cross walls adjacent to the plant room and cloak areas on the ground floor, and this in turn has affected the walls immediately above. Since the inspection made in 1965, several experiments have been conducted:

(1) A series of drillings has been made in the area, for the purpose of ascertaining the condition of the soil and whether soil movement is taking place. The initial examination shows that the water table is very high, which may have brought about a reduction in the bearing capacity of the soil. These tests, however, are not yet complete and therefore it is difficult at this stage to arrive at any very definite conclusions or preventative measures to be taken.

(2) At several points on the line of the cracks, areas about 6in. square were replastered to act as "tell tales". From an examination of these, only very slight movement seems to have taken place, and therefore it is true to say that the cracks are only a very little worse than a year ago.

(3) The exception to paragraph (2), however, is the opening of the expansion joint visible on the south wall, which was not previously noted.

General conclusion—Whilst the cracks and fallen plaster look unsightly, it is not considered that there is any danger to the occupants of the school. It is probable that more definite information will be available soon, to suggest methods of preventing further damage to the building. In the meantime, it is suggested that the cracks in the cross walls be filled with a non-hardening mastic until other more permanent measures can be taken.

VEHICLE INSURANCE.

The Hon. T. C. STOTT: In many cases a motor bicycle and sidecar is used on a farming property for mustering sheep, tending to bores, or carting materials. Sometimes the property is divided by a public road and, of necessity, the driver of a vehicle used on the property must cross the road occasionally, and a special permit may be obtained, provided the vehicle is covered by third-party insurance. However, no such permit is available for the owner of a motor bicycle and sidecar, so, when he crosses the road from one paddock to another, he must dismount and push it across the road into the other paddock. The motor vehicle in respect of which the permit is issued is not registered under an ordinary registration, but it is covered by third-party insurance because it is taken on a road. The Premier will realize that many workmen after a day's work are extremely tired, and a motor bicycle and sidecar is extremely heavy to push across a road, particularly if that road is unmade. Will he see whether a permit can be granted under these conditions for the use of a motor bicycle the same as the permit granted for the use of a motor vehicle where a public road has to be crossed to get from one part of a property to another?

The Hon. FRANK WALSH: I will consult the Registrar of Motor Vehicles on this matter.

PORTRAIT.

Mr. CLARK: Since the unveiling ceremony this morning many members of both Houses of this Parliament and the Commonwealth Parliament who knew Sir Robert Nicholls well have expressed freely to me their admiration and appreciation of the portrait by Mr. Ivor Hele of the former Speaker. It has been suggested that the expression on Sir Robert's face in the portrait is one that many of us have seen and appreciated. Would you, Sir, as Speaker, write a letter to Mr. Hele expressing the appreciation of the members of this House for what I consider to be a magnificent portrait?

The SPEAKER: I am glad that the work of Mr. Ivor Hele has met with the approbation of members, as many people have expressed to me similar sentiments. Without presuming to

be an art critic, I consider that this portrait is amongst the best work Mr. Hele has done. We are proud of it, and I shall be happy to accede to the honourable member's request.

T.A.B. AGENCY.

Mr. CASEY: The Premier realizes that the city of Broken Hill, which is just over the New South Wales border, is, in many respects, a South Australian town because most of its business is transacted with Adelaide. Because of this, and because the Totalizator Agency Board's betting agencies are to be established in South Australia, will the Premier consult the Chairman of the board (Mr. R. N. Irwin) and point out the desirability of establishing T.A.B. agencies in Broken Hill? The establishment of an agency in a town in another State is not unprecedented, because Victorian T.A.B. agencies operate in Canberra, and the Victorian T.A.B. refunds a percentage of its turnover to the Commonwealth authorities in Canberra.

The Hon. FRANK WALSH: I shall convey the honourable member's request to the chairman of the board. If the New South Wales Government will permit South Australian agencies to operate in Broken Hill under some type of concession and, provided South Australia receives a return, I see no reason why the request should not be considered favourably.

SCHOOL TEACHERS.

Mr. McANANEY: Can the Minister of Education say whether sufficient students will be graduating from teachers colleges to meet the department's requirements for next year?

The Hon. R. R. LOVEDAY: That depends on what one considers to be the needs. We have sufficient students to meet the needs when the numbers are assessed alongside our financial capabilities to meet teachers' salaries, and so forth, although we should like to have more teachers in order to reduce class sizes. The normal programme in schools today can be continued with the students graduating from our colleges, and we hope that the number will show a slight improvement in relation to the ratio of students to teachers.

FIRE BANS.

Mr. BURDON: With the summer approaching, people living in country areas (including the Adelaide Hills) are concerned about the extreme fire danger that will exist in this State because of the lush growth resulting from spring rains. As the Minister of Agriculture has fire warnings issued over radio stations early every morning, will he inform the House of the responsibilities of both city and country people in relation to fire ban regulations?

The Hon. G. A. BYWATERS: Although it is gratifying to see large areas in the State containing lush vegetation, they unfortunately create a great fire risk that concerns not only people living in country areas but people living in the metropolitan area as well. True, a fire ban notice, which commenced last Monday, is issued in my name on the national stations, 5CL and 5AN, early in the mornings. Those stations have extended that courtesy to the Government for many years, and we appreciate their efforts in providing the general public with information concerning whether or not a fire ban is current. Although I believe that the public is aware of such broadcasts, prosecutions are still necessary, often involving people living in the metropolitan area. It is necessary for people to heed the warning and to ensure that, once a fire ban has been issued, no fire is lit anywhere in the open; this applies to incinerators and barbecues, etc.

I trust that all the publicity possible will be given to this matter so that no breaches of the law will occur. The Bush Fires Research and Advisory Committees and everyone concerned with this matter frequently appeal to the public at this time of the year and try to ensure the prevention of fires. Realizing the need to help these people as much as we can, I appeal to the public this year to take every precaution and to minimize the possibility of fires occurring. Most fires are the result of someone's carelessness, and may cause heartbreak and great financial loss to many people. In addition to that, of course, fires can cause the loss of much vegetation and natural flora. I thank the honourable member for asking the question, as it has given me an opportunity to express my views on the matter.

ABDUCTION PENALTIES.

The Hon. B. H. TEUSNER: Has the Attorney-General a reply to my question about the statutory penalties fixed for offences relating to the abduction of children?

The Hon. D. A. DUNSTAN: No; I have asked for the views of a number of persons on this matter and, as I told the honourable member, as soon as I have a reply I will notify him.

SNOWY MOUNTAINS AUTHORITY.

Mr. HURST: As work on the Snowy Mountains Hydro-Electric Authority's project is now nearing completion, has the Premier

received any communication from the Commonwealth Government concerning the authority's future? If he has, can he say whether, if the Commonwealth does not continue to use its work force, the knowledge and skill of some of its officers might be used to advantage on public works in this State?

The Hon. FRANK WALSH: I have received correspondence from, I think, the Prime Minister (similar, I believe, to correspondence being forwarded to all States), seeking information as to whether the States can bring forward matters to be considered by the Commonwealth Government, in which people involved in the Snowy scheme might be engaged. I have asked my Secretary to ascertain what information can be obtained in this regard anl whether any likelihood exists of some of the people concerned with the scheme being employed in similar work, to the advantage of this State.

FREE BOOKS.

Mr. COUMBE: As, before the House resumes next February, the Government's free books scheme will have been introduced into primary schools, can the Minister of Education say whether the scheme is now progressing smoothly and satisfactorily and whether he expects that it will be implemented without any hitch affecting both schoolchildren and parents?

The Hon. R. R. LOVEDAY: Many books are already at the schools concerned. The Public Stores Department has been sending out large quantities of books in order to keep the floor space as clear as possible for incoming books, and the whole programme is well in hand. All the books were in the bookroom at the Saddleworth Primary School a week or so ago, and the headmaster expressed great satisfaction with the methods we were using to provide free books. He said he was very much relieved to know that he would not have the task of collecting money in the early weeks of the first term, and he said he had in the past often waited until a few days before the beginning of the term, and sometimes until March, for the books to arrive at the school. He was exceedingly pleased with the new arrangements. I assure the member that we expect everything to go without a hitch.

GAWLER SEWERAGE.

Mr. CLARK: In August the Minister of Works told me that submissions would shortly be made to the Public Works Committee concerning a sewerage scheme for Gawler. Can the Minister provide more accurate information concerning when the reference will come before the committee?

The Hon. C. D. HUTCHENS: The honourable member is to be congratulated on his persistency: I believe that the first speech he made in this House related to a sewerage scheme for Gawler, and he has continually worried me about it. I am relieved to say that in the next few days plans are expected to be ready for submission to the Public Works Committee, and I will then depend on the honourable member to use his influence on the committee so that progress can be made to his satisfaction.

MAITLAND AREA SCHOOL.

Mr. FERGUSON: I recently asked the Minister of Education when the building of the Maitland Area School would be completed. Has he a reply?

The Hon. R. R. LOVEDAY: The Director, Public Buildings Department, reports:

All of the new buildings at the Maitland Area School, with the exception of the craft block, are scheduled for completion by the end of January, 1967. The craft block and site works are scheduled for completion at the end of February, 1967.

GOODWOOD PRIMARY SCHOOL.

Mr. LANGLEY: I recently asked the Minister of Education a question concerning repairs and painting at the Goodwood Primary School. Has he a reply?

The Hon. R. R. LOVEDAY: The Director, Public Buildings Department, reports:

A submission for approval of funds is now being made for general repairs and painting to the Goodwood Primary School. Subject to funds being approved, it is anticipated that the work will commence early next year.

CUMMINS SCHOOL.

The Hon. G. G. PEARSON: I recently asked the Minister of Education a question concerning fire protection at the Cummins Area School. Has he a reply?

The Hon. R. R. LOVEDAY: The Director, Public Buildings Department, reports:

The Cummins Area School is a normal school of fire-resisting construction. Garden watering points to the front and rear of the school are provided on branches from a 2in. water service and fire extinguishers of appropriate types are provided in particular locations. In general, the fire protection afforded to this school is similar to all recently constructed schools of similar type and is in accordance with established policy.

LAND TAX APPEALS.

Mr. CURREN: My question relates to the recent land tax assessment that was adopted and is now in force. Can the Treasurer say how many appeals were made against the assessments, and can he express the number of appeals as a percentage of the total number of assessments? Also, when was the assessment completed?

The Hon. FRANK WALSH: The Commissioner of Land Tax reports:

Objections numbering 4,913 have been received, including representations from owners whose statutory time for objection had expired. That number is 1.44 per cent of the number of landholdings assessed by the department. The comparative figures for the 1960 assessment were 3,371 objections, or 1.16 per cent of the landholdings assessed. Under the provisions of section 20 of the Land Tax Act, 1936-1966, the unimproved value of all taxable land had to be assessed as of July 1, 1965. Naturally, it was a physical impossibility to make every assessment on that day. Consequently the work of preparing the assessment was continuous throughout the five-year period as far as the functions of the valuation branch were concerned. The task of clerically recording the assessment commenced in May, 1963, and it was completed in November, 1965. The formal general notice of assessment was given in the *Government Gazette*, December 9, 1965. The objective of the work done was to assess all land at the level of values prevailing at the statutory date of assessment.

FOOT-ROT.

Mr. RODDA: Last week I asked the Minister of Agriculture a question about foot-rot in the South-East. Has he a reply?

The Hon. G. A. BYWATERS: The Chief Inspector of Stock reports:

The new regulations became operative as from October 31. This delay in enforcing them was due to the need to obtain and distribute supplies of the health certificates and the explanatory circular to stock agents and the authorities in other States. There are 10 flocks under quarantine in the Naracoorte district. One of these is a recent outbreak associated with the introduction of sheep from Victoria. Another recent case is also associated with purchases in a market, but the actual origin of the footrot-infected sheep cannot be determined. Two recent cases in the Mount Gambier district and one in the Adelaide Hills are due to purchase of footrot-infected sheep in Victoria. One other recent case in the Mount Gambier district is associated with purchases of a number of small lots, but the property of origin of the footrot-infected sheep cannot be traced. Four other recent infections in the Lower South-East have been traced to a local owner who had previously escaped detection. Due to lapse of time, legal action could not be taken against the vendor. A total of 34 flocks remain under quarantine for foot-rot, but it is anticipated that over 20 will be released within the next two months.

WALLAROO MOTEL.

Mr. HUGHES: I understand that recently the Minister of Lands, at the request of the Wallaroo corporation, resumed on behalf of the Crown a section of park lands commonly known as Kohler Park. I understand that last week the land was gazetted as open for application to purchase at a certain price. Can the Minister say whether the department has yet received any applications for this section?

The Hon. J. D. CORCORAN: The honourable member's understanding of this matter is perfectly correct. Because of his interest in the establishment of a motel at Wallaroo, I inquired this morning whether any applications had been received for this land, and I am pleased to inform the member that one application has been received from a company known as Esquire Motels.

CITRUS INDUSTRY.

The Hon. T. C. STOTT: Some time ago I asked the Minister of Agriculture whether he would make some inquiries about drag hoses and the effect of their use on citrus trees. Has he a reply?

The Hon. G. A. BYWATERS: The use of undertree sprinkler irrigation is not new but has been used by fruit growers for many years in areas such as the Mount Lofty Ranges. The drag hose undertree system appears to be a most suitable method of irrigation because of its economy, adaptability and flexibility. Information on this system was obtained by the Department of Agriculture from California in 1963 and passed on to commercial firms. South Australian firms have now produced a copy of this original Californian system and original systems incorporating the same basic principles.

The drag hose system requires fundamental changes in cultural practices other than irrigation, the most important being the desirability of having a soil surface completely free from weed and cover crop. Several of the facets of undertree irrigation being investigated separately are weedicide sprays, cover-crop control, water distribution from sprinklers and leaf absorption of salt. In addition, the overall effects of the comprehensive changes in orchard management are being examined, but the subject is not one which lends itself to replicated experiments. A sufficient improvement in tree health has been observed in properties at Loxton, Cooltong and Renmark after overhead sprinklers were replaced by drag hose sprinklers to allow recommendation of this sprinkler system. It is confidently expected that this

improvement in tree health and vigour will be followed by an improvement in fruit quality and yields.

It is already known that undertree irrigation reduces the deleterious effects of overhead irrigation with saline water. Undertree irrigation is expected to alleviate the effects of non-uniform distribution of water that occurs with furrow and overhead sprinkler irrigation methods, while permitting a reduction in the total amount of water required even after allowing some excess for the leaching of salt from the soil.

The Hon. T. C. STOTT: I have correspondence extolling the virtues of the drag hoses and stating how they improve the quality of citrus production and reduce labour costs. In view of the efficacy of this system, will the Minister of Irrigation ascertain from the Commonwealth Government whether conversion to this system can be made by some Loxton soldier settlers?

The Hon. J. D. CORCORAN: So far as I am aware, this matter has already been taken up with the Commonwealth but, if it has not been, I will call for a report.

LARGS NORTH SCHOOL.

Mr. HURST: Can the Minister of Education say when the new school being constructed on the eastern side of Victoria Road in the Largs-Draper area will be completed? Has the department decided on the official name of the school?

The Hon. R. R. LOVEDAY: Speaking from memory, I believe that the school will be open early next year. The Postmaster-General has asked that the school be called Largs North rather than Draper Primary School for the convenience of postal delivery. This suggested change has been considered by the Nomenclature Committee, which has recommended that the name be Largs North. Therefore, the Education Department has decided to name the school the Largs North Primary School.

POTATOES.

Mr. McANANEY: On October 18 the Potato Board fixed a price for Spring new grade at 11c a pound. Will the Minister of Agriculture ascertain whether those potatoes were Victorian potatoes or local potatoes? Will he also ascertain whether the Potato Board can function if a quorum of members is not present?

The Hon. G. A. BYWATERS: Yes.

MARINO QUARRY.

Mr. HUDSON: For some years there has been considerable difficulty in summer months in the areas adjacent to Marino as a result of dust from the local Linwood quarry, and twice this year I have asked for reports from the Minister of Mines on the progress of dust prevention measures currently being taken by the quarry to eliminate this hazard for local residents. Will the Minister of Agriculture, representing the Minister of Mines, obtain a further report on the progress of this work?

The Hon. G. A. BYWATERS: I shall take this matter up with my colleague and obtain a report.

AUBURN WATER SCHEME.

Mr. FREEBAIRN: In reply to my question two weeks ago regarding a water scheme for Auburn, the Minister of Works said that the question related to extensions of water mains to properties in the hundred of Upper Wakefield east and south-east of the township of Auburn. He also indicated that the water extension would involve 3¾ miles of main at an estimated cost of $19,000. He suggested in his reply that the engineering was practicable but that the revenue return from the capital invested in the scheme was inadequate, and he went on to say that if the scheme was to be proceeded with, annual guarantees would be required of the landholders to make up the revenue deficiency. However, he did not indicate the precise sum each landholder would have to pay as a surcharge to make the scheme an economic proposition. Will the Minister of Works obtain the precise sums from his department so that I can inform my constituents at Auburn?

The Hon. C. D. HUTCHENS: Yes.

BRAN AND POLLARD.

Mr. QUIRKE: Is the Minister of Agriculture aware that it is impossible to buy bran and pollard in any country town in South Australia, and, if that is so, can he say why?

The Hon. G. A. BYWATERS: I have received a few complaints from people who have not been able to buy bran and pollard. I have taken this matter up with the flour millers and they say it is because of the shortage of export flour, and also because they, as manufacturers of stock food, use bran and pollard: as a result, there is not sufficient to go around. I have been informed that there is little likelihood of improvement soon. I arranged for a committee of all sections of the poultry industry to meet me in conferences from time to time. We have

already had one meeting, and this matter was discussed then. The only people not represented were the stock food manufacturers, and the committee decided to invite them to join the committee, which is an advisory committee, and to discuss matters around the table. It is agreed that one of the men from the Stock Food Manufacturers Association will be on the committee, and I am sure this matter will be raised. I do not know the answer to this. Apparently, oversea flour sales are not as buoyant as they were a few years ago. The subsidy provided by some European countries in respect of the local industry has proved disadvantageous to Australian firms competing in the market, and this has caused a shortage of bran and pollard.

FORESTRY.

Mr. RODDA: My question concerns a matter I have raised before in this House—farm forestry. The effect of our income taxation laws is that a man who clears his forest after waiting 40 years for it to mature must pay a high rate of taxation on the proceeds and, as a result, such a proposition ceases to be attractive. As some of these plantations are coming to maturity in my district, their owners are expressing concern. Further, people intending to develop such farm plantations are faced with this problem. This is retarding the development of a valuable adjunct that this country needs. Has the Minister of Agriculture anything to report on this matter? If he has not, will he raise it at the Forestry Council?

The Hon. G. A. BYWATERS: This matter has been discussed by the Forestry Council at meetings I have attended. It has been the view of the States that the Commonwealth Government should make the first move, and this was also the view of the former Minister of Agriculture when it was discussed during his time in office. The main problem is associated with income tax, although succession duties could be affected, and both aspects would need to be examined. Although most of the income is received at the tree-felling stage, some income is received in the thinning stage, so all the income is not received at once. In any case, I assure the honourable member that this is a live topic at the Forestry Council. Even under the present circumstances, I believe people can gain considerably by having private pine plantations on their properties. Mainly, they would comprise 10 or 20 acres, but several together could increase the average plantings considerably in a State such as South Australia. It would also be an advantage as a shelter belt for stock, particularly in the South-East and in the Adelaide Hills. At present there is no concession in respect of income tax, but I am confident that something will be done eventually. It is not in our hands but when the Forestry Council meets again I will refer this matter to it.

FLUORIDATION.

Mr. MILLHOUSE: My question arises from an interjection by the Minister of Works last Tuesday evening on the subject of fluoridation in which he expressed disapproval. I know that the water supply of this State, or much of it, has chlorine added to it. First, can the Minister of Works say whether there is any danger involved in adding chlorine to the water supply? Secondly, does he intend to take action to discontinue the practice of adding chlorine to the water supply?

The Hon. C. D. HUTCHENS: In reply to both questions, the answer is "No".

Mr. MILLHOUSE: I ask a further question of the Minister arising from his concise and definite answer. If there is no danger from chlorination of water, can the honourable gentleman say whether there will be any danger, in his opinion, in the fluoridation of water?

The Hon. C. D. HUTCHENS: I am not an expert, but the honourable member will know that there is a difference of opinion of people about this matter. Until that difference is resolved to my satisfaction, I still think, for several reasons, that it would be inadvisable to put fluoride into the water.

Mr. MILLHOUSE: In view of the difference of opinion to which he has referred, I ask the honourable gentleman whether he intends to take action through the medical authorities in this State to clear up the controversy, in his own mind anyway, on this matter?

The Hon. C. D. HUTCHENS: Before answering the question, I point out to the honourable member that some time ago this House appointed a Select Committee, of which the honourable member was chairman, to inquire into this matter. I remind the House that the then Premier said that, although he agreed to the setting up of a Select Committee, any recommendation of the committee would not be binding on the then Government.

Mr. Millhouse: That is not what I asked about.

The Hon. C. D. HUTCHENS: The decision of the Select Committee was a majority decision in favour of fluoridation, but it was only on

the casting vote of the chairman: two members of the committee assented, two dissented, and the chairman voted for the recommendation. On such slender evidence it would be wrong, in the interests of the public, to take this step.

Mr. Millhouse: To clear up the controversy!

The Hon. C. D. HUTCHENS: Further, as the matter has been fully investigated with little satisfactory result, I would not be warranted in taking further evidence at this stage.

Mr. HURST: In view of the discussions on fluoridation and the possibility of the member for Mitcham converting the Minister of Works, can the Minister of Agriculture say what effect fluoridation would have on citrus trees grown in home gardens within the metropolitan area, and has his department taken any surveys on this subject? If it has not, will he try to have this done before a definite decision is made?

The Hon. G. A. BYWATERS: I am not an expert on how fluoridation affects citrus trees or vegetables, although I wonder what it would do to lawns or roses or to street gutters. As I do not think this matter is relevant to my department, I shall leave it in the capable hands of the Minister of Works.

FISHING.

Mr. HALL: My question is prompted by, although not based on, a report in today's newspaper. For some time we have known that Russian and Japanese fishing vessels have surveyed the fishing potential of waters adjacent to our State and south of the continent. The report in today's newspaper, drawing attention to these surveys and expressing the alarm felt in some quarters at these investigations, states:

In July this year the Commonwealth Fisheries Department asked local fishermen to report every sighting of foreign fishing fleets operating off Australian coasts. They let fishermen know they were particularly anxious to plot the movements of Russian and Japanese fishing fleets working waters near Australia. The Fisheries Department is concerned at the increasing pressure of these fleets in surveying and exploiting fisheries in the southern oceans. The department is still considering the advisability of extending its control margin to within a 12-mile limit off the Australian mainland.

Is the Minister of Agriculture aware of any investigation of this nature that may have been sighted off the South Australian coast, and does he believe that a danger exists to the South Australian fishing industry because of the operation of foreign fishing vessels?

The Hon. G. A. BYWATERS: This matter has caused concern to the Fisheries Council where it has been discussed, and out of these discussions came the request to fishermen to advise the department when people were seen, and particularly if they were fishing. From time to time foreign vessels have been seen off our shore, but they have not been seen to be fishing. They have probably been carrying out survey work: although they have been observed by fishermen, no definite fishing has been seen. This matter is constantly under review and I believe that it will be discussed further at the next Fisheries Council meeting. Recently, we appointed, in South Australia, a senior fisheries inspector who had had experience in Britain, Africa and Asia. This gentleman is well versed in modern trends of fishing and, through the correct channels, he has given valuable evidence to the Select Committee on the Fishing Industry.

CONTAINERIZATION.

The Hon. Sir THOMAS PLAYFORD: As my question has a bearing on the Commonwealth-State relationship in regard to harbours, I address it to the Premier, rather than to the Minister of Marine. During the last week two public statements have been made by responsible Commonwealth Ministers to the effect that, with the introduction of containers for oversea shipping, only three Australian ports (Fremantle, Melbourne and Sydney) will be equipped with container-loading equipment, and that all other ports will be used merely as feeder ports for the three to which I have referred. Although I realize that I need not emphasize the calamitous effect that such a policy would have on the commerce of Port Adelaide in particular and of South Australia in general, will the Premier take up with the Prime Minister, as a matter of urgency, the question of whether the facilities to be provided in the three ports mentioned will also be provided at Port Adelaide, so that South Australian commerce and industry will not be disrupted or placed at a disadvantage in oversea trading, particularly in the export of primary products?

The Hon. FRANK WALSH: My colleague has received information in this regard, and a report has been submitted to Cabinet. However, because of the importance of the matter,

I desire to obtain further information and to ascertain what may happen in the future. Although some delay may occur because of the coming Commonwealth elections, I will obtain the information as soon as possible.

STATE GOVERNMENT INSURANCE COMMISSION BILL.

The Hon. FRANK WALSH (Premier and Treasurer) moved:

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution: That it is desirable to introduce a Bill for an Act to authorize the establishment of a State Government Insurance Commission; to authorize such commission to carry on the general business of insurance; and for other purposes.

Motion carried.

Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

The Hon. FRANK WALSH: I move:

That this Bill be now read a second time.

Its object is to establish a State Government Insurance Commission. The insurance field is one which all other States in Australia have entered for two reasons: (*a*) to keep premiums low; and (*b*) to ensure by competition that adequate service is given to the public. Adequate service relates not merely to rates of insurance but to the conditions of policies and the ways in which claims against insurance companies are dealt with, and the ways in which insurance companies alter their liabilities unilaterally. The Government has received complaints, most of which are concerned, not with premium rates, but with the other matters which I have just mentioned. I intend to deal with a certain number of typical complaints in the comprehensive motor vehicle and personal accident and sickness insurance fields.

It is generally true that satisfactory service has been given to the public in fire and household insurance. However, in order to give service in the fields in which complaints are made, it is necessary for an insurance office to cover other profitable avenues of business. In the comprehensive motor vehicle insurance field, it has been quite common for insurance companies to give notice of alterations in the amount of franchise payable or to impose additional premiums where owners of vehicles have made claims, despite the fact that it cannot be shown that they are accident prone. It has been continually the case that insurances have been obtained by companies for amounts in excess of the actual market value of the vehicle, so that a higher premium has been paid than is justified, and where vehicles have been total losses the amount of insurance taken out by the insured has, of course, not been paid. It is quite standard for numbers of companies to include in their insurance policies a condition in the following terms:

It is hereby expressly agreed and declared that notwithstanding anything contained in the within policy or in the proposal the company may at any time notify the insured by writing sent to the address endorsed on the schedule hereto or to the address of the insured last known to the company that the amount of the excess to be borne by the insured has been increased to a specific sum in excess of the figure shown in the proposal and in the schedule hereto and as and from the date of such notification such increased sum shall be the amount to be borne by the insured in respect of any one claim or series of claims arising out of any one cause or event.

This has worked a decided hardship in numbers of cases upon people who have paid for adequate insurance coverage. There have been numbers of cases in which insurance companies have unfairly relied upon technical errors in the application for insurance to deny liability to the insured. There are many cases where insurance companies, which are largely owned by hire-purchase interests, charge premiums on insurance of secondhand cars well above the ruling market rate, and the hire-purchase company recovers interest on the premiums. The hire-purchase company refuses to write business unless the insurance is with its insurance company despite the provisions of the Hire-Purchase Agreements Act. The difficulty for the proposed hirer in working his remedies under the Hire-Purchase Agreements Act is that he generally is not aware of the other companies offering insurance at much lower rates, but it will be simple for him to be aware of the proposals of a Government Insurance Office and that he will be able to get a better deal from the Government Insurance Office, not than from all insurance companies, but certainly than from those insurance companies associated with hire-purchase interests. I set forth a table of the contrasting premium rates as between companies associated with hire-purchase companies and others competing with them in South Australia at the moment. I seek leave to have this table incorporated in *Hansard* without my reading it.

Leave granted.

Comparison of Premium Rates for Vehicles under Hire-Purchase and Vehicles not under Hire-Purchase.

	Under Hire-Purchase. $ per year.	Not under Hire-Purchase. $ per year.
Up to $400	60	44.20
$600	78	53.00
$800	86	58.80
$1,000	92	64.60
$1,200	100	69.80
$1,400	107	75.60
$1,600	112	79.00
$1,800	116	81.60
$2,000	120	84.20
$2,200	124	86.80
$2,400	128	89.40
$2,600	132	92.00
$2,800	134	94.60
$3,000	138	97.20

The Hon. FRANK WALSH: In the personal sickness and accident field certain policies are carefully drawn to exclude many classes of sickness which the average person taking out a policy would feel were covered. For instance, a policy of the Australian Metropolitan Life Assurance Co. Ltd., provides on the face of it accident and sickness benefits amounting to several thousands per week, payable for not more than 26 consecutive weeks in the event of the assured's suffering temporary total disablement by accident or temporary total disablement by sickness, and an assurance benefit of several hundreds of pounds in the event of death or permanent total disablement. Permanent total disablement, according to conditions on the back of the policy in small print, includes "permanent total disablement by sickness" but later—even in smaller print—this is confined to the loss of the sight of both eyes caused solely and directly by diseases (other than venereal disease) contracted after the date of the policy and certified by a medical practitioner nominated by the company as being complete and irremediable, or the complete and permanent inability of the assured to follow any trade, occupation or calling, as a result of paralysis caused solely and directly by disease (other than venereal disease or paralysis of the insane) contracted after the date of the policy and which is certified by a medical practitioner nominated by the company as being permanent and complete in at least two limbs. In consequence, a serious back injury permanently and totally incapacitating the assured, but not producing paralysis in two limbs, does not qualify. This is the sort of careful exception which is written into policies and designed to obtain premiums from assured in the belief that they are adequately covered, where in fact they are not.

There is no reason why policies should not be designed effectively to assure to the assured what he thinks he is paying for without careful exceptions, as to which many other examples could be given designed to evade liability for sickness or accident. One of the most unfair provisions standard amongst insurance companies which prevents the average citizen from getting his claim properly dealt with, I shall mention in a moment, but it is one about which insurance companies can only be severely indicted. State Government insurance in other States has proved successful and I seek leave for inclusion in *Hansard* of a table setting forth the insurance fields covered in other States.

Leave granted:

STATE GOVERNMENT INSURANCES—COVERAGE BY STATES

	Life	Fire and Marine	Workmen's Compensation	Motor Vehicle Comprehensive	Motor Vehicle Third Party
New South Wales	Yes	Yes	Yes	Yes	Yes
Victoria	No	No	Yes	Yes	Yes
Queensland	Yes	Yes	Yes	Yes	Yes
Western Australia	No	Government and Local Government	Yes	Yes	Yes
Tasmania	No	Yes	Yes	Yes	Yes

The Hon. FRANK WALSH: The other State insurance offices have been able to give good service to the public, to give a general service of insurance by competition and to be of assistance to Government revenues in a modest way. In South Australia the State Government at the moment covers its own insurance. It would be possible to carry this insurance on in the Government Insurance Office specifically rather than in the Treasury at the moment. There would be immediately available to Government a sufficient build-up of business without any immediate likely claims for it to be quite unnecessary to set

aside substantial reserves or to involve the Government in more than minimal establishment costs. The gradual build-up of business in a Government Insurance Office can be undertaken in the same way as with other insurance companies recently entering the field in South Australia, so that the establishment will not present the Government with financial or administrative problems. It is significant that a certain group of commercial insurance companies in South Australia has mounted a campaign against the establishment of a Government Insurance Office. Broadly speaking, this campaign is based publicly on two grounds. The first is that competition from the Government Insurance Office would not be effective and that it is unnecessary in view of the highly competitive nature of the field. If these organizations have anything whatever to fear from competition by a Government Insurance Office since the field is so competitive, it is difficult to understand why they should be so alarmed at the thought of the establishment of a Government Insurance Office—alarmed to the extent of spending many hundreds of pounds in a pamphlet, press, and T.V. campaign against the proposal.

The second objection is that, because of the State Government finding itself in a situation of financial stringency, the provision of moneys for a Government Insurance Office would be an unwise burden upon the finances of the State. As I have explained earlier, this particular allegation—touching as may be the concern of these organizations for this State's revenues—is quite ill-founded. The Government will not be faced with any considerable outlay in the establishment of an insurance office.

The associated companies have put out a pamphlet making a number of allegations, to which I think I should reply in detail. They say:

Are Complaints About Insurance Companies Justified? It is noteworthy that the South Australian Government has not produced factual evidence of these complaints or stated whether or not such complaints have been referred to the insurance companies concerned. Of course there are complaints. An insurance policy is a legal document and it is inevitable that there will be differences of opinion between the parties on occasions. In actual practice, 99 per cent of insurance claims—or differences of opinion—are settled amicably in South Australia. Considering the many thousands of claims, large and small, settled each year, this is a great tribute to the way insurance business is conducted by private enterprise.

It is quite true that 99 per cent of insurance claims are settled without court action, but the reason for this does not lie in the fact that amicable settlements are always reached. The reason lies in the fact that almost universally insurance companies insert in their policies a clause as follows:

All differences arising out of this policy shall be referred to the decision of an arbitrator to be appointed in writing by the parties in difference or if they cannot agree upon a single arbitrator to the decision of two arbitrators, one to be appointed in writing by each of the parties within one calendar month after having been required in writing so to do by either of the parties or, in case the arbitrators do not agree, of an umpire appointed in writing by the arbitrators before entering upon the reference. The umpire shall sit with the arbitrators and preside at their meetings. The making of an award shall, subject to any relevant statutory provisions to the contrary, be a condition precedent to any right of action against the company; but if such action be not commenced within one year of the making of an award, the right of action shall be deemed to be abandoned and released. After the expiration of one year after the accrual of the cause of action, the company shall not be liable in respect of any claim therefor unless such claim shall in the meantime have been referred to arbitration.

Arbitration under the Arbitration Act of this State—the provisions of which have hardly been touched since 1891—is an extremely cumbersome, expensive, and difficult procedure. It can be subjected to interminable delays, and the members of the legal profession experienced in arbitration estimate that an arbitration is likely to cost the successful applicant at least $300 in irrecoverable costs. There are no effective procedures under the Arbitration Act for ensuring an early settlement of claims. The fees of the arbitrator are those usually of an experienced barrister charging brief fees. The provision of the special arbitration clause in insurance company policies in South Australia, while ostensibly designed to provide a simple method of settling disputes on claims, does the exact opposite and is a means of inducing claimants upon insurance companies to accept the attitude of the insurance company, hostile to their interests, because they have no effective means of enforcing their claims. Particularly is this so with small claims.

Let me give a specific example. An insured with the Transport and General Insurance Company Ltd., having a comprehensive motor vehicle policy with it, made a claim upon the company, both as to repairs of his own vehicle

and the amount payable for repairs to the other person's vehicle involved in the accident. The other person involved in the accident was insured with the National and General Insurance Co. The Transport and General Insurance Company refused to meet the claim as to the amount of its liability because the insured was unable to pay the amount of the excess on the policy in one lump sum. The insurance policy contained no clause which could have required this from the insured, but the Claims Manager of the company informed the insured and the Attorney-General's Office that that was the policy of that company and that it did not propose to vary it. The only remedy the insured then had was to proceed to arbitration, which would have cost him very much more than the claim on which he sought indemnity from his insurance company. No wonder claims, large and small, are settled each year if the claimants are so carefully deprived of effective remedies against their insurers. The pamphlet went on:

Will a Government Insurance Office Mean a Reduction in Complaints?

Government insurance offices themselves have not been free from criticism, whether justified or not. Under the heading "Highway Robbery" the independent magazine *Nation* (June 11, 1966) criticized the New South Wales Government Insurance Office. It said:

Senior legal men estimate that a person injured in a road accident this Christmas who immediately institutes a claim against the Government Insurance Office will have to wait for something between five and 10 years before the court will be able to give him a hearing. The new policy means that the Government Insurance Office will not settle claims out of court unless the injured person's solicitor accepts its offer of a "fair and reasonable sum" in compensation for his client's injury.

The article states that solicitors claim the Government Insurance Office offer is generally from 33 per cent to 50 per cent lower than that which they would expect to be awarded. It goes on to say:

Who would want to sue a Government department, particularly on terms like these?

This statement is, of course, deliberately misleading and can only show the complete dishonesty of approach of the persons responsible for the pamphlet.

The criticism in the *Nation* relates to delays in court cases in disputed claims. In New South Wales jury assessments of damages have frequently been held to be grossly inflated, and in consequence any insurance company would be likely to dispute some of the larger sums claimed by third parties. Disputes concerning third party claims in South Australia, indeed, form the largest group of cases disputed in the civil lists in the Supreme Court, and the position of disputed claims is very little different in South Australia from that in New South Wales. The difference lies in the time it takes to get to court. Under the present Government, not only now is it possible to get one's case on rapidly once a claim has been finally formulated, but the Government of South Australia proposes to introduce a system of interim assessment of damages which will make the position here completely different from that in New South Wales. The following statement has also been made:

Will a Government Insurance Office Cut Rates? A Government office will undoubtedly enjoy some economic advantage. It will use the services of other Government departments and will escape payment of some taxation, etc. Whatever such an office can save will come out of the pockets of the taxpayers. In other States where Government insurance offices operate, they enjoy these advantages but still charge premiums comparable with private industry. Present insurance rates in South Australia compare favourably with those charged in other States where Government insurance offices operate.

Contrary to the statements in this section of the pamphlet, the Bill provides for the payment to the Treasury of the equivalent of taxation upon private insurance offices. Then it has been said:

Will a Government Insurance Office have difficulties in obtaining staff with insurance experience? Competition for insurance experts among private insurance companies and brokering firms has never been higher. Insurance is a highly technical business calling for well trained men with long and varied experience. It is not possible, except at very high cost, to assemble such a team quickly. Certainly it cannot be done by transferring public servants from one department to another.

In fact the Government has had offers of advice, of assistance, and of expert technical help in setting up an insurance office and making provisions for the necessary underwriting. So far from our having difficulties in obtaining staff, the Insurance Staffs' Federation has approached the Government and satisfied itself that the provisions of the Bill meet the requirement of that association. It has refused the approaches of the associated companies to involve itself in a campaign against the State Government Insurance Office, and, in fact, has intimated to the Government that it welcomes it. It does not see difficulties in the Government's obtaining staff for

its insurance office. I shall now explain the clauses of the Bill.

Mr. Millhouse: It's about time you did.

Mr. Clark: Is it permissible, Mr. Speaker, for a member to interject when he is out of his seat?

The Hon. FRANK WALSH: Is the member for Mitcham in order in interjecting, Mr. Speaker?

The SPEAKER: The interjections are out of order.

The Hon. FRANK WALSH: Clauses 3 and 4 of the Bill establish a State Government Insurance Commission to consist of five members to be appointed by the Governor. Clauses 5 to 10 are machinery provisions. Clause 11 provides for payment of fees and remuneration as fixed from time to time. Clause 12 sets out the powers and functions of the commission which are to carry on the general business of insurance in the State including third party insurance. Clauses 13 and 14 are machinery provisions. Clause 15 provides that policies issued by the commission are guaranteed by the Government of the State, any amounts payable by the State being repayable by the commission to the Government as and when funds for the purpose are available.

Clause 16 of the Bill enables the commission to invest its funds broadly in Treasury securities. Clause 17 requires the commission to pay the equivalent of income tax payments to the Treasurer and makes the commission subject to the normal provisions of the Stamp Duties and Fire Brigades Acts. This clause also requires the commission to carry to a reserve fund such portion of any profits which it may show in any year as is determined by the Chairman, the Under-Treasurer and Auditor-General and to pay to Consolidated Revenue any balance as directed by the Governor. Clause 18 provides for the keeping of accounts and the auditing of the accounts of the commission by the Auditor-General. The annual report of the Auditor-General is to be laid before each House of Parliament annually.

Clause 19 deals with the manner in which the funds of the commission are to be kept and clause 20 with regulations. The whole of the Bill is really of an enabling and machinery nature, the primary provisions being those which deal with the establishment of the commission and its powers and functions.

Mr. HALL secured the adjournment of the debate.

SUPREME COURT ACT AMENDMENT BILL.

The Hon. D. A. DUNSTAN (Attorney-General) moved:

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution: That it is desirable to introduce a Bill for an Act to amend the Supreme Court Act, 1935-1965.

Motion carried.

Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

The Hon. D. A. DUNSTAN: I move:

That this Bill be now read a second time.

It deals with three matters. The first relates to the salaries of Their Honours the Judges. At present the salary of the Chief Justice is $15,200 a year, and it is intended to raise this to $16,600. The salary of the puisne judges at the moment is $13,700, and this will be raised to $14,900. The salaries of the judges were last raised as from July 1, 1965. The Government has considered the matter of salaries payable to the judges in this State in comparison with those payable in other States, and has decided that the rises now proposed would bring this State reasonably into line with salaries payable elsewhere: that is, salaries payable in the smaller States. The salaries here are not in line with those payable to Commonwealth Supreme Court judges or to judges of the Supreme Court in New South Wales and in Victoria. Certain basic differences exist between the other States and those in the two larger Eastern States, where earnings of the members of the bar at the top of their profession are greater than they are elsewhere in Australia. This to some extent has affected the recommendation made to the Government on this matter.

Clause 4 deals with long service leave. The Supreme Court Act contains no provision on this matter, which in the past has been left at large. This is considered to be undesirable. Accordingly, new section 13h is being inserted in the principal Act specifically to enable the granting of long service leave of up to six months with a consequential provision for payment of cash in lieu. What tended to occur was that when a judge was about to retire he took leave of about six months for the six months immediately preceding his resignation taking effect, and in the meantime it was necessary to appoint an acting judge. This practice is considered generally undesirable, and as some of

the judges consider that it is not the best way to deal with the matter, the Government agreed. It would be preferable if judges could get, if necessary, a cash payment on retirement in lieu of leave, as this would have an advantage over the past practice.

Clause 5 deals with an entirely different matter. It introduces new section 30a designed to enable the court to make interim assessments of damages pending final assessments. In cases of claims for damages for death or bodily injury, the system of awards of damages in respect of future economic loss is largely a matter of guess-work based on actuarial evidence which is in itself only an average of statistical materials. There occur many contingencies for which no statistics are available, and economic loss has to be assessed without any precise guide. In other words, where a final assessment of damages has to be made, the court is faced with having to speculate into the unknown future with possible injury to one party or the other. The object of the new section is to enable the court to decide as to liability and make an interim assessment of the immediate and ascertainable damages, in due course assessing general damages in the light of such evidence as might be forthcoming later.

Many cases are known to the legal profession where it is impossible to get a case of serious injury to trial because medical evidence cannot be provided on which one could base an effective assessment of claim for a final assessment of damages. It is estimated that about 200 cases are hanging fire and have not been set down because it would be impossible, at this stage, although it is a considerable period after the damages were caused, to get sufficiently reliable evidence as to permanent disability to enable a claim to be formulated effectively. In the meantime, people who have claims often live on Commonwealth sickness benefits and face being pursued for medical expenses, for out-of-pocket expenses, and sometimes for hospital treatment when they do not have the money to pay. This means that some people who should be receiving damages are living in penury and under stress merely because their claims cannot be effectively formulated to a final stage.

The Hon. B. H. Teusner: They do not get interest retrospective to the date of the claim.

The Hon. D. A. DUNSTAN: No. This matter has exercised the minds of members of the legal profession in this and other States for a considerable time, but hitherto no action has been taken to remedy the defect. This proposal is simple: it was formulated by a Supreme Court judge and has been examined by members of the profession and by all the other judges. I am authorized by Their Honours to say that they all wholeheartedly and enthusiastically commend this measure. It will make a significant reform that could greatly benefit people who at present suffer a disability and who may do so in the future.

