LEGISLATIVE COUNCIL.

Wednesday, October 17, 1951.

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

OFFENDERS PROBATION ACT AMENDMENT BILL.

Second reading.

The Hon. F. J. CONDON (Central No. 1—Leader of the Opposition)—The Offenders Probation Act makes no provision for probation officers, parents, or guardians to be informed by police officers of any breach of a bond or recognizance. In a recent case in the Mount Gambier district this omission caused a lot of mental anxiety to the parents and bondsmen of the offender. Although this young man was spoken to by the police on October 22, 1949, for consuming a glassful of intoxicating liquor no charge was laid against him; his parents were not informed, neither was the priest nor the sergeant of police. All thought that the probationer was doing a very good job. Three days prior to the sitting of the Circuit Court at Mount Gambier he was served with a summons to appear before it for an offence committed by him six months previously. As far as I can ascertain there had been no breach of the Act. I draw attention to certain remarks made by the sheriff who said:—

There is no obligation whatever on the police to seek out sureties and inform them of a breach of recognizance; on the contrary, the obligation is on the sureties. The probationer had his chance to live at Mount Gambier under the first recognizance, but he failed to observe same.

The sheriff also suggested that the Crown Solicitor should be asked to advise whether any action was desirable under section 8 of the Act towards seeking a variation of the conditions. The Crown Solicitor reported:—

In my view, the prisoner could consider himself extremely fortunate to have been released on a bond, even one containing the somewhat unusual conditions imposed at Mount Gambier, His subsequent breach thereof and his release on a further bond—instead of imprisonment for the former offences—are dealt with by His Honour Mr. Justice Mayo in his remarks on sentencing the prisoner. I draw particular attention to the following extract from the remarks of His Honour when sentencing the prisoner:—"I propose to act on what counsel has put to me and his (the alienist's) recommendation (that you be not sent to gaol). But it necessarily follows that you will have to be held for some time at Kuitpo. Your case is a rather difficult one to deal with, and perhaps that is the best way to bring home to your rather unusual degree of intelligence your duty to comply with the law."

I draw attention to a letter from Dr. Lorimer of Mount Gambier:—

Re your request for information concerning the health, mental and physical, of this young man: I have known him for many years. He has a psychopathic personality—at times grandiose in its exhibition. For example, he was a member of St. John Ambulance and used to parade the streets nightly all dressed up in this uniform, whilst not on any sort of ambulance duty. He was fond of associating with any spectacular authority, especially uniformed, trying to get some oblique glamour from such associations. This exhibitionism became a habit and in looking for higher stimulation he became a "cat burglar"—making himself more a hero than ever. His crimes were crude, petty affairs, unplanned and most often unproductive except for the mental satisfaction associated with reading of the event in the newspapers. I gave evidence at his trial, mainly along the lines of poor mentality and congenital heart disease. In answer to a question by the judge I stated that the abnormal mentality would make him (the young man) an unsuitable subject for incarceration in gaol, as prison associations would lead to gross moral degeneration and would turn this more or less harmless half-wit into a criminal, perhaps a dangerous criminal. He would be a "butt" for the wit and amusement of his seasoned fellow inmates. The judge released him on a bond. For a period following his release he became morose and hysterical. He went around the place trying to poison himself, always before an audience, and generally explored all the usual channels in his desire for exhibitionism—threw fits in the street, especially under observation, and no doubt enjoyed all the resultant fuss going on around him.

The Hon. C. R. CUDMORE—On a point of order: I would like to know whether the honourable member is quoting somebody or refreshing his memory from his notes.

The PRESIDENT—I understood the honourable member was reading a letter which had been received.

The Hon. F. J. CONDON—I was reading a statement by Dr. Lorimer, but in view of my friend's attitude I ask leave to place the remainder of the statement in *Hansard* without reading it.

Leave granted.

The remainder of the statement was as follows:—

His physical condition is less ethereal. He failed in a life assurance examination because of a congenital heart. He is a poor physical type. The congenital heart is a gross health risk. He is especially liable to septicaemia and pulmonary tuberculosis. I believe his present environment is a rough sort of place. This will therefore react against his health and he is more liable to the complications of his heart and lung trouble.

The Hon. F. J. CONDON—The following was moved as an amendment in another place by the Treasurer and accepted there, and now constitutes clause 3 of the Bill before us:—

If a member of the Police Force has observed, or has received a report, that any probationer has broken or failed to observe any condition of his recognizance, that member shall forthwith take such action as is proper, having regard to his rank and the rules of the Police Force, to ensure that the facts so observed or reported are reported to the probation officer or any other person under whose supervision the probationer has been placed. The fact that a report has not been made under the preceding provisions of this section shall in no way affect any liability of any person under any recognizance.

I commend the Bill to members and move the second reading.

The Hon. R. J. RUDALL secured the adjournment of the debate.

TRESPASSING ON LAND BILL.

On the motion for the third reading.

The Hon. F. J. CONDON (Central No. 1)—When speaking on the second reading I objected to the penal provisions in the Bill. In Committee I did not attempt to alter the Bill except in regard to the question of penalties. I oppose the third reading because this legislation is harsh, unreasonable, and vindictive. Section 3 of the 1928 Act, which the Bill proposes to repeal, states:—

(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 £2 and for any subsequent offence to a penalty not exceeding £5.

(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.

The 1928 Act has been enforced on numerous occasions and offenders fined. We appear to have been somewhat harsh by including the high penalties provided in this Bill. I am prepared to support landholders in what they seek, but the Bill goes too far. It is proposed to increase the penalties, as well as widen a number of clauses to make it easier to prove offences. Although I am not too happy about the Bill I am prepared to support it. In the existing Act the penalty is not to exceed £2 for a first offence or £5 for a subsequent offence. It is proposed that the penalty for a first offence shall not exceed £10 and for any subsequent offence £40, eight times as much as is provided in the Act. I do not want it to be said that I agree with the Bill in its entirety. I draw member's attention to penalties provided under the Road Traffic Act, 1934-1950, where although serious breaches are committed and even life endangered, the penalty does not exceed £20. I oppose the third reading.

Bill read a third time and passed.

SUCCESSION DUTIES ACT AMENDMENT BILL.

Read a third time and passed.

PRICES ACT AMENDMENT BILL.

Read a third time and passed.

POLICE PENSIONS ACT AMENDMENT BILL.

Read a third time and passed.

HOSPITALS ACT AMENDMENT BILL.

Second reading.

The Hon. A. L. McEWIN (Northern—Minister of Health)—The purpose of this Bill is to deal with the law relating to the right of hospitals to recover costs incurred in the treatment of persons injured in road accidents. At present the law dealing with this matter is contained in two different statutes, namely, Part VI. of the Hospitals Act and section 70h of the Road Traffic Act. Part VI. of the Hospitals Act was first enacted in 1931 and applies to the charges of Government hospitals, including a hospital to which the rating for hospitals provisions apply. Under this part, it is provided that, should an insurance company receive notice of a road accident, it is to give notice of the accident to the Director-General of Medical Services. If a victim of a road accident has been treated in a Government hospital, the Director-General may give notice to the insurance company concerned of the hospital's claim. Similar notice may be given to a person, other than an insurance company, who is liable to damages for the road accident. If notice is so given, the insurance company or person must pay the amount of the hospital expenses to the Director-General and any such payment is to be in reduction of the liability of the company or person in respect of the accident. The maximum amount which may be claimed by the hospital in this manner is fixed at £26 5s.

Section 70h of the Road Traffic Act was enacted in 1936 and this provision applies both to Government and private hospitals. This section provides, in effect, that if a road accident victim is treated in any hospital, the hospital may give notice to the insurer concerned requiring him to pay the expenses of

the hospital up to £50 for an in-patient or £5 for an out-patient. It will be seen that the two sets of provisions do not coincide. In addition to this inconsistency, the Hospitals Department has pointed out other deficiencies in the provisions. In the first place, the right of a hospital under each Act must be founded on notice given to the person liable and, as far as the Hospitals Department is concerned, considerable difficulty is encountered in ascertaining the information necessary to enable it to give notice to the insurer or other person liable, as, in many cases, the accident victim does not know, at the time of his admission to hospital, the name of the driver or owner of the vehicle causing the accident or the insurance company with which the driver was insured. The Hospitals Act requires an insurer to give notice of an accident to the Hospitals Department, but, in practice, this has proved ineffective, whilst no provision for this purpose is made under the Road Traffic Act.

In the second place, the maximum amounts provided to be recouped to hospitals, which were fixed in the two Acts as far back as 1931 and 1936 respectively, are now quite inadequate to meet present-day hospital costs. It is obvious that the law dealing with this matter should be contained in the one Act, and it is proposed by the Bill to provide that the relevant law should be contained in Part VI. of the Hospitals Act with such modifications as are necessary to rectify the deficiencies of the present legislation. Section 70h of the Road Traffic Act is to be repealed by clause 4 and a new section enacted to the effect that an insurer by whom a policy is issued as required by the Road Traffic Act is to meet the obligation imposed by Part VI. of the Hospitals Act.

Clause 3 repeals Part VI. of the Hospitals Act and enacts new provisions in its stead. These provisions will apply both to Government Hospitals and private hospitals. As mentioned, one of the needs of the Hospitals Department is to secure information as to the persons concerned in road accidents. Section 139 of the Road Traffic Act requires road accidents to be reported to the police. Clause 3 provides that when an accident is reported to the police, the Commissioner of Police is to give notice to the Director-General setting out so far as is known to the Commissioner details as to the place, nature, and time of the accident, the name and address of the person injured, and the driver and the owner of the vehicle involved, and the name and address of any insurer under any policy affecting the vehicle. Clause 3 also retains the existing provision under which an insurer receiving information of an accident affecting a policy issued by the insurer is to give notice to the Director-General.

New section 52 provides that where a person involved in a road accident has been treated in a hospital the hospital, within two months after the occurrence of the accident, may give to the insurer or other person liable notice of the claim of the hospital for the hospital expenses incurred in treating the patient. New section 53 requires an insurer to whom notice is given to pay to the hospital the amount of the hospital expenses, but the amount to be so paid is not to exceed a total of £125 made up by expenses up to £100 for an in-patient and £25 for an out-patient. Similar provision to that now contained in the Road Traffic Act is made to deal with a case when two or more insurers or two or more hospitals are involved, where the liability or, as the case may be, the payments are to be shared.

New section 54 provides that when a person, other than an insurer, has been given notice of its claim by a hospital and the person to whom the notice is given makes any payment to the person treated by the hospital as damages arising out of the road accident the hospital claim is to be paid by the person paying the damage. The total amount to be so payable is limited to the same amounts as those prescribed in new section 53. If any payment is made under either new sections 53 or 54 the payment is, as has been the case, to be in reduction of the liability of the insurer or person liable to damages.

New section 55 provides that if any insurer or other person to whom notice is given neglects to meet the hospital claim, he may be sued by the hospital for the amount in question. Other ancillary provisions are included in the new Part.

The treatment of these road accident cases is imposing an increasing strain on hospitals and it is obvious that there should be adequate legislative provision to ensure that the costs of hospitals incurred in treating accident cases should be recovered from the persons under legal liability to meet the expenses of the result of the accident. Obviously, the hospitals, particularly Government hospitals, cannot do anything but accept these road casualties for treatment, but as mentioned, adequate provision should be made whereby those legally responsible should recoup the hospitals for the costs of carrying out this duty. As far as the Government hospitals are concerned, it is

expected that, with the additional facilities to recover these costs which will be given by the Bill, an amount of up to £25,000 a year will be recoverable which otherwise would be borne by the Hospitals Department. I move the second reading.

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

CONSTITUTION ACT AMENDMENT BILL (No. 2).

Second reading.

The Hon. A. L. McEWIN (Northern—Chief Secretary)—The purpose of this Bill is to provide for the payment to His Excellency the Governor of an expenses allowance of £4,000 a year, subject to annual adjustment in accordance with alterations in the cost of living figures. The salary of the Governor was fixed at its present rate of £5,000 almost 30 years ago, namely, in 1922. Before that time it was £4,000, having been fixed at that amount when the present Constitution of South Australia was established in 1856. It can hardly be said that this salary has moved with the times. The Government has recently inquired into the question whether the Governor's remuneration and allowances are adequate. The information received places it beyond doubt that the salary is insufficient, having regard to the expenses which the Governor must necessarily incur, and that there is a clear case for a substantial increase. At present the duties and functions of the Governor can only be performed by a man who is prepared to make a financial sacrifice in the course of performing them. The sacrifice amounts to some thousands of pounds a year. The Government regards it as most undesirable that this state of affairs should exist and is anxious that the position should be remedied without delay. The Bill contains one of the remedies proposed. It is proposed that the expenses allowance will be a standing annual charge against the revenue of the State and that it will be varied upwards or downwards in accordance with movements in the "C" series index of prices, which are usually taken as an indication of the cost of living. There will be only one adjustment a year, which will be made on the basis of the index number for the March quarter preceding the commencement of each financial year. The Bill will operate as from the commencement of the present financial year.

In addition to the proposals in the Bill, the Government proposes to purchase two motor cars for official use by the Governor, and in addition there will be provision on the Estimates for payment of certain other charges connected with the vice-regal office. It will be noticed that there is a provision empowering the Treasurer to pay a portion of the expenses allowance to the Lieutenant-Governor or other administrator of the Government for any period during which either of them actually administers the government of the State. In conclusion, the Government desires to say that this State has always been extremely fortunate in its Governors. No-one could wish for better men than those whom the King has chosen for this office; and Sir Willoughby Norrie has maintained with great ability and distinction the highest standard of his predecessors. For this, among other reasons, the Government deems it just that Parliament should provide by a permanent enactment, such as this, for suitable remuneration of our Governors. I move the second reading.

The Hon. C. R. CUDMORE secured the adjournment of the debate.

HEALTH ACT AMENDMENT BILL.

In Committee.

(Continued from October 16. Page 910.)

Clause 3 "Enactment of Part IX.A of principal Act—Tuberculosis."

The Hon. F. J. CONDON (Leader of the Opposition)—I move—

To delete "suspects" in the first line of new section 146c (1) and insert "as the result of a report from the Central Board of Health believes."

When speaking on the second reading I raised certain objections to this Bill which I am not raising at this stage, but I think it would be improved if my amendment were carried. As the Bill stands any individual can report to the Director-General of Tuberculosis that another person is a suspect, but it should be the prerogative of doctors only to report to the Central Board of Health which is the proper body to deal with this matter. The amendment would not weaken the Bill, but would give the Central Board of Health the authority to take the necessary action.

The Hon. A. L. McEWIN (Minister of Health)—I appreciate the honourable member's motive, but there are two things to be considered in connection with this amendment. Briefly a "suspect" is one who has already had an X-ray photograph taken which has shown some shadow on the lung which it was necessary to follow up, and would not be the

result of someone reporting to the Director-General that he thought a certain individual ought to be examined. Tangible evidence will be necessary in order to create a suspect. The Central Board of Health consists of laymen, representatives of councils and different bodies, and is in no way a medical board. The only way in which it could get any information on which to make a decision would be on a report from the Director-General and thus the amendment would clutter up the machinery of the Act, without any good result whatsoever. I hope the Committee will not accept the amendment.

The Hon. E. ANTHONEY—I congratulate the Chief Secretary upon the clear and analytical explanation he gave yesterday, which has allayed considerably the fears I expressed on the second reading. Had he given this information when introducing the Bill much of the criticism might have been averted. The Minister has satisfied me that no person will be called before the Director-General unless a radiograph has been taken proving that his condition warrants further examination. If this and other foreshadowed amendments are accepted I feel that the Bill will leave this Chamber considerably better than when it entered.

The Hon. K. E. J. BARDOLPH—I support the amendment. Although I do not refuse to accept the Minister's explanation I still adhere to the opinion expressed by Mr. Condon that this section is not sufficiently specific. It is all very well for the Minister to say that the Central Board of Health consists only of laymen. I remind him that the local government authorities are charged with the administration of the Health Act and if this board is incompetent to deal with tuberculosis and health matters generally, its personnel should be replaced by doctors. I will not support a measure which leaves sole discretion in the hands of the Director-General on suspicion, and the Chief Secretary could allay my fears quite easily by an amendment to provide that no person shall be called up for diagnostic examination until after a group X-ray had disclosed symptoms warranting such action.

The Committee divided on the amendment:—

Ayes (3).—The Hons. K. E. J. Bardolph, F. J. Condon (teller), and A. A. Hoare.

Noes (15).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, C. R. Cudmore, L. H. Densley, E. H. Edmonds, N. L. Jude, A. L. McEwin (teller), A. J. Melrose, F. T. Perry, W. W. Robinson, C. D. Rowe, R. J. Rudall, Sir Wallace Sandford, and R. R. Wilson.

Majority of 12 for the Noes.

Amendment thus negatived.

The Hon. F. J. CONDON—I move—

To delete "seven" in subsection (i) of new section 146c and insert "twenty-one."

A person living in a remote part of the State might be called upon to submit himself to an examination and would have insufficient time to make arrangements to do so within seven days. The notice is too short.

The Hon. A. L. McEWIN—I am sure that nobody will be penalized through the administration of this provision if he is unable to get in touch with the Director-General within seven days. Delays in a matter of this kind could be dangerous. I ask members not to agree to the extension proposed by Mr. Condon. If the period is extended indefinitely the whole purpose of the legislation will be destroyed.

The Hon. C. R. CUDMORE—We should appreciate that we are dealing with a deadly disease and I think all members have had experience of the lengths to which people who know they have tuberculosis will go to avoid treatment. Perhaps seven days' notice, particularly to persons living in the country, might be too short and if Mr. Condon will amend his amendment to 14 days' notice I will support him.

The Hon. F. J. CONDON—I appreciated the Minister's explanation of the Bill yesterday, but members should realize that there is strong opposition to the Bill from certain quarters.

The Hon. K. E. J. Bardolph—Yesterday the Minister said that certain members were making mis-statements.

The Hon. A. L. McEWIN—On a point of order, Mr. Chairman, the honourable member said that I accused members of making mis-statements. I object because I never made this statement and I challenge him to produce any word of that nature which in any way indicted members. I ask that the remarks be withdrawn.

The CHAIRMAN—The honourable member has accused the Minister of saying that members have made mis-statements. I did not hear the remarks, but if he made them I ask him to withdraw.

The Hon. K. E. J. Bardolph—When the Chief Secretary made his speech he said that mis-statements were made about the Bill.

The Hon. A. L. McEWIