

LEGISLATIVE COUNCIL.

Tuesday, October 9, 1951.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2 p.m. and read prayers.

ASSENT TO ACTS.

His Excellency the Governor, by message, intimated his assent to the Cattle Compensation Act Amendment, Industrial Code Amendment No. 1, and Port Pirie Park Lands Act Repeal Acts.

POTATO BOARD AND DISTRIBUTING CENTRE COSTS.

The Hon. K. E. J. BARDOLPH—Following my series of questions last week regarding the Potato Board and the Potato Distributing Centre, will the Chief Secretary indicate whether provisions are made for the Auditor-General to audit the affairs of both organizations in order to ascertain what profit, if any, has been made since they have been in control of potato distribution.

The Hon. A. L. McEWIN—I will refer the matter to the Minister of Agriculture.

GOODWOOD-MARINO LINE DUPLICATION.

The Hon. E. ANTHONY—Has the Chief Secretary a reply to the question I asked on September 25 relative to the duplication of the Goodwood-Marino line?

The Hon. A. L. McEWIN—The Railways Commissioner advises that, owing to the loss of construction workers to other industry, which is constantly going on, it will unfortunately be impossible under present conditions to consider restarting this work until more labour is available from abroad. He now has an officer overseas endeavouring to obtain labour to assist him in the work of railway administration and construction.

MID-WEEK RACING AND TROTTING BROADCASTS.

The Hon. N. L. JUDE—I ask leave to make a short statement prior to asking a question.

Leave granted.

The Hon. N. L. JUDE—It has come to my notice on several occasions recently that certain propaganda—incorrect, I believe, at best, dirty at worst—is being used against both the State and Federal Governments with regard to the termination of the broadcasting of mid-week racing and trotting. I would be glad if, in the interests of fairness, the Chief Secretary could make a statement regarding the position.

The Hon. A. L. McEWIN—I gather from the question there has been a curtailment or cessation of the broadcasting of mid-week racing, but no decision has been made by either the South Australian or Federal Governments which requires the cessation of the broadcasting of those mid-week fixtures.

WILLALOOKA EXPERIMENTAL BLOCK.

The Hon. L. H. DENSLEY (on notice)—

1. What is the agreement regarding agistment on the Government experimental block in the hundred of Willalooka?

2. Is it the intention of the Government to place particulars of treatment in the development of the area on a board on the block for the information of travellers on that road?

The Hon. R. J. RUDALL—The replies are:—

1. Annual licence expiring 27/11/51 at £450 per annum. Grazing limited to 350 sheep. As from 1/10/51 the number has been temporarily increased to 900 sheep to control the pasture.

2. No.

LOANS TO PRODUCERS ACT AMENDMENT BILL.

Read a third time and passed.

STATE BANK REPORT.

The President laid on the table the report and balance-sheet of the State Bank of South Australia for the year ended June 30, 1951.

HUNDRED OF GOODE WATER SUPPLY.

The President laid on the table the final report of the Public Works Standing Committee on the hundred of Goode water supply, together with minutes of evidence.

HEALTH ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 2. Page 727.)

The Hon. K. E. J. BARDOLPH (Central No. 2)—I support the views so lucidly expressed by the Leader of the Opposition, who covered the whole of the ground and set out viewpoints of which every member should take cognizance in reaching their decisions in the Committee stages, when this Bill will probably be remoulded. I think members must generally agree that certain provisions border on the totalitarian. I say that because we are prone these days to pass legislation in this and the Commonwealth Parliament with which we, as Australians, disagree. I agree that tuberculosis should be stamped out; all our social ills

should be grappled with and, if possible, eradicated. I impress on members that no legislation, no matter what phase of our existence it might affect, will stamp out all these ills and evils unless we have complete co-operation of the people. A great responsibility rests on the shoulders of the Central Board of Health. It is far better to prevent disease than to let it get a hold and then try to cure it. There is just as grave a responsibility placed on the Central Board of Health in this matter as on the unfortunates who are victims of tuberculosis. Certain provisions of the Bill go too far. Proposed new section 146c, as set out in clause 3, gives the Director-General of Medical Services greater powers than are enjoyed by any European dictator. It states:—

If the Director-General suspects that any person is suffering from tuberculosis he may by notice in writing signed by him or by any person acting under his authority require that person to attend at a time and place specified in the notice, and to undergo such diagnostic examinations as the Director-General arranges. What will be the source of the information supplied to the Director-General as to the possibility of a person suspected of having tuberculosis? I think that the provision opens the way for informers, especially those who may have grudges against other persons, to brand them as suffering from this disease. If the Director-General suspects that a person is suffering from tuberculosis he can serve a notice on him as indicated by the provision. Is the Director-General to be a policeman, walking along the street and, seeing people cough, to be able to say that he suspects they might have the disease, or will the provision leave the way open for vindictive persons to malign others and report them to the Director-General? The responsibility should rest with the Central Board of Health. Tuberculosis is a notifiable disease in South Australia and is handled by the Central Board of Health. If the board is aware, through its medical officers and private medical practitioners, that certain people are suffering from the disease, it should be its responsibility to notify the Director-General. I trust that the Minister of Health will explain to members what the provision actually means and what powers the Director-General will exercise. Proposed new section 146d states:—

If a person served with a notice under the preceding section fails to attend for examination in accordance with the notice the Director-General may apply to a special magistrate for the issue of a warrant for the apprehension of that person; and the special magistrate, if satisfied that the said person has so failed, may issue such a warrant.

There is no legislation on our Statute Book containing a penal clause as regards the apprehension of a person suffering from any disease. Tuberculosis is a peculiar complaint. All specialists who display their healing skill in dealing with it state that part of the cure is for people to rest, have good food and be relieved of all kinds of worry.

The Hon. N. L. Jude—They are not subject to a notice being served if they are taking the necessary treatment.

The Hon. K. E. J. BARDOLPH—That is not the point.

The Hon. N. L. Jude—Why?

The Hon. K. E. J. BARDOLPH—I am taking the Bill as it stands and am dealing with its comprehensiveness. If any person attends a private doctor and it is disclosed that he has tuberculosis, he should be one of the first to receive treatment in order to protect his wife and family. Although the Minister has said that the Bill will deal with only a small percentage of the community who refuses to have treatment the measure is all-embracing.

The Hon. W. W. Robinson—Should they go free?

The Hon. K. E. J. BARDOLPH—I do not say that, but I object to certain penal clauses. It is not a question of anybody going free, but of approaching this problem and endeavouring to discover the best means to stamp out the disease.

The Hon. R. R. Wilson—Haven't they the right of appeal to a properly constituted court?

The Hon. K. E. J. BARDOLPH—No. That fortifies me in my statement about a totalitarian state. The Bill states that on the hearing of an application the special magistrate shall consider any relevant evidence, information or arguments submitted by or on behalf of the Director-General or the patient and shall not be bound by the legal rules of evidence. I have heard much in this Chamber about the rule of law, but members are now being asked to pass legislation that takes away the right of the individual. Under the Bill any informer could malign a person by saying that he was suffering from tuberculosis. Although the Bill allows seven days' notice instead of 21 to be given, it is a question of jurisdiction of the special magistrate. A suspected person has no right to invoke the ordinary rules of evidence.

The Hon. F. J. Condon—And all that happens after a man has been dragged to court.

The Hon. K. E. J. BARDOLPH—Yes; he might be one of a group of people and have his name blazoned forth because provision is made for the publication of groups of names. It seems anomalous when we find some members of the L.C.L. today attempting to justify something they have always decried. Labor stands for the right of British justice—the rule of evidence. If the Bill is passed that rule will not apply. The Director-General can delegate his powers to some obscure civil servant who can appear before the special magistrate with all the power and authority of the Director-General. When these things are unearthed—this mock shroud of standing up for the rights of democracy is exposed—Government members do not like it.

The Hon. A. L. McEwin—The honourable member is once more amusing and entertaining.

The Hon. K. E. J. BARDOLPH—I cannot be as amusing as the Minister was in his second reading speech when he attempted to connect up the views of his Government with the legislation passed by the Federal Government in 1948. Mr. Perry waxed eloquent about the rights of people and he raised points and asked for replies from the Chief Secretary. As a Labor member I approach the problem from the angle of the people I represent, but Mr. Perry attempts to ridicule these people. The Chief Secretary said that South Australia should be proud of the stand it has taken with regard to this disease. I do not deary the medical officers of this State but I point out that there is a serious conflict of opinion between Doctors Cowan and Hayward.

The Hon. R. R. Wilson—It is all centred on compulsion.

The Hon. K. E. J. BARDOLPH—It should be sufficient answer to the Government that two eminent men, responsible for the treatment of this disease, express conflicting views.

The Hon. A. L. McEwin—That is no different from you and Senator McKenna expressing conflicting views.

The Hon. K. E. J. BARDOLPH—The views I express regarding Labor Party policy are at least determined by a majority of members of the Labor movement and not by a small group of people who determine L.C.L. policy. We wish to see parliamentary institutions work and do not believe in dictators. The Chief Secretary said that South Australia played a prominent part in dealing with this disease. The Commonwealth Year Book just issued containing the years 1947-48, shows that there has been an increase in the incidence of this disease in this State.

New South Wales, Victoria, Queensland, Western Australia, and Tasmania have shown decreases but South Australia, the Northern Territory, and the Federal Capital Territory, increases.

The Hon. A. L. McEwin—That is because some States have compulsory systems in operation.

The Hon. K. E. J. BARDOLPH—No; the compulsory system in New South Wales applies only to pulmonary T.B. It is a notifiable disease here irrespective of where it is, whether in the leg or arm. The Bill is too embracing. In New South Wales the legislation deals with one specific phase of the disease. That does not fortify the necessity displayed by this Government to bring in this proposal.

The Hon. N. L. Jude—How would you deal with chronic cases who refuse treatment?

The Hon. K. E. J. BARDOLPH—I am not a medico or a policeman. This legislation will not be effective unless the whole-hearted co-operation and support of those affected is gained. Some of the legislation passed concerning woolgrowers was not effective because it never had the support of the whole of the woolgrowers. Not everyone regards tuberculosis as serious. If the seriousness is brought home to people properly and not by penal clauses the treatment can be left with confidence in the hands of medicos.

The Hon. A. L. McEwin—The penal clauses do not come into it.

The Hon. K. E. J. BARDOLPH—The Minister is adept at covering up things which are ambiguous. The fact is the Bill provides for seven days' notice instead of 21 and for fines of £25 and £50. Legislation has been passed concerning worse offences which provide for lower penalties yet the section of the community stricken with this malady is placed in the category of a totalitarian state.

The Hon. Sir Wallace Sandford—Because they affect the health of the rest of the community.

The Hon. K. E. J. BARDOLPH—Then let the Central Board of Health deal with it. A disease cannot be cured unless it manifests itself. You can go into a number of restaurants and cool drink shops and find a danger through glasses not being properly washed after being used by people who do not know they have this disease. Let us be fair and make a comprehensive proposal to cover all the aspects I have mentioned. I do not desire to see those responsible for

spreading the disease go scot-free, but prevention is better than cure, and some method should be adopted to achieve that end. The Chief Secretary said that this is part of an agreement with the Commonwealth Government. He might also have explained that the following also is part of the agreement:—

Any such expenditure shall be subject to the approval of the Minister before that expenditure is reimbursed to the State by the Commonwealth Government.

Therefore the State is still at the mercy of the Federal Minister. The Bill is a hotch-potch measure and the only ground advanced by the Minister for its acceptance is that it is in conformity with the 1948 agreement. Has the Government taken eminent specialists into its counsel? We are in the dark on this, for no reference was made to it. However, there is obvious conflict of opinion among them regarding the compulsory provisions. With those comments and reservations I support the second reading.

The Hon. R. R. WILSON (Northern)—The debate has centred round compulsion and not so much around what the Bill aims at. Replying to Mr. Bardolph—

The Hon. K. E. J. Bardolph—I want the Minister to reply, not you.

The Hon. R. R. WILSON—I am going to tell the honourable member something, nevertheless. The Health Department for three years has been considering this Bill and four States have passed similar legislation, so it is hardly fair to say that it did not have due consideration. The Bill is aimed at the unknown tuberculosis sufferer, and not at those who are known to have it. It is a preventive measure which has much to commend it, and our vision should not be clouded by undue sentiment. Doctors claim that tuberculosis, if detected in the early stages, is no more dangerous than a bad form of influenza, and consequently early treatment saves the sufferer and many others who might catch the disease from him. With improved facilities and hygiene a considerable advance has been made in the last 30 years in the control of T.B. Nevertheless, in that period there have been 6,000 deaths from this cause, which is virtually 200 annually, and it has cost the Commonwealth Government, I am informed, about £10,000,000 a year. Case finding is the greatest problem, and if the Bill is carried, as I hope it will be, the Director-General will have more chance of detecting cases at present unknown. As school children, servicemen, nurses, and other groups have to undergo X-ray examination, I

cannot see that it is not right for the general public also. I was recently informed by a doctor that 15 persons had become infected from one unsuspected sufferer, and that he subsequently became very badly infected with serious results. Unco-operative and careless people spread the disease in cafes, bars, and lodging houses and, strangely enough, many who contract T.B. very badly drift into severe drinking habits and so frequent bars and other drinking places.

Much has been said about compulsion, but we have it in many other walks of life, as has been stated. I cite the Mental Defectives Act as an example. There are three means of determining whether a person is mentally defective. The first is if a responsible relative reports him, supported by a doctor's certificate. The second is if two doctors, working independently, certify that he is mentally defective, and thirdly, a magistrate can commit a person. There are many who take the law into their own hands who are dealt with compulsorily, but to mix with the public and spread this disease is a much greater offence than many breaches of the law for which people are punished. Medical men have informed me that whole families have been infected by, say, an uncle who spits and coughs about the house. Since this legislation was introduced I have made a point of observing what takes place. At Tumby Bay last week I saw a man cough for several minutes and then spit a mouthful of phlegm on to the footpath, and a similar thing occurred in Grenfell Street last Friday.

The Hon. F. J. Condon—Will this legislation overcome that?

The Hon. R. R. WILSON—Yes, if we can control the two or three per cent who really have T.B.

The Hon. F. J. Condon—I think the chief point is that there must be safeguards.

Mr. R. R. WILSON—Yes, and that is what the Bill aims at. If we can deal with T.B. in its early stages we will be compensated as a community by being free from it. Doctors say that if the two or three per cent can be controlled the disease can be stamped out within 10 years; such an opinion should carry weight with members. No person is at the mercy of any doctor, but is free to take treatment wherever he chooses. I feel that the Bill has been misread by some members. It does not provide for the compulsion of which they made such a strong point. Early treatment is the only solution to deal with tuberculosis and I heartily support the Bill.

The Hon. A. A. HOARE (Central No. 1)—I support the Bill, because one must consider the good it may do. Although some of its provisions are harsh and the penalties are severe, I think the Bill could be modified along those lines. Mr. Wilson made some very valuable points, but what worries me is how we are going to treat people if they will not go to a doctor and accept his advice. Why should some go along voluntarily and others not? If they will not, they should be compelled to do so, and if that is the only way to reach them we should not hesitate for a moment about doing it. What other way is there out of the difficulty? This matter has been discussed for many years by doctors and others. T.B. is a very dangerous thing in the community and if compulsory treatment can do anything towards stamping it out we should not waste any time in bringing compulsion into effect. No-one likes to be told to do anything; everyone wants the privilege of exercising his own free will, but if that were universal, very little would be done in the world. We have to put up with some degree of compulsion in all walks of life. I trust that some of the penal clauses will be altered; they are too severe and should not be tolerated. Suspected persons should be compelled to go before a medical man for examination to see whether they are really suffering from tuberculosis, yet many who suspect that they are suffering from it are afraid to do so. They should be examined, as prevention is always better than cure. With the exception of the penal clauses I have no objection to the Bill.

The Hon. E. H. EDMONDS secured the adjournment of the debate.

OFFENDERS PROBATION ACT AMENDMENT BILL.

Received from the House of Assembly and read a first time.

TRESPASSING ON LAND BILL.

Adjourned debate on second reading.

(Continued from October 2. Page 729.)

The Hon. F. J. CONDON (Central No. 1—Leader of the Opposition)—Although supporting the second reading I consider that the Bill is most objectionable in certain respects. Since it was introduced in the House of Assembly its scope has been considerably extended. I understand it was introduced at the request of a certain organization, but I would like to know who is responsible for recommending the heavy penalties provided in

a number of Bills which have been brought before us. Is it the Crown law authorities or the Government? I have always objected to penalties being doubled but the Government has gone beyond all reason in fixing the heavy penalties provided in the Bill. I would increase penalties for certain offences but penalties should be made to fit the crime. It would appear that if a person even looked over a landholder's fence he would be committing an offence. It is proposed to give considerable power to a cook, housemaid or other person engaged by a landowner. Those powers are undemocratic.

The Hon. K. E. J. Bardolph—Landowners will allow people on their properties to put out a grass fire!

The Hon. F. J. CONDON—I do not think that any person enters upon land with intent to steal.

The Hon. C. D. Rowe—Wouldn't "unlawfully" cover the point you are making?

The Hon. F. J. CONDON—There are sufficient powers under the law now to deal with the kind of people the Bill seeks to cover. Persons do not want to be dragged before a court because of the shame involved. The Bill includes cattle as well as sheep. Later I shall move to delete "cattle" and to reduce the fines. How many people who have gathered a few mushrooms have appeared before a court on the second occasion? If a person has fruit trees or vines on his property and a person enters upon it, he is liable to be prosecuted.

The Hon. C. D. Rowe—I think "unlawfully" would cover the position.

The Hon. F. J. CONDON—Probably, but that must be proved. No person should have the power to say that I must give my name if I enter a property. Who knows whether I am lawfully on the premises or not? Under the Bill every employee, even a New Australian, could demand a person's name and address and if he refused he would be liable to prosecution. That is stretching things too far.

The Hon. N. L. Jude—People are compelled to produce their motor driving licences.

The Hon. Sir Wallace Sandford—But in this case a man would be on another person's property.

The Hon. F. J. CONDON—I agree, but the Bill goes too far. It is provided that it shall apply only within those parts of the State that are specified in a proclamation issued by the Governor. That is an innovation and is making matters much harder for individuals. It should

be easy for a person to seek permission to enter a property. I do not deny that landlords have certain rights. Under the Bill "enclosed field" means any area of land that is enclosed by fences, hedges or walls, has sheep or cattle grazing thereon, has a cultivated crop therein or is an orchard or vineyard. The penalty for the first offence is £10 and for a second offence £20.

The Hon. F. T. Perry—Don't cases differ largely?

The Hon. F. J. CONDON—Exactly. There are eight or nine different magistrates and a large number of justices of the peace who will decide the cases. If we make the penalty high the courts will say that Parliament takes a serious view of the matter. If a man remains on a field after being requested to leave he can be fined £20 for his first offence and £40 for the second. If he refuses to give his name and address or gives a false name he can be fined £20.

The Hon. E. Anthoney—The request can only be made by a person in the employ of a landowner.

The Hon. F. J. CONDON—Yes, but a cook, labourer or rouseabout could demand a person's name. It is all very well to say, "They won't do this," but we do not want to give them the opportunity.

The Hon. N. L. Jude—What is your objection concerning cattle?

The Hon. F. J. CONDON—I do not think people worry cattle. There are some people who are always eager to prescribe high penalties. The fines at present prescribed are reasonable. If a man encroaches upon another's land for the purpose of mushrooming he is liable to prosecution and subject to a fine not exceeding £5. Under this legislation the fine is increased to £10 for a first offence and £20 for a second offence. I support the second reading.

The Hon. J. L. S. BICE (Southern)—It is evident that the Committee stages of this Bill will be interesting. I find myself in the difficult position of trying to cover fresh arguments put forward in another place. As one who has had interests in property within a 25 miles radius of Adelaide and who now lives about 20 miles from the city, I have had considerable experience with people trespassing. In the main, people are considerate of landholders rights, but there are occasions when persons create difficulties and do stupid things, and unfortunately Acts of Parliament are necessary to protect the interests of owners. One of the main provisions of this Bill is to

protect the property owner from mushroomers. It is unfortunate that the mushroom season synchronises with the lambing season. On a property 20 miles from the city there is a good growth of mushrooms every year on a flat and people journey over that flat without considering whether there are lambing ewes in the next field. The Leader of the Opposition mentioned the penalty clauses. It is quite common these days for people to pay 10 to 16 guineas for ewes, but it will not take many losses to cover the penalty of £40. Anyone with knowledge of stock knows that where young ewes are frightened away from their lambs it is difficult to persuade them to take to their lambs again. It is to cover such occasions that this Bill is enacted.

Last Saturday week I saw two youngsters with guns and dogs going through a man's paddock among his milking herd. Such people cause difficulties which would never arise if they paid the ordinary common courtesy of approaching the owner and seeking his permission to cross his paddock. Permission would be readily given with advice as to where they could not go. Again, about mid-December people go quail shooting and property owners in the southern districts are concerned with the danger that arises from persons smoking and throwing cigarette butts about when there is dry barley stubble. That is one of the reasons why growing crops were inserted in the Bill. If Mr. Condon analyses the difficulties of those people he will probably be prepared to accept the proposed penalties. I have pleasure in supporting the second reading.

The Hon. C. D. ROWE (Midland)—I am not keen about this type of legislation. Originally a person who wanted to protect himself against persons who unlawfully came on to his property had his common law rights, but that gave no protection in regard to a criminal offence. Under common law he could bring an action, get a declaration of right, and probably obtain a nominal amount for damages. It was a clumsy and awkward method of vindicating the owner's rights, and was no use from a practical point of view. In 1928 the Trespassing on Land Act was passed. In effect, it contained only one operative section which read:—

(1) Any person who unlawfully enters any land which is enclosed by any fence, hedge, or wall, and upon which are any sheep, shall be liable for a first offence to a penalty not exceeding two pounds and for any subsequent offence to a penalty not exceeding five pounds.

(2) This section shall apply only to land upon which a notice is placed at each gate opening from the said land on to a public road indicating that sheep are grazing upon such land.

That Act apparently did not meet the requirements of owners and hence we have this Bill which covers matters other than those mentioned in the 1928 Act. I am sorry it is necessary to pass this legislation because it indicates that there is a decreasing appreciation by the general public of the rights of owners of land. Consequently we must control the position by Statute law. We do not indicate in the Bill that it is to prevent people trespassing on land to gather mushrooms or to shoot pigeons or other wild life. We approach the matter from the other angle and say that anybody unlawfully on land shall be guilty of certain offences and subject to penalties. The onus is placed on a person to show he is there for a lawful reason. There are one or two drafting matters to be examined when in Committee. Subclause (3) of clause 8 might be redrafted. It reads—

A person shall not when making a request falsely state that he is the owner or occupier of any enclosed field or an employee of such owner or occupier.

It could be improved by inserting commas, so that it would read:—

A person shall not, when making a request, falsely state that he is the owner or occupier of any enclosed field or an employee of such owner or occupier.

Alternatively, another clause could be substituted simply saying, "No person who is not an owner or occupier or an employee of such owner or occupier shall make a request." I support the second reading.

The Hon. Sir WALLACE SANDFORD secured the adjournment of the debate.

ADVANCES FOR HOMES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 2. Page 728.)

The Hon. F. J. CONDON (Central No. 1—Leader of the Opposition)—The Advances for Homes Act is administered by the State Bank on behalf of the State Government on a commission basis, and the purpose of this measure is to further assist persons with limited incomes who desire to acquire their own homes by means of loans repayable on a long-term basis. The Treasurer's Loan funds invested in this undertaking on June 30, 1950, were nearly £4,500,000, and advances made and

land purchased for the year 1950 amounted to £581,000; repayments of advances for the same year totalled £498,000. The surplus for the year was £10,665, which has been applied to the reduction of the accumulated deficit. I think some consideration should be given to the question of extending the 30-year term of repayment to 42 years, as is the case in some other similar legislation, for the further advance of £250 under this Bill will take longer to repay. The State Bank has rendered very good service to the community in the building of houses for purchase. During the depression many lost their homes because they could not keep up their commitments—

The Hon. E. Anthony—The State Bank was very lenient.

The Hon. F. J. CONDON—Exactly, and it has been very lenient of late, for even in these times there are some who cannot meet their obligations through no fault of their own. Such a case was recently brought under my notice, where the person, owing to illness, was unable to keep up repayments and was threatened with eviction. However, I am pleased to say that the authorities gave this case reasonable and sympathetic consideration. In 1910 it was enacted that a mortgage could not be discharged until after the expiration of five years without the consent of the Bank Board, and then only on the ground of great hardship. In 1924 the Gunn Government altered this when the Thousand Homes Scheme was inaugurated, by making the period 10 years. This Bill seeks to modify this provision to enable the bank to give a discharge of a mortgage in *bona fide* cases at any time. Interest charged on the Loan Fund by the Treasurer has amounted to roughly £150,000 and payment by borrowers to £169,000. The number of current accounts is 7,943, and of these approximately 4½ per cent were in arrears to the extent of just under £10,000 on June 30, 1950, representing a reduction of £30,000 on the amount outstanding as at June 30, 1949. That reduction was mainly the result of a review of the accounts during 1949-50, when arrears of principal amounting to £25,970 were written back for extended terms of repayment. As this Bill will further facilitate home building I support the second reading.

The Hon. E. ANTHONY (Central No. 2)—I, too, support this Bill which is brought in to meet the rise in prices of labour and materials, as the home builder is finding the limit of £1,500 quite insufficient to complete

a home. I pay a tribute to the State Bank for the excellent services it has rendered to the State over many years. Many a man has his own home today by reason of the operation of the bank and, as I suggested by way of interjection, when bad times fell upon the State this institution, held out very friendly hands, and wherever possible showed the greatest leniency to people who were struggling hard to maintain their homes. Although some were nevertheless unable to maintain their commitments the greater number were able to get through. Of course we do not like to see these mounting costs. I hope I am not a pessimist, but I feel that some day the State will be saddled with heavy responsibilities with regard to these extremely high-priced homes. It often puzzles me how young people, even though earning relatively high wages, can possibly carry the heavy commitment they are undertaking. There is nothing in the Bill beyond a desire on the part of the Government to assist home builders by increasing the amount available to them.

The Hon. L. H. DENSLEY (Southern)—I also support this measure, as there seems to be justification for increasing the amount which can be lent by the State Bank. Anyone who has attempted to build a home in recent years will appreciate that £1,500 does not go far. Consequently it is desirable and necessary that this amount should be increased, but I feel that perhaps an even more important amendment than the increase in the amount is the elimination of subsection 5 of section 42 whereby the mandatory provision, which prevented the State Bank from allowing the discharge of a mortgage within 10 years unless the mortgagee could show great hardship, is removed. There remain ample safeguards for restraint from alienation during the term of the mortgage without subsection 5. If a borrower repays the money borrowed we should give him as much freedom as possible in the sale of his house.

Bill read a second time and taken through Committee without amendment; Committee's report adopted.

SUCCESSION DUTIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 2, Page 730).

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support this measure because it gives some recognition to members of the armed

forces for the sacrifices they are making in defending our Australian way of life, but I would like to see the same principle extended to the estates of members of the forces who die as a result of war injuries or illhealth subsequent to their return to Australia. I commend the proposal to exempt payment of succession duty on legal costs to solicitors who are appointed executors under a will.

The Hon. J. L. S. BICE (Southern)—The Bill will extend privileges which soldiers of World Wars I. and II. had to those who serve in the Korean War. The Minister gave a clear explanation of the clauses and, although I am in perfect agreement with the Bill, I point out that on March 7 last the Minister for the Army, replying to a question raised in the House of Representatives, said that there was a squadron of bombers serving with a transport section in Malaya. I appreciate that there seems to be a difference between their service and that of men in Korea, but remind members that those in Malaya have suffered casualties. Probably the Bill is the result of an agreement between the Commonwealth Government and the State, but I have wondered why men serving in Malaya have not received the same consideration as those serving in Korea. I agree that persons serving in Malaya are acting more as security personnel than actual active war combatants. However, it is not the practice today for some nations to declare a state of war; they send troops to various theatres without any such declaration, and probably the Malayan trouble might further develop. Only recently I read that 60 British personnel were killed, together with a British envoy, by Malayan bandits. The position could become most serious and should receive attention when a Bill of this nature is being discussed. The men serving in Malaya should be entitled to the same remission of succession duties as troops in Korea. Clause 3 dealing with solicitors' costs breaks new ground, but I feel that all members will be in agreement with it. I support the second reading.

The Hon. C. D. ROWE (Midland)—I support the Bill, especially the provision relating to certain exemptions to persons serving in the Korean War. Clause 3 exempts solicitors who act as trustees of estates from liability to succession duty on their legal costs. The clause does not mean that a solicitor will receive any more than that to which he was entitled previously, but that he will not pay succession duty on the cost involved in administration. That

practice worked harshly in the past on solicitors who normally bore no relationship to a deceased person. The rule requiring solicitors to pay succession duty arose out of an old decision based mainly on the common law which provided that a trustee should not be a beneficiary in an estate. The amendment is long overdue and I trust that it will receive the support of members.

The Hon. R. R. WILSON secured the adjournment of the debate.

WORKMEN'S COMPENSATION ACT
AMENDMENT BILL (NO. 2).

Adjourned debate on second reading.

(Continued from October 2. Page 732.)

The Hon. F. J. CONDON (Central No. 1—Leader of the Opposition)—The Bill is one of the most important pieces of legislation which members will be called upon to debate. I have been associated with the provision of workmen's compensation since boyhood, and I particularly ask those members here, who are captains of industry, to give special consideration to the Bill. Much can be said in support of this type of legislation and I commend the Government for having introduced the measure. I have two important suggestions to put before members for their favourable consideration. The Bill brings up-to-date a practice that exists in other States. For years South Australia has lagged sadly behind in the provision of workmen's compensation. Several amendments were made in 1947 to the Workmen's Compensation Act which entitled a workman to compensation amounting to a sum equal to his earnings in his employment during the four years next preceding his injury, plus £50 for each dependent child. When I first entered Parliament one of the first amendments I supported—and to a certain extent was responsible for—was for the payment of an amount for each child of an injured person under the age of 16 years. That proved of great assistance to those who had the misfortune to meet with an accident and were rearing a young family. The 1947 legislation provided that compensation should be not less than £500 nor more than £900, plus £50 for each dependent child. The legislation also provided for a lump sum to be deducted for any amount payable for disability. Various payments for expenses were fixed at £50 when weekly payments did not exceed £6, or the average weekly earnings of a workman during the period previously mentioned.

The total compensation liability fixed under the Act is £1,150. If a workman is entitled to compensation the employer is liable to pay a sum not exceeding £50; (a) for transporting him to hospital or any other place at a cost not exceeding £2; (b) any charges for medical or dental treatment not exceeding £20 (later increased to £25); (c) a sum not exceeding £3 to any registered nurse; and (d) any charges not exceeding £10 to any hospital (later increased to £20). A later amendment also increased the "additional expense" from £35 to £50. The ratio which the fixed sum payable as compensation bears to an amount fixed at £1,150 was 100 per cent for the loss of both eyes down to 7½ per cent for the total loss of a toe, other than the great toe, or of a joint of a finger. The passing of that Bill, however, left workmen at a greater disadvantage than those in any other State, but this Bill will considerably improve the position. Further amending legislation, introduced by a private member, was assented to on November 23, 1950. The maximum amount of weekly compensation for married or single workmen was fixed by the House of Assembly at £8 a week, but by a majority decision here it was reduced to £6 a week for single persons. One or two other minor alterations as regards the supply of spectacles, medicines, and so on were made. Labor members here strongly opposed the reduction in the amount of weekly payments from £8 to £6 as they felt that in times of accident additional expenses were incurred by workmen. Without reflecting on the decisions which were reached at the time, I feel that a mistake was made in reducing the amount. Two Bills are before Parliament today dealing with workmen's compensation, the first being introduced by Mr. O'Halloran, Leader of the Opposition in the House of Assembly. His Bill proposes to place South Australian legislation on an equal, and in some cases better footing than other States. The present law is that any person receiving more than £15 a week is excluded from the provisions of the Act. This Bill provides that any person earning not more than £24 a week will come within the provisions of the Act. The Bill introduced by Mr. O'Halloran proposes that any person in employment, irrespective of his weekly earnings, will be entitled to compensation. It also provides that the amount of compensation payable on the death of a workman will be 156 times his average weekly earnings, or where there are persons totally dependent on his earnings the compensation will not be less than 156 times the

living wage in force at the time of death. Provision is also made for travelling time and no deductions where lump sums are granted for disabilities.

The Government Bill is an improvement on present legislation and in the main the South Australian worker will be on a level with workmen in other States. Medical expenses which are at present subject to a maximum of £50 will be increased to £75, and burial expenses from £20 to £30. Clause 6 raises the rates of compensation for incapacity and increases payment for total incapacity from two-thirds to three-quarters of the workman's average weekly earnings and the allowance payable in respect of a wife is raised from £1 to £1 10s. a week. The maximum weekly amounts of £8 in respect of a married man and £6 for a single man are increased to £12 and £8 respectively. I cannot understand why the increase should be £4 for married men and £2 for single men. If it is to be a 50 per cent increase the increase payable in respect of single men should be £3. The maximum amount payable for total incapacity is raised from £1,150 to £1,750. An important amendment is that those receiving compensation for accidents which happened prior to the passing of the Bill will receive the increased rates, but will be subject to the old maximum of £1,150.

I commend the Government for introducing this Bill but it received a good lead from the Labor Party and it has endeavoured to include suggestions made by the Labor Party in another place. However, I suggest it would be reasonable to extend further provisions. The deduction of weekly payments from lump sums for disabilities is most unfair. A person may receive the prescribed amount for a disability in weekly payments and receive nothing for his permanent disability. I suppose I have handled more cases of workmen's compensation than most people, and I have always been treated fairly by employers and insurance companies. I know of a case where a man met with a serious accident and received over £350 in weekly payments. He was examined by a panel of doctors and told he could return to his former employment which involved carrying wheat and other grain. It was apparent that he could not do the work because of the injury. He returned to work and subsequently the question of compensation was raised. The insurance company made an offer which I disputed. They suggested that he had received £350 in weekly payments but

I pointed out that he had received nothing at all for his disability. The doctors had assessed his case as one of 20 per cent disability and I asked for 20 per cent of £1,140. The insurance company refused to pay that amount but by agreement paid 2½ times the amount it originally offered. I can cite other cases where men have received nothing for their disabilities. Weekly payments should not be taken into account when making final settlement and a workman should receive the full amount due for his disability. A man lost two fingers on one hand and three on the other. Under the present law an amount is prescribed for his disability. He has refused to accept weekly payments and has been away from work for seven months. Had he received weekly amounts during that time they would be deducted from the lump sum payable under the schedule. Is that fair and reasonable? That is why I suggest members should give favourable consideration to altering it.

There are dozens and dozens of things which can occur which are not included in the schedule. I know of men who have met with internal injuries and cannot return to their usual occupations, but their difficulty is to prove their disability. I have spoken of things which have happened within my experience, and they have been experienced by many others also. I now come to the second point, regarding travelling time. It may be thought that in some cases it is not fair or reasonable to pay compensation for injuries received during travelling time, to and from work, but this principle is in operation in other States. Let us consider the case of a man engaged as a weekly employee. His usual place of work may be at Mile End, but occasionally he may be required by his employer to start work at Port Adelaide at, say 8 a.m. This means his leaving home half or three quarters of an hour earlier and the law requires that he shall be paid ordinary rates for this time. If that is the case why should he not be paid compensation if he meets with an accident whilst so travelling?

The Hon. F. T. Perry—Why should he?

The Hon. F. J. CONDON—He is rendering a service for his employer.

The Hon. F. T. Perry—What is the origin of workmen's compensation? It was not to cover a man from the cradle to the grave.

The Hon. F. J. CONDON—The Succession Duties Act, which we have just been considering, follows a man beyond the grave, but the point I want to stress is that if an employee

is rendering a service to his employer and is paid travelling time for proceeding to other than his usual place of employment, he should be paid compensation if he meets with an accident whilst so travelling.

The Hon. N. L. Jude—Shearers are paid travelling time to go, perhaps, 200 or 300 miles. Do you think they should be paid compensation if injured whilst so travelling?

The Hon. F. J. CONDON—That is an entirely different thing. I have known men who have been with one firm for 20 years who have customarily, because of their proficiency, been sent to the port one or two days a week. They are old employees and they should be entitled to consideration. I have had to fight such cases, and I know how far we can go and what are the limitations. The Workmen's Compensation Act is a very important piece of legislation, and when a man has the misfortune to meet with an accident we should be as sympathetic and lenient as possible. I

therefore ask members, when in Committee, to support the amendments I have indicated.

The Hon. Sir WALLACE SANDFORD secured the adjournment of the debate.

**BUILDING MATERIALS ACT
AMENDMENT BILL.**

Received from the House of Assembly and read a first time.

**URANIUM MINING ACT AMENDMENT
BILL.**

Received from the House of Assembly and read a first time.

**POLICE PENSIONS ACT AMENDMENT
BILL.**

Received from the House of Assembly and read a first time.

ADJOURNMENT.

At 4.12 p.m. the Council adjourned until Wednesday, October 10, at 2 p.m.