I draw attention to subsection (7) of the new section. Under the Survival of Causes of Action Act, 1940, some heads of damages would be preserved under section 4, but some, such as claims for general damages, might abate in the event of the death of a plaintiff before a final assessment is made. Accordingly, it is provided that claims for damages will not abate upon the death of a plaintiff after liability has been determined but before final assessment, but that the court may include such amount of damages in its final assessment as it deems proper. This will give the court a discretion to award what it considers fit in all the circumstances of the case to cover general damages. Their Honours have commented upon the present unsatisfactory state of the law where they are required to make an immediate assessment of total damages often without adequate or satisfactory evidence, and they have themselves suggested an amendment along the lines now proposed.

I should like to give an example of a case recently dealt with. A man had serious permanent injuries and complications, as a result of which the preponderance of medical evidence was that his life span had almost certainly been shortened. In assessing the general damages on future economic loss, the amount it would cost to keep him for his span of life had to be considered and assessed actuarily, and it was assessed for the shortened period. After the assessment had been made and damages paid, another case with similar complications came before the court and, as a result of recent medical discoveries, the doctors concluded that their original opinion given in the previous case had been wrong and that there would not be a shortening of the life span. That meant that in the original case, because final and total assessment of damages had been made rather than waiting to see whether there was this shortening of the life span, the unfortunate man, who will now live for decidedly longer than was first thought, will not receive nearly the amount of damages that he should have received. This can occur

when an assesment has to be made once and for all, when provision has to be made for out-of-pocket and continuing payments before the doubtful position has been resolved, or when the final assessment cannot be postponed, or when final damages cannot be assessed at that stage. Following that, far more substantial and effective justice can be done. I am grateful to Their Honours the Judges for having formulated and advanced this proposal; I believe that in this matter, as a result of their doing so, South Australia will provide not only an effective remedy to the people in this State in obtaining swift and effective justice but also give a lead to other Commonwealth countries, because this is a complete innovation in this area in Commonwealth countries.

Mr. MILLHOUSE secured the adjournment of the debate.

ABORIGINAL AFFAIRS ACT AMENDMENT BILL.

The Hon. D. A. DUNSTAN (Minister of Aboriginal Affairs) obtained leave and introduced a Bill for an Act to amend the Aboriginal Affairs Act, 1962. Read a first time.

The Hon. D. A. DUNSTAN: I move:

That this Bill be now read a second time.

Its object is three-fold. Clause 4 adds, to the regulation-making power, power to provide for the establishment of canteens on Aboriginal institutions. Those canteens would be able to provide for the sale of liquor within the meaning of the Licensing Act. The Government has received representations that it would be desirable that such canteens be established on appropriate institutions so that organized drinking could be conducted and Aborigines educated in their drinking habits. As this has been a persistent representation particularly, as a matter of fact, from the Lutheran Board of Missions in relation to the position at Yalata (but it has also been represented in relation to some other places), it was thought, on examination, that this could provide a valuable means of overcoming difficulties, which had arisen in some areas, of people having to go off reserves to drink in rather undesirable circumstances, rather than in an orderly fashion in canteens properly controlled and with limited facilities available. Clause 3 makes a consequential amendment.

Clause 5 provides additional powers to make regulations for the establishment and constitution of Aboriginal reserve councils and defining their rights, powers and functions. It is considered desirable that the Aboriginal people should be encouraged to run their own affairs and to this end it is proposed to set up in appropriate cases councils that will be empowered to regulate the affairs of the institution. The new provision will also empower regulations to enable a delegation to such councils of any powers or functions of the Minister or superintendents and to enable reserve councils to control entry into Aboriginal institutions. Although it has been the Government's view that power already exists to make regulations in relation to reserve councils, it is not a specifically contained power, and doubt about it has been expressed in the House by the member for Gumeracha. As we were amending the Act, we thought it advisable to cope with any objections that might be raised on that score.

The Hon. G. A. Bywaters: Generosity!

The Hon. Sir Thomas Playford: Necessity!

The Hon. D. A. DUNSTAN: Whatever it is, we are making a virtue of it! The third matter also concerns regulations. The new section will enable regulations to be made for the establishment of co-operatives upon Aboriginal institutions otherwise than under the Industrial and Provident Societies Act or the Companies Act. It is considered that these Acts are too complicated and inappropriate in the circumstances obtaining and it is desired to provide for a simpler procedure than that which is applicable under the Acts mentioned. Some trading institutions are already functioning in a co-operative form on Aboriginal reserves. In particular, the co-operative at Point Pearce runs the local Government store, which has now been handed over to that co-operative. A similar institution is being planned for Gerard. It has been found entirely inappropriate to register these co-operatives under the Industrial and Provident Societies Act because the necessity for the kind of complicated return that is periodically required under that Act places far too great a burden on the people running these institutions.

In addition, it is foreseen that a mining co-operative must be urgently started on the North-West Reserve. The mining of chrysoprase by Aboriginal residents on the reserve has now reached the stage where a substantial return is expected to be made for the Aborigines. We have a good market for this product, and a valuable vein of high-grade chrysoprase has been found that can be easily mined.

We hope that we shall be able to develop the working of the chrysoprase by the Aborigines themselves, and a craft officer is already engaged in the preparations, but there will still be a market overseas for the sale of chrysoprase in its natural and untreated form.

Mr. Quirke: What is it used for?

The Hon. D. A. DUNSTAN: Carving. It is similar to a fairly high-grade jade; it is an attractive deep green stone. If we proceed to purchase the chrysoprase from the Aborigines and then sell it from the reserve, under the present provisions any profit made on that sale (and a profit may well be made) has to go not to the Aborigines but into Consolidated Revenue. We think that that is undesirable and that, in fact, the moneys from the mining of chrysoprase should go to the Aborigines themselves. That can be effected, of course, only by having a separate trading society to control the mining operations and make the sales. Due provision will be made for reserves in relation to the mining work and development. That can be done with the trading society; it cannot be done with the present system of accounting on the reserve under the normal Public Service provisions.

The Hon. G. G. Pearson: Is this a mineral within the provisions of the Mining Act?

The Hon. D. A. DUNSTAN: Yes, but, as I told the honourable member over a year ago, a proclamation is being made, removing it from the provisions of the Act. It is now being mined.

Mr. Heaslip: It was originally picked up.

The Hon. D. A. DUNSTAN: It was originally found on the surface. At present it is being dug out; the main vein is about 10ft. down. This can mean a valuable development on the North-West Reserve, and can give very significant material benefits to the Aboriginal people there.

The Hon. G. G. PEARSON secured the adjournment of the debate.

PHYLLOXERA ACT AMENDMENT BILL.

The Hon. G. A. BYWATERS (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Phylloxera Act, 1936-1963, as amended by the Statute Law Revision Act, 1965. Read a first time.

The Hon. G. A. BYWATERS: I move:

That this Bill be now read a second time.

Its purpose is to alter the boundaries of the districts as scheduled in the principal Act with a view to providing for the grape producing districts a more equitable representation on the Phylloxera Board. The vignerons for each district defined in the Second Schedule to the principal Act elect a member to represent that district on the Phylloxera Board. The present boundaries of each district were fixed in 1899 when there was virtually no horticulture along the Murray River. Now the irrigated areas of the Murray River produce over 70 per cent of the grapes produced in this State. At present the Murray River district has only one representative on the Phylloxera Board. The proposed alteration divides the irrigated areas into three districts, giving this area a more equitable representation on the Phylloxera Board.

A further reason for the alteration of the boundaries is to eliminate the division of the Barossa Valley which is now divided between District No. 2 and District No. 3. Part of the Murray River area is also included in District No. 3 and the new boundaries have been chosen so that these unnatural divisions will be avoided. Statistics collected by the Phylloxera Board will thereby be made more meaningful to the Grape Industry Advisory Committee when it uses them as a basis for making recommendations on the extent and location of future plantings. As a result of the alteration of the boundaries of the districts it has been necessary to make transitional provisions providing in some cases for the members elected for the new districts to succeed the members elected for the former districts which will go out of existence, and in other cases for members elected for the former districts to continue in office representing new districts which are substantially the same as the former districts.

I shall now deal with the clauses individually. Clause 3 inserts a new section 10a into the principal Act. This section spells out the transitional provisions. It provides that the elective members for District No. 1, District No. 2, District No. 3 and District No. 4 at present in force shall remain in office until notice has been published in the *Gazette* declaring the names of the elective members elected at the 1967 election for District No. 1, District No. 2, District No. 4 and District No. 5 as defined in this Bill. It also provides that when this Bill becomes law the elective members of the board elected for District No. 5, District No. 6 and District No. 7 as defined in the principal Act shall continue in office for the unexpired portion of their terms, *i.e.*, until February, 1968, and shall be deemed to have been elected for and to represent the new District No. 3, District No. 6 and District No. 7 respectively.

Clause 4 repeals the Second Schedule in the principal Act and re-enacts a new Second Schedule defining the boundaries of the new districts. New District No. 1 roughly comprises the whole of District No. 1 and District No. 4 as scheduled in the principal Act. This new district includes the metropolitan area, Strathalbyn, Mount Barker, the South Coast area and Kangaroo Island. New District No. 2 includes the whole of the Barossa Valley and is larger than the present District No. 2 as it takes in those portions of the Barossa Valley which are at present situated in District No. 3. New District No. 3 is comprised of portion of the land which is at present in District No. 5. It takes in Waikerie and includes the land surrounding the Murray River as it flows from Waikerie to its mouth. New District No. 4 is also comprised of land at present included in District No. 5. It includes the North Murray District in which the towns of Renmark, Barmera, Berri, Monash and Paringa lie. New District No. 5 is comprised of the remainder of the land in the present District No. 5. It includes the land in the district council district of Loxton and land south of this area taking in the Murray Mallee district. New District No. 6 is practically identical to the present District No. 6 and takes in Yorke Peninsula, Eyre Peninsula, and all the land in this State north of the districts already specified. New District No. 7 is also practically unchanged from the present District No. 7 and includes all the Upper and Lower South-East. Before moving the second reading, I ask leave to display on the notice board a map showing the districts.

Leave granted.

Mr. NANKIVELL secured the adjournment of the debate.

HIRE-PURCHASE AGREEMENTS ACT AMENDMENT BILL.

The Hon. FRANK WALSH (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Hire-Purchase Agreements Act, 1960-1962. Read a first time.

The Hon. FRANK WALSH: I move:

That this Bill be now read a second time.

The object of this short Bill is to bring the provisions of the principal Act, relating to the statutory rebate which an owner must make to a hirer under a hire-purchase agreement when the agreement is determined at an early date, into line with the provisions recently enacted in the Money-Lenders Act Amendment Bill. Those provisions, as honourable members will recall, provide a measure of relief for money-lenders where a contract for the loan of money is determined before the due date, by allowing a reduction in the amount of the statutory rebate by a proportionate amount of the stamp duty paid upon the contract. The amendments had the support of the South Australian Division of the Australian Finance Conference and were passed by both Houses. The present Bill merely brings the Hire-Purchase Agreements Act into line and is a necessary consequence of the Money-Lenders Act amendments designed to ensure that similar provisions will apply in relation to stamp duty where money is lent or goods are sold on hire-purchase.

Mr. McANANEY secured the adjournment of the debate.

PASTORAL ACT AMENDMENT BILL.

The Hon. J. D. CORCORAN (Minister of Lands) obtained leave and introduced a Bill for an Act to amend the Pastoral Act, 1936-1960. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

This short Bill provides for an amendment to section 41 of the Pastoral Act which now provides that leases for pastoral purposes of land not south or east of the Murray River must be for a term of 42 years. The amendment will provide that where any of such land is, in the opinion of the board, likely to be required for intense cultivation, public works, a site for a town or cemetery, mining rights, park lands, pastoral research or reserves, or that the land is inadequate for a living area, a lease for a lesser term may be granted upon conditions to be determined by the Minister. The immediate problem arises out of dealings with the residue of lands resumed in connection with the Chowilla dam project. It has become apparent that some modification of the type of lease which may be granted would facilitate the settlement of present claims and permit the occupation and development of the remaining land to proceed without interruption.

The amendment would also enable leases to be issued over certain lands in the pastoral area of the State which are now let on annual licences and for which no other form of tenure is available under the principal Act. Yearly tenancies are unsatisfactory both to the occupier and the interests of the State. The amendment will have the effect of permitting the present occupiers to obtain a lease issued under the provisions of the Pastoral Act, rather than an annual licence or miscellaneous lease.

Obviously, it is better for lands within the pastoral area to be let under the Pastoral Act. This will provide a greater degree of security for the occupier, and simplify administrative procedure within the department.

Mr. QUIRKE secured the adjournment of the debate.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 8. Page 2825.)

Mr. COUMBE (Torrens): This Bill has my general support. It widens the scope of the present Act, eliminates certain anomalies, and corrects an ambiguity in the wording and application of that Act. I remind members that last year the House debated at considerable length certain aspects of the Act and completely re-wrote parts of it, the main move at that time being to introduce the new principle of covering by workmen's compensation a workman journeying between his place of employment and his home. Eventually, that principle was accepted by this Parliament, and it is now in operation. Another feature of the amending legislation last year was the raising of the amount payable on death and the amounts in respect of the injuries set out in the schedule.

Another amendment introduced last year was in respect of accidents arising out of or in the course of a workman's employment, and that amendment was an important departure from the practice up to that stage. I am sure members will further recall that a conference of managers of the two Houses finally had to resolve certain differences. That conference lasted for some time and went on until the early hours of the next day. The outcome of the conference was a compromise which I believe in the final analysis was satisfactory and acceptable to both Houses. The new features that were introduced then appear in the main to have worked fairly smoothly and fairly well for both parties to the Act. However, this Bill comes to us now because it is suggested that, as a result of that conference and the amendments introduced last year, certain doubts exist regarding two matters. The first matter concerns the type of workman covered by the provisions relating to travelling to and from employment. Secondly, it is suggested that ambiguity exists in the wording of new section 28a that we wrote into the Act regarding current rates payable for death or total or partial incapacity.

Clause 4 of the Bill provides that waterfront workers shall be brought within the ambit of the Act. Wharf labourers are in a peculiar position, as their employment is casual, whereas that of other workmen is permanent. Although waterside workers work under the terms of the Commonwealth Stevedoring Authority's award, they are employed by a variety of employers, and they may work for one employer today and another tomorrow. Therefore, because of their casual employment, waterfront workers have not been covered by the provisions regarding compensation cover for travel to and from employment, although they are covered in all other respects by the Workmen's Compensation Act as regards injuries received during the course of employment—and I think that is proper. Because of the very nature of his work, and only because of this, the waterside worker is prevented at present from receiving the benefit of all the provisions of the Workmen's Compensation Act that all other types of workmen receive, whether they be factory workers, office workers, or any other type of worker. As the House last year accepted the principle of covering a workman travelling from his place of abode to his place of employment, and return, I think we should now agree to extend this cover to all workmen covered by the Act. Further, no differentiation should be made solely on account of the type of employment, because such differentiation is inequitable. A waterside worker should be entitled to the same cover as a factory worker or any other type of employee.

Accordingly, I support the clauses that make compensation more universal in regard to travelling to and from work. I believe that these provisions were overlooked by the House last year when the Bill was drafted, but I am not going to say who was responsible for that. Further, I believe it was the intention of Parliament, in the spirit this legislation was finally agreed to, that this cover should be extended as it is by the Bill. I point out that these provisions already exist in the corresponding Acts in both New South Wales and Victoria: in fact, the wording of the clauses in the Bill before us are substantially identical to the provisions that have operated effectively for some years in both those States.

Having stated that I support the principle of extending this cover, I think I should point out some of the difficulties or the confusion that may arise when these clauses operate. First, the Bill uses the terms, "pick-up" and "places of pick-up", but these terms

are not defined in the legislation: they are used more on the basis of their common usage. I cannot find a definition of these two terms in any other relevant Act. The word "pick-up" is used in a wide sense: not only does it apply to the waterfront but it can be used in a wider sense. On referring to the Commonwealth Stevedoring Act, I had much difficulty in finding these phrases used at all. Certainly that Act does not define "pick-up", but it is used extensively in the report of the committee of inquiry into the stevedoring industry.

The Hon. G. G. Pearson: Does the honourable member suggest there should be a definition in the Bill?

Mr. COUMBE: I am pointing out the difficulty. Another problem may arise. If an injury is sustained by a workman covered by the Act, when travelling from his place of abode to his employment, or returning, he is covered by the provisions of this Act and will receive compensation, but what about the waterside worker? This is where difficulties have arisen and will continue to arise. His waterfront employment is of a casual nature: he works for one employer one day and another the next. Obviously, if an accident occurs someone must be held liable. The Bill sets out clearly that the employer who last employed the workman in his customary employment shall be deemed to be liable under the Act. This is contrary to the normal provisions to which this House agreed last year. Obviously service has been interrupted and terminated. What is the position when a considerable gap occurs between the time the workman changed employers? Is the employer who last engaged him liable for any injury occurring to that workman on his way from home to the place of pick-up the next time he wants a job? Because this situation differs from that in which permanent employment is the norm, I have doubts about this provision.

When the pick-up occurs and the employee is engaged, the other provisions of the Act operate. When the day's work is done the employee returns home, and during this period he is covered. However, the Bill goes further and provides that a man who attends the pick-up and is not engaged for the day is covered until he returns home. We recollect the argument last year when we dealt with the phrases "substantial deviation" and "substantial interruption". If this man attended at 8 a.m., remained for an hour or so and was not employed, he should return to his home immediately, but what happens if he takes the day off and visits Adelaide or a country race meeting? He may not return to his home until the evening: is he still covered? I am not sure that it would be a substantial interruption in the view of the court: it should be, but it may not be considered as such.

For example, in New South Wales earlier this year a workman was engaged full-time painting the Sydney Harbour bridge. One evening, on his way home from work, he decided to play badminton, but during the game he was hit in the eye by the racquet of another player and his eye was seriously injured. Under the terms of the Workmen's Compensation Act he applied to the court, which held that this was not a substantial deviation or interruption, and he received full compensation. How far can we go in this respect? That case seems to me one of substantial interruption, and illustrates the difficulties that may arise and the inequitable liability that may be placed on employers.

It is not a question of evading liability: all employers are bound by the Act. I do not object to the workman's being covered, but this amendment seems to be somewhat unfair to the employer. In the major ports of Australia various radio stations broadcast the labour requirements on the wharves for a particular day, and this practice has benefited the workman, the authority, and the employers. What happens to a man who casually goes to the pick-up in the hope that he may get a job, although his name was not called in the broadcast? Is he covered? He has not been called, and he is not obliged to go. I raise these points in the hope that in Committee some improvements will be effected. In effect, no retrospectivity is provided for in the clauses to which I have referred, and I believe that this is a correct principle.

Clause 6, however, seeks to clarify an alleged ambiguity of wording in section 28a of the Act, although little evidence has been presented that such an ambiguity exists. It was specifically written into the legislation last year that, when an injury occurred, the workman would receive the current rate of compensation payable. That is a principle with which we all agree, but this wordy clause seeks to amend that section completely, although not by way of repealing the existing section, and this is rather a departure from the normal practice. I believe the wording of the section is clear and effective. Clause 6 (2) is retrospective

both in intention and application, and provides that the amendment sought by subclause (1) shall be deemed to have come into force at the commencement of the Workmen's Compensation Act Amendment Bill, 1965.

I do not agree with the principle of retrospective clauses in any legislation. No hardship seems to have occurred and is not likely to occur until this Bill is assented to, so that the whole clause seems to me to be completely unnecessary. I support the contention that, this House having agreed to the principle of giving cover to workmen as they travel to and fro, it should apply as universally as possible, so that if waterside workers are at present excluded because of an oversight they should, in fact, be included. I have pointed out certain difficulties that may arise, in the hope that in Committee we may be able to improve the Bill to give it the required application and to provide equity for both the employee and employer. I do believe clause 6 is unnecessary because the Act is working satisfactorily now. In Committee I will probably move to strike out subclause (2) of the clause.

Mr. RYAN (Port Adelaide): I support the Bill. I was pleased to hear that the first Opposition speaker also supports the Bill; apparently the Opposition supports the Bill, except for one clause. Earlier it was thought that people engaged in the waterfront industry could be covered under last year's legislation through the Stevedoring Industry Authority being the employer or the instructor of certain employees to report for pick-up.

Mr. Coumbe: That is not the case.

Mr. RYAN: That is not the case because it has now been proved that the authority under Commonwealth Statute cannot be named as an employer. The authority is a statutory authority set up to control an industry. Although it is Commonwealth-wide, it cannot be regarded as an employer under the terms of any State legislation in respect of workmen's compensation. The member for Torrens said the term "pick-up" should be clarified; that term refers to an instruction to certain employees to report for work. There are two methods adopted in this industry. An employee can be ordered to a job if the instruction comes from the authority. If an instruction were made by radio or in the press, it would mean that the employee was covered when travelling from his home to the job allocated to him. He is the responsibility of the employer and, when he goes home at night, he is covered. However, if a man is ordered to the place of pick-up for the purpose of being sent by the controlling authority to a job at a certain time, and if he goes to the place of pick-up, he is covered under this Bill as a result of being ordered to go to that place of pick-up. The authority then engages him on behalf of an authorized employer and the employee then proceeds to a certain job, but one anomaly in this industry is that that employee may be ordered to a job at any time of the day: it could be at 5 p.m. or at midnight. Assuming a person is picked up for an engagement, he may then go home because his engagement with an employer is for 5 p.m. or even midnight. The Bill covers that situation.

I now refer to the cases cited earlier. If the person is not required for employment, he may go home and await the time of the next pick-up, and therefore he is not engaged by any particular employer (although, under Commonwealth legislation and the award, he is still considered to be part and parcel of the industry). Although he is casual, he is receiving an unemployment benefit because he is not employed. However, the legislation and the award require him to be attached to that industry even though he is not working and he has no particular employer covering him. He goes from the place of pick-up to his home—and he could do so at any time between 8 a.m. and 10 a.m.

Mr. Coumbe: Why 10 a.m.?

Mr. RYAN: He is kept by the authority until he is discharged from the place of pick-up. A vessel may be at the anchorage awaiting quarantine certificate before proceeding into port. No employer would engage labour if there were a doubt about the granting of such a certificate: a ship might be delayed slightly. Therefore, the authority would have the power to keep an employee until notice had been received that he was not required that day. The employee could be sent home at 10 a.m. and, under the present Act, there is no cover; yet, under the Commonwealth law and the award, the employee is restricted to an industry; he is acting under instructions and he may suffer a financial penalty if he does not obey those instructions. If he goes to the pick-up, finds he is not required, and goes home again, he is covered under the Bill and the only person we can attach him to is the previous employer because Commonwealth legislation does not consider the authority to be an employer.

The member for Torrens discussed the element of doubt about deviation on the way home, and I want to clear that matter up: there will

be no need for an amendment in Committee. An employee in this State is the same type of employee as the man engaged in the same industry in other States, especially New South Wales and Victoria. The employer who engages this type of employee in this State is usually the same type of employer as the employer in other States. The Bill is on similar lines to the legislation in other States. Employers in other States have tested that legislation and they are happy about it. There is no anomaly in respect of the administration of this legislation. If an employer is fully conversant with the operation of corresponding legislation in other States, he will be fully conversant with the way this Bill will operate. A further anomaly is that if a man in ordinary industry takes his annual leave, he is covered while going home after completing his last engagement prior to his leave. A man in this industry also enjoys public holidays and annual leave, but at the end of his holidays he is automatically ordered to the place of pick-up and this happens three weeks after he completed his last engagement. He is not under the control of an employer; because the authority controls him, he must go to the place of pick-up. If he were injured, he would not be covered under the present Act. Under this Bill, we attach that person to an employer, namely, the employer with whom he was last engaged. I do not think there is any doubt whatever about this matter. The Bill does not cover only members of the Waterside Workers Federation: it covers other employees on the waterfront, such as tally clerks. The place of engagement for those people is known in their award as the place of pick-up.

The Bill also covers storemen and packers, but it does not cover seamen, who are covered by the Commonwealth Compensation Act. At one time representation was made to have the whole of the waterfront industry covered by that Act, but those representations went unheeded. Painters and dockers are covered because they appear at a place of pick-up. There is no doubt what the place of pick-up is, because that is covered by Commonwealth-wide legislation and also the award. I think this amendment is essential, and certainly it is one to which the employers themselves will not offer any objection.

A person could be engaged for two or three days only, depending on the time it took to load or unload a vessel. At the end of that engagement his services could be terminated and probably he would not know when he was going to get his next job. At present, when he is returning to his home he is not attached to any employer because his services have been terminated, not because of misdemeanour but because the job has been completed.

Mr. Coumbe: He could also work for more than one employer in one day.

Mr. RYAN: Yes, he might have three or four employers in one day. This amendment clears up the anomaly that exists regarding his right to compensation if he is injured on his way home after finishing that employment, for now he will be classed as being in the employ of his last employer. If the waterfront industry is slack, a man could have his services terminated and he might not receive another engagement for some time. This aspect has been tested in the courts of New South Wales and Victoria. The person concerned would be covered only while he was proceeding from his place of employment or place of pick-up to his place of abode, and he is not then covered again until he is instructed by the authority controlling the industry to go either to a job or to the place of pick-up. In that respect he is covered the same as any other employee in industry. In other words, the period in which he is not engaged does not count.

Mr. Rodda: Will he be covered from the time he leaves work until midnight on that day?

Mr. RYAN: No, only until he gets home.

Mr. Coumbe: If he goes out again it is too bad.

Mr. RYAN: True; he is covered from the time he completes his job on one day until he reaches his place of abode. If he is not working on the following day and is injured on the road, he is not covered. This Bill also clears up a legal doubt by the court on whether compensation is to be paid at the rate applicable at the time of injury or at the rate applicable at the time of death. Last year, when we altered the Act, we gave authority to increase the current rate. The conference last year intended that the amount payable to the dependants should be based on the rate applicable at the date of death or incapacity, but the Act leaves the matter in doubt. Clause 6 merely enacts what was intended by the conference. Under the Act, the amount payable was based on the rate in force at the time of the accident, even though there might have been four or five increases

while the workman was receiving compensation. I have much pleasure in supporting the Bill, and I am pleased that members opposite intend to support it, with the exception of one clause.

Mr. MILLHOUSE secured the adjournment of the debate.

ABORIGINAL LANDS TRUST BILL.

Returned from the Legislative Council with amendments.

ADJOURNMENT.

At 5.35 p.m. the House adjourned until Tuesday, November 15, at 2 p.m.