LEGISLATIVE COUNCIL.

Wednesday, October 10, 1951.

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

ADVANCES FOR HOMES ACT AMENDMENT BILL.

Read a third time and passed.

BUILDING MATERIALS ACT AMENDMENT BILL.

Second reading.

The Hon. A. L. McEWIN (Northern—Chief Secretary)—This Bill is introduced for the purpose of extending the operation of the Building Materials Act, 1949, for a further 12 months, to enlarge the circumstances under which dwellinghouses may be erected without permit, and to make some other administrative amendments to the Act which experience has shown to be necessary. The purpose of the Building Materials Act is to regulate the use of certain essential building materials the supply of which is unequal to the demand and to secure that their use will, in general, be limited to essential purposes of which, at present, the most urgent is the provision of housing. A tremendous amount of house building has been and is now being carried on in South Australia. During the last financial year approximately 6,800 houses were completed in South Australia and it may be expected that this completion rate will be substantially exceeded during the current financial year. Despite these efforts the housing shortage still persists and the Government is of opinion that it is still necessary to continue the general control over essential building materials provided by the Building Materials Act. It is accordingly proposed by clause 9 of the Bill to extend the operation of the Act for another year, that is, until December 31, 1952.

Section 4 of the Act, among other things, provides that, where a person desires to build a house for his own occupation or to build a house upon an agricultural property for occupation by an employee, he may use essential building materials for that purpose without a permit in order to build a house of up to 12½ squares provided that the cost, if the house does not exceed 10½ squares, is not more than £1,700; from 10½ to 11½ squares, £1,800; and from 11½ to 12½ squares, £1,900. It is proposed by clause 2 to increase these various amounts so as to provide that essential building materials may be used for non-permit house building on the following scale:—Up to 10½ squares to a cost of £2,000, from 10½ to 11½ squares to a cost of £2,100, and from 11½ to 12½ squares to a cost of £2,200. If a person desires to build a house of a greater area than 12½ squares or at a cost greater than the amounts set out in clause 2, he will, of course, be required, under the existing provisions of the Act, to obtain a permit. The policy as regards the issue of permits is such that any person with a reasonable case for the issue of a permit has no difficulty in obtaining one.

The present provision of the Act relating to non-permit house building provides that a house may be built up to the prescribed limits without a permit if constructed by a person for his own occupation. It is thus competent for a person to build a house for his own occupation and after occupying the house for a short space of time to build another house and in due course occupy that house and sell the first house. This process can go on indefinitely and, in fact, some persons are following this course. It is considered that if a person has built a house since January 24, 1946, the day upon which the Building Materials Act, 1945, came into force, he should not be allowed to build a further non-permit house and use further materials and labour for the purpose, but he should, if a case exists for his building a further house for his own occupation, be required to obtain a permit for that house whether it is within the limits of cost and area for non-permit houses or otherwise. It is accordingly provided by clause 2 that a person who has built a house since January 24, 1946, will not have the right to build a further house for his own occupation unless he obtains a permit.

The present Act also provides that a person can only build a non-permit house when it is built for his own occupation on land in which he has a beneficial interest. The words "beneficial interest" have caused some difficulty. In instances, a person has agreed to buy land but has not paid any deposit but this, the Crown Solicitor has advised, amounts to a beneficial interest. It is proposed by clause 2 that in lieu of this, the person for whom the house is built must have a registered interest in the land on which it is built.

At present section 4 of the Act provides that repairs, alterations, or additions to any building may be carried out, without permit, to the extent of £150 a year exclusive of the cost of any painting. It is proposed by clause

2 to provide that this exemption is not to apply to a building in the course of erection or during the period of 12 months after completion except that one outbuilding, up to the prescribed cost, may be erected without permit during that period. It is considered that if a person builds a house, either with or without a permit, he should not be entitled immediately to undertake the erection of additions and thus make further demands upon the supplies of materials and manpower. As before stated, however, it is not considered that this limitation should apply to the erection of one outbuilding, such as a garage or workshop.

Clause 2 also makes two other amendments to section 4 which are of a drafting nature. A definition of outbuilding is included and a further definition of "appurtenant" is provided. The Crown Solicitor has advised that these terms, as used in section 4, require definition.

Section 5, among other things, provides that cement is not to be used, without a permit, for the paving of any uncovered area of land appurtenant to any building. It is proposed by clause 3 to delete the words "appurtenant to any building." As the section stands it is lawful for a person to lay down cement paths in a block before a house is built but after the house is built those paths could not be constructed without a permit. Subsection (3) of section 5 provides that cement is not to be used for non-permit building except in accordance with the prescribed limits for non-permit building. Clause 3 extends this provision to cement products which obviously should be regarded for this purpose in the same category as cement.

Section 8 deals with the control of the sale of essential building materials. Subsection (5), among other things, provides that a person who fails to supply a return required by a direction of the Minister is to be guilty of an offence. It is proposed by clause 4 to provide that it shall be an offence if any return so supplied is false in a material particular. Subsection (6) of section 8 provides that if, by virtue of a priority certificate, a person obtains essential building materials and uses or disposes of the materials for some purpose other than that for which the priority certificate was issued, he is guilty of an offence. The purpose of this provision is, of course, to secure that if, say, a priority certificate is issued for, say, water piping for a particular house and is obtained by the builder on the strength of the priority certificate, he is to use the piping for the purposes of that house. Cases have occurred where materials of this kind have been diverted by the builder but great difficulty arises in obtaining formal evidence of the diversion. It is therefore proposed by clause 4 that if evidence is given that the material was supplied but that after the lapse of such time as the court deems reasonable in the circumstances, the materials have not been used in the carrying out of the work authorized, then, unless evidence is given to the contrary, the court may deem that material to have been used or disposed of contrary to the subsection.

Section 8 authorizes the Minister to give general directions as to the disposal of essential building materials by persons engaged in the business of selling those materials. For example, a direction may be given that bricks are only to be supplied to builders for specified general purposes. At present, whilst there is control over the actions of the seller of the bricks, there is no control over the builder who may receive the bricks for one purpose but uses them for another. It is proposed by clause 4 to make it an offence where materials are so used contrary to the directions of the Minister.

Section 9 provides that where any building work is carried on contrary to the provisions of the Act, the Minister may give to the persons concerned a stop notice, the effect of which is to make it an offence to continue the work. Clause 5 provides that where a stop notice is given in respect of a dwellinghouse, the person to whom it is given may, after six months, appeal to the nearest local court for the issue of a permit for the completion of the house to an area of 12½ square and to a cost of not more than £2,200. The court may then, if it thinks fit, issue a permit for the carrying out of this work. It should be noted that any permit so granted by the court will not authorize the completion of a house beyond the limits provided by the Bill for non-permit house building. The purpose of the clause is to provide a means whereby a house which was begun unlawfully may be completed to the limits which the law provides for non-permit house building.

Section 12 provides that a permit continues in force for 12 months or, where the building for which it is issued is commenced, until the completion of the building. Section 9 enables a stop notice to be given in respect of any building carried out contrary to the Act. Some

times, however, after a stop notice has been given, a permit is subsequently issued to enable the building to be completed but, in such cases, the permit is frequently issued upon conditions such as that the building is to be used for a specified kind of purpose for a period after completion. However, unless extended, the permit expires on the completion of the building and the conditions of the permit cannot be enforced. It is provided by clause 6 that in those circumstances, namely, where after a stop notice is given under section 9 and a permit is subsequently issued subject to conditions to be observed over a period, the permit shall be deemed to continue in force during the period fixed for the observance of those conditions.

Section 14 provides, in general, that where a deposit is paid to the builder by the building owner under a house building contract, the deposit is, within 14 days, to be paid by the builder into a special purpose account in a bank. The purpose of this section was to prevent a practice among a class of builders of obtaining deposits from building owners and using those deposits for other purposes. It is proposed by clause 7 to strengthen the provisions of section 14. In the first place, it is provided that any deposit received is to be paid into the bank within three days after receipt instead of 14 days. The present section provides that a penalty for an infringement of the section is a fine not exceeding £100. It is considered that this penalty is not a sufficient deterrent and clause 7 therefore provides that the penalty for a first offence shall be a fine of £100 or imprisonment for a term not exceeding six months and for a second offence imprisonment for a term not exceeding 12 months. The section, at present, provides that, after a deposit has been paid into the special purpose account, it is to be held for payment to the builder for work done under the contract. Clause 6 provides that all such money which is not withdrawn for this purpose is to remain the property of the building owner.

Section 20 provides that the Minister may require any person in possession of any essential building materials to disclose the source of his supply and other particulars relating to the materials. The Crown Solicitor has advised that where the materials have been incorporated in the fabric of a building, they cease to be essential building materials as such and are thus not within the purview of the section. It is obvious that the Minister's power to obtain the information in question should apply to materials which have been incorporated in a building and clause 8 extends section 20 to cover such a case.

Section 26 empowers the Treasurer to provide temporary housing accommodation. Under these powers the Treasurer has converted the army camp at Springbank into temporary dwellings and has undertaken the construction of approximately 2,400 timber-frame dwellings under what is called the Government Emergency Dwellings Scheme. In instances, the groups of these dwellings are of substantial extent and it is necessary, in order to provide for the basic needs of the tenants and their families, to make provision for shops and, in instances, for such as kindergartens and health centres. In order to make it clear that the Treasurer has power to provide these necessary ancillaries, clause 9 authorizes the Treasurer to construct buildings for these purposes and to let them. I move the second reading.

The Hon. F. J. CONDON secured the adjournment of the debate.

HEALTH ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 9. Page 813.)

The Hon. E. H. EDMONDS (Northern)—The history of legislation in this State for the safeguarding of the health of the community dates back to the very early days of responsible Government and a little investigation reveals that the need for obviating any epidemic and generally improving the health of the people was fully realized by the early legislators. Throughout the history of the State we find that this has been of paramount importance in framing all our health legislation. Provisions for safeguarding the health of the community went through many stages, starting first of all with the Government of the day introducing specific Bills for that purpose. As the State developed the Central Board of Health was established and later local boards of health which had control and authority in their respective spheres of activity. In the early days of settlement it was recognized that there was a definite danger that serious epidemics might be introduced to this country from people who journeyed here from other parts of the world. In consequence an authority was established under the Quarantine Act, under which almost identical drastic action was proposed and taken as is now proposed in this Bill. It was permissible for the authorities to confine people in certain localities until it was considered that any danger

of contagion had passed. The rights and well-being of the individual were a secondary consideration and were made subservient to the wellbeing of the rest of the community. We should accept that principle in considering this measure.

South Australia has reason to be proud of the results achieved in the campaign to stamp out tuberculosis. The booklet issued under the authority of the Minister of Health lists statistics which reveal a steady decline in the death rate from tuberculosis. That is a vindication not only of the efforts to control the disease, but the means that have been employed. We have reached a stage where there are certain sufferers who cannot be brought within the ambit of the regulations and laws already in existence. We are not only concerned with the control of the disease, but the ultimate objective is to stamp it out of the community, and if we are to pursue that laudable aim we must have power to go to the extreme limits necessary in effectively dealing with those afflicted. My opinions are backed by responsible medical opinions and by the views of those who have been associated with the tuberculosis campaign for many years. My views can be summarized in the words of a medical man who said:—

It is the unknown infective patient and the non-co-operative patient who spread the disease, and until these two classes can be brought within discovery and control, further major improvement in tuberculosis figures is not likely.

If we accept that we must seriously consider the proposals now before us. Admittedly some of them are drastic and appear to place some sufferers in the same category as a criminal, in as much as an order can be issued and executed the same as a police prosecution. The whole crux of the Bill is whether we should go to the extent of interfering with the individual's liberty in an attempt to stamp out the disease for the wellbeing of people generally. Members who have preceded me have instanced individuals who have remained a menace to the rest of the community by failing to co-operate.

The Hon. K. E. J. Bardolph—Do you really believe that the passing of this measure will stamp out the disease?

The Hon. E. H. EDMONDS—While this menace remains we should do everything possible to overcome the difficulty of getting people to co-operate.

The Hon. E. Anthoney—The Central Board of Health already has sufficient power.

The Hon. E. H. EDMONDS—I feel sure it would not be the same as is proposed in this Bill. If it were, there would be no necessity for the Bill. If the board had sufficient power, it would have been exercised. The powers are drastic and give authority to deal with a man almost in the manner in which a person is dealt with under civil law. But do the ends justify the means? I think they do. In saying that, I am mindful of the fact that there are many whose religious convictions are against anything of the nature proposed by the Bill. Many worthy citizens with religious convictions rely on the dispensations of Divine Providence to cure their ills and members must consider anything in the nature of conscientious objection. I am not in a position to say just how it will work out and will be glad to have the matter elaborated. From personal observation and contact with people who come within the category mentioned, I cannot conceive that they would sidestep their responsibilities. It is the failure of individuals to accept their full share of responsibility with which we must be concerned. If they will not accept responsibility then the only way to make them do so is to employ legal force.

The Hon. K. E. J. Bardolph—This will also allow physical force.

The Hon. E. H. EDMONDS—We are all influenced by the opinions expressed in the press, in private letters to members and in other ways. We must take notice of people who hold views that differ from our own. I am trying to adopt a realistic attitude on this matter. As much as I appreciate the sentiments and the psychological effects that legislation of this kind has on certain people, if we are to be successful in carrying the campaign to a logical and satisfactory conclusion we must adopt the severe measures set out in the Bill. Let me refer to a letter which, I think, all members have received. It is signed by the secretary of the Tubercular Soldiers Aid Society. I am sure every member appreciates to the full the wonderful work that this society has done for our afflicted ex-servicemen. Any opinions expressed by the society must carry a lot of weight and I would hate to think that anything done here might prove detrimental to the interests of those whose welfare this society has so much at heart. The society, which does not offer much in the way of an alternative to deal with the position as we know it, states:—

It is most important that patients should be willing to submit themselves for sanatorium and medical treatment. The proposed Act tends to defeat this all important object.

I fail to see the logic in that argument. If people who admit that they are tubercular sufferers will not submit themselves for treatment we are still left up in the air. The letter continues:—

The terms of the proposed Bill are harsh and heartbreaking to sufferers. Under a medical board a much better plan could be made and co-operation obtained from all sufferers.

But how? We do not get it.

The Hon. F. T. Perry—Tasmania has a medical board.

The Hon. E. H. EDMONDS—These things merely skirt round the whole matter. The letters are sent out with the idea of influencing members.

The Hon. K. E. J. Bardolph—No, to convey knowledge.

The Hon. E. H. EDMONDS—Yes, and to help members form an opinion. However, they deal in generalities and do not carry matters to a logical conclusion. How can members be expected to form an opinion on them? The letter goes on:—

A patient angered by court treatment could indeed become a potential danger to the public.

Patients are still potential dangers to the public, if wandering around without treatment, and I cannot see that the action which the society suggests will help matters. The communication goes on:—

The patients have a great part to play in stamping out T.B. and so have their dependants and they need every encouragement.

I agree, but is there anything more discouraging than the knowledge that some sufferers refuse to accept responsibility? Take the case of an individual who accepts responsibility and puts up with all the inconveniences associated with treatment. He is taken away from his home and confined in an institution. What will his reaction be if he knows that a tuberculosis sufferer is running round loose outside and refuses to accept treatment? The reaction is that his sacrifice might be all very well, but what about sufferers outside who will continue to infect the community? Part of the object of this legislation is not only to cure individual sufferers but to act as a safeguard for the rest of the community. To cope with that safeguard, however, we must go beyond the rights of the individual, as suggested in the Bill. Suggestions for amendments will probably come out of our discussions and I am prepared to listen to honourable members' remarks. If amendments will break down some of the more dramatic parts of the legislation and at the same time secure results I shall give them every consideration.

Clause 4 provides for regulations to safeguard people in the use of certain chemicals, chemical substitutes and combinations of them, many of which are used daily as insecticides. That is a good provision, because today people spray all sorts of chemical substances around their homes and gardens without much knowledge of the dangers involved. I presume that the object of the legislation is to compel manufacturers to print warnings on the packages containing the commodities so that users will have a knowledge of the dangers which might occur in their use. I support the second reading.

The Hon. J. L. COWAN secured the adjournment of the debate.

TRESPASSING ON LAND BILL.

Adjourned debate on second reading.

(Continued from October 9. Page 815.)

The Hon. Sir WALLACE SANDFORD (Central No. 2)—At present there are two Acts dealing with trespassing on land. One is the Police Act, which declares that any person who is in or upon certain specified types of land or premises, without lawful excuse, is a rogue and vagabond and is liable to imprisonment. The other Act is the Trespassing on Land Act, 1928, which was passed specifically to deal with trespassers on agricultural land. Under that Act a landowner can erect a notice on his property notifying that sheep are grazing there and it then becomes an offence for anybody to trespass in the paddock. The penalties for the offence are much lighter than those in the Police Act, being limited to £5. During the period that has since elapsed, nearly a quarter of a century, it has been found by landowners that it is not always easy to ascertain the names and addresses of trespassers notwithstanding that the landowner, who should not have been put to the expense or bother of erecting a notice, has done so. During the last 25 years the actions of trespassers have developed to such an extent as to become not only a nuisance, but a great danger in many ways, and I imagine that the average trespasser regards this misdemeanour very lightly. In fact, he is supported to no small extent in reaching that conclusion by reason of the trifling fine with which he is confronted.

I know my friend, the Leader of the Opposition, and most of us have at times not been

in entire agreement as to the weight of fines, but there is no gainsaying the fact that so small a sum of money, in times such as this in particular when the currency has depreciated to no small extent, acts in no way as a deterrent, and I think we must rather take the blame for not having had some of these weaknesses tightened up earlier. In addition to the inadequacy of the fine there is, I am afraid, a growing jealousy of the rights of possession and that is particularly evidenced in the matter of the possession of land. With the considerable expansion of motor transport people find themselves in possession of the opportunity to gain easy access to properties and gather mushrooms, as we have been frequently informed in this debate, and what is more serious, dangerous and undesirable is the tendency to go on to other people's property with firearms. This temptation has grown with the ease of access. The Bill will operate in certain areas only. A certain section of the community has a real grievance and I have no doubt that, if and when the Bill becomes law, it will be possible to proclaim the areas in which it will operate, but that the properties of landowners have been invaded without by-your-leave is not open to question. Most of us have seen it, and a great many of us have been extremely annoyed by the actions of the unwelcome visitor. It has been said, and I have come across no reason for doubting it, that if the people who wish to go on to a property would have the courtesy of seeking the owner's permission, it would in nearly every case be granted; possibly with certain conditions, but that is not unreasonable. This Bill is fair, reasonable, temperate and just, or at least nothing has been brought forward to show that it does not possess those qualities. If anything, it operates a little more harshly against the owner than anyone else—

The Hon. F. J. Condon—Should we not be becoming more democratic than conservative?

The Hon. Sir WALLACE SANDFORD—My friend is generally quite sure that we are becoming more democratic very quickly. This Bill is at least some recognition of the fact that if goods or property belong to someone else, surely the courtesy should be shown to the owner of seeking his permission to enter. I support the second reading.

The Hon. E. ANTHONEY (Central No. 2)—I support this measure, and have listened with a great deal of interest to what has been said. My mind goes back to the time when people wandered without let or hindrance over enclosed land, but today, largely I have no doubt due to the fact that people are not as respectful as they used to be to other's property, it has been found necessary to introduce this legislation.

The Hon. K. E. J. Bardolph—That is a wild statement.

The Hon. E. ANTHONEY—I do not think so. Members must agree that, by and large, there has not been an increase of respect for the property of the individual.

The Hon. F. J. Condon—I agree, but the penalties are too heavy.

The Hon. E. ANTHONEY—We may have something to say about them later, but I always try to apply these things to myself, and I would not like to see someone wandering about my property. If the city person is protected against the inroads of unwelcome visitors to his property, surely the same privilege should be extended to the country property owner. I am sure that people wandering on to enclosed property do so with not the slightest intention of doing any harm, but largely as an act of thoughtlessness, and considerable damage to stock has been caused in this way. If a person were to ask permission to cross a property I am sure there are few who would be so unsympathetic as not to grant that permission, but they seldom ask; they not only invade the property, but submit the owner to a good deal of impudence if he asks their business or orders them off. I am wondering what will happen to organized bodies such as the Boy Scouts or the Bushwalkers' Association, who do not walk aimlessly about the country, but who have done a good deal to protect flora and fauna.

The Hon. R. J. Rudall—They get permission.

The Hon. E. ANTHONEY—Yes, but it is something they have not had to do previously. I do not think the Bill will do any harm, but possibly the alleged severity of the penalties can be considered in Committee. I am sure the powers will not be abused, but will protect the people who, without it, have no protection.

The Hon. W. W. ROBINSON (Northern)—I spent last evening in going through the debate which took place when this Act was last under consideration, and I found that practically the same arguments were used then as are being advanced today. The Bill then provided for a penalty of £10 and it was said that this was too drastic, and it was reduced to £5. We have carried on under that Act with some measure of success for 23 years, but owing to

slightly altered circumstances, due to the advent of the motor car, people living in the city find it very much easier to go some distance into the country. I have no wish to reflect upon them, but generally they have no knowledge of country conditions; all and sundry go out for a drive on Sunday, taking the pet poodle with them, and allow it to run out of control amongst sheep, often causing great damage.

Earlier this year, when I was coming to the city one Sunday just after the opening rains, I found the road leading to Virginia and Two Wells black with cars and the paddocks full of mushroom gatherers. You can imagine how perturbed the landowners who had sheep in those paddocks would be. Reports from this area are that grave damage has been done to stock—particularly lambing ewes. Shortly after that day 30 people were fined 30s. for trespassing. Although it might be suggested that a fine of 30s. would be a sufficient deterrent to prevent people from encroaching, those who got off have been encouraged to go again. Mushrooms are regarded as a bounty of nature which springs up after rain, and in many instances landowners invite people to share what nature has provided. No landholder would deny people the opportunity of gathering mushrooms if permission was sought first and there was no danger of damage to stock.

Criticism has been levelled against the proposed penalties. The Police Act declares that any person who is in, or upon, certain specified types of land or premises without lawful excuse or for an unlawful purpose shall be a rogue and vagabond and liable to six months imprisonment. No penalty of that nature is provided in this legislation—instead the maximum penalty for a first offence is £10. If the 30s. fines are to be regarded as precedents when the penalty prescribed is £5, then there should not be much fear of people being fined £10 if this legislation is passed. The maximum penalty is aimed at those who flout the law and not the ordinary citizen.

The Hon. K. E. J. Bardolph—How are you to differentiate between an ordinary citizen and one who should be fined £10?

The Hon. W. W. ROBINSON—Our justices are sufficiently wise to determine that. This Bill provides a penalty which will serve as a deterrent to the person who flouts the law and it will make him respect the rights of other people. Under the 1928 legislation provision was made for notices to be placed in paddocks where sheep were grazing. As sheep were changed from paddock to paddock notices had to be removed and it imposed unnecessary hardship on landowners. This Bill will safeguard the landowner and I support the second reading.

The Hon. A. A. HOARE (Central No. 1)—Unfortunately there are some people who will always spoil things for others. Many years ago I used to go mushrooming on land at Two Wells and always sought permission from the owner. He would tell me where I could go and I could take my motor car on to the property. However, one year he told me I could not go mushrooming because in the previous year some people had gone there and, although told where to go, had gone into another paddock and released sheep which were grazing there and which became boxed. The sheep had to be redrafted and taken back to their respective paddocks. It is well known that if a lamb is separated from the mother for too long the ewe will not take it back again. If mushroomers did the right thing—sought permission from owners and closed gates behind them—this legislation would not be necessary. Most landowners are reasonable but because of circumstances they have been compelled to stop people going on their land. I do not see the necessity to mention cattle in the Bill. Mush roomers would not harm cattle.

The Hon. J. L. Cowan—They are usually frightened of cattle.

The Hon. A. A. HOARE—Yes, particularly if there is a bull in the paddock. Immediately somebody goes into a paddock where there are sheep the sheep gather in a mob and race around, but cattle take no notice. Property owners probably do not ask for such severe penalties as are proposed and we should not accept the penalties. If the fines were less they would have the same effect. In the main, people who are once fined will not trespass again. Property owners deserve protection and people should respect their rights. The only objection I have to the Bill is the severity of the penalties. I support the second reading.

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

SUCCESSION DUTIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 9. Page 817.)

The Hon. R. R. WILSON (Northern)—Immediately the Commonwealth Government decided to send troops to Korea, approaches were made by ex-servicemen organizations to

have the same remissions made under the Succession Duties Act, as existed in the 1914-18 and 1939-45 wars, to dependants of those serving in Korea. The Government considered there was merit in the requests, hence this Bill. Mr. Bice yesterday made remarks upon which I intend to enlarge. Requests have been made by ex-servicemen organizations for the same concessions to apply to those serving in Malaya and when this Bill reaches Committee I intend to move an amendment for that purpose. The Comforts Fund includes Malaya as well as Korea in its benefactions, and it has also been requested that the War Service Land Settlement Scheme should apply to those serving in Malaya. The allowance of £18 on discharge for civilian clothing applies to Malayan as well as Korean troops. All re-establishment rights are coupled together. At the beginning of this year 1,804 men, including hospital staff and other small units, were in Korea, mostly in the army. In Malaya, 852 are in the air squadron. At the beginning of the year more than 100 were killed in action in Korea and over 300 wounded. The Premier, speaking in the House of Assembly, informed the member for Semaphore that the provisions of the Bill were sufficiently wide to cover merchant seamen. If that is so there is a strong claim to include men serving in Malaya. Men in the navy or air force have no option as to where they shall serve, but are sent to any part of the world, whereas army personnel serve only in Australia or in a specified combat area. Take Egypt, which today presents a gloomy picture. Members of the navy and air force could be called on to serve there or elsewhere. Again, what is the position of men who are invalided home and placed in, say, Springbank Repatriation General Hospital, and die within a few weeks before discharge? There appears to be no provision for such cases in the Bill and later I shall move an amendment to cover this matter. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

The CHAIRMAN—I point out to the honourable member, who just intimated that he proposed to include Malaya within the ambit of the Bill, that I have grave doubts whether such an amendment would not be outside the scope of the measure, but before that stage is reached I will check up on the position. I am also doubtful whether the Bill is not a money Bill, in which case amendments can only be suggested amendments. The Bill will reduce the amount of succession duties received by the Government and it might affect taxation.

Progress reported; Committee to sit again.

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

Adjourned debate on second reading.

(Continued from October 9. Page 819.)

The Hon. Sir WALLACE SANDFORD (Central No. 2)—I think all members listened with interest and attention yesterday to the Leader of the Opposition's remarks. He referred to the Bill as the most important introduced this session. I feel I can say this much is certain—that with the substantial development in secondary industries that has taken place in South Australia during recent years a large and increasing proportion of citizens will be directly affected by the Bill. Mr. Condon mentioned that at present two Bills dealing with workmen's compensation are before Parliament, one being introduced in the House of Assembly by the Leader of the Opposition (Mr. O'Halloran). I think that if a summary of the conditions sought to be obtained by the Bill is made, South Australian workmen will be found to be in a better position as regards compensation for injuries than those in any State of the Commonwealth. Towards the end of his remarks Mr. Condon expressed the hope that South Australian employers would not be unsympathetic to the claims. In reply I contend that employers in South Australia have never been unsympathetic to the ideas or hopes of their subordinates. If members will cast their minds back they will recall that almost a year ago Mr. Perry, when speaking on a Bill to amend the Workmen's Compensation Act, used words which I think are worthy of recalling, with advantage. He said:—

> The principle that industry should make some contribution to a workman injured in the course of his occupation has long been regarded as a fit and proper thing.

The words summarize the ideas which the average employer never gets far away from in dealing with subjects like this and aptly suit this matter. We cannot approach this question without remembering that at no time has the matter of workmen's compensation been regarded as seeking, or being able to secure, full compensation for accidents which might happen. Members are aware that accidents threaten us from the time we waken in the

morning. Personal responsibility is always present and that should never be lost sight of. This is no unchanged principle; it is merely an adjustment to changed circumstances which has not been overlooked during recent years.

From 1940 onwards there have been amendments of the original Act, always increasing the benefits and always relieving individuals of the worry and fear of a calamity for which, possibly, adequate provision did not seem to exist. Following the 1940 Act, amendments were made in 1941, 1943, 1944, 1947, and in 1950, and this year another place has seen two separate Bills dealing with this subject It can hardly be contended therefore that the question had been overlooked or left in a pigeonhole, and I am sure that the measure before us will be considered with the usual scrupulous care and solicitude which the matter calls for.

In speaking to the amendment last year I think I mentioned that there were over 100 insurance companies trading in South Australia and, as Mr. Cudmore pointed out in the same debate, insurance is not a haphazard gamble, but is worked out mathematically, premiums being adjusted from time to time having regard to the companies' actual experience in this particular and very highly competitive business. Since then there have been even further additions to that number and therefore, from this point of view alone, not only has the convenience and benefit obtainable by the employer from the ever increasing list of companies in keen competition increased but it has been beneficial also to the workmen. With the very intensity of competition that must exist when there are so many applicants for the business, the security and reduction of risk in the matter of compensation being forthcoming when the occasion arises are directly and obviously to the advantage of the employee. It will be amply evident then that the insurer can secure protection, or his employer can obtain it for him, under the very best terms, but every time the policy is increased its cost must go up and this will be directly reflected in the price of goods. When the goods are consumed in Australia the cost is borne more or less by the taxpayer, for he is a consumer as well as being a producer, but where the commodity is sold to an outside market the question of overseas competition arises. I am not suggesting that I do not approve of workmen's compensation or that we should not move with the changing times, but I do ask members to reflect upon where we are going in this matter and in other questions moving more or less parallel with it.

During the last three or four years substantial improvements in allowances have been gained by employees, who are very much better treated in this respect than the one who runs his own business. Most of us clearly recollect the speech delivered by Mr. Rowe 12 months ago. He went to particular care to obtain the figures necessary to make his point, and I think he made it with clarity and conviction, that the man who is running his own business was likely to have an increasingly thin time by reason of competition with the man who had such protection as was given by the law of workmen's compensation. The man who runs his own business may insure himself, but that opportunity is accorded the workman in any activity in which he may be engaged and I think there is a considerable number of lodges and clubs or organizations specially designed to encourage thrift, and to remind people that there is a personal responsibility never to be lost sight of as well as the advantages to be secured by legislation which comes before us year after year and is always improving to the benefit of the individual workman.

From clause 3, which changes the meaning of "workman" by reason of the increase in the amount which he would be permitted to enjoy without being invalidated from the benefits of the Act, to clause 4 which deals with the workman with dependants and clause 5 with those without dependants, the Act is amended to the advantage of the employee. I am sure everyone wishes to see adequate provision established and, with the further development of industries in South Australia, the attainment of the best possible amenities for workers in all industries, but I would remind members, and particularly answer the Leader of the Opposition, that it is somewhat like expecting us to run before we have yet learned to walk very sturdily, to make our conditions in industry equal to those in any other part of the Commonwealth, which Mr. Condon suggested would be a desirable target. This appears to mean pitting ourselves against the eastern States in a manner surely undesirable at this stage of our development and it may have very disadvantageous results. Following on the amendments of a year ago I consider that the further benefits established by the measure are both substantial and generous and I do not think the alterations implied by the Leader of

the Opposition are either necessary or expedient. I therefore have pleasure in supporting the second reading.

The Hon. F. T. PERRY secured the adjournment of the debate.

URANIUM MINING ACT AMENDMENT BILL.

Second reading.

The Hon. A. L. McEWIN (Northern—Minister of Mines)—This is a short Bill, the effect of which is to exempt the operations of mining at Radium Hill from the provisions of the Public Works Standing Committee Act. Members are aware of the condition that any public work costing in excess of £30,000 shall be subject to inquiry by the Public Works Standing Committee. Up-to-date the work carried out at Radium Hill has been largely of an exploratory nature and has not come under the provisions of the Act; indeed, the Crown Solicitor advises that it was not considered that the work there was affected by it. However, with the progress and development which has taken place, the Government felt that possibly it had reached the stage where there might be some doubt as to whether it constituted a public work within the meaning of the Act, hence the introduction of the Bill, which provides for certain exemptions and will enable the mining and certain investigational work, as well as a local water supply, to proceed.

Recently the Premier went abroad and returned with such information as has satisfied the Government that it is necessary to proceed with the mining of uranium as being important from a defence point of view, as well as a source of industrial power, with as little delay as possible. Members had an opportunity this morning to see something of the preliminary work associated with the mining and concentration of ores derived from Radium Hill and I think that will assist them in assessing the value and urgency of the work. The Bill is explicit in as much as the exemptions are clearly defined, and it should commend itself to members. It is an urgent measure because without it the Treasurer would not be able to deal with this project in his ordinary Budget. It is desired to introduce the Budget at the earliest possible date, and to enable the Government to avoid the necessity of further Supply Bills I ask members to give this Bill prompt consideration to ensure a speedy passage tomorrow. I move the second reading.

The Hon. F. J. CONDON secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL.

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

ADJOURNMENT.

At 3.48 p.m. the Council adjourned until Thursday, October 11, at 2 p.m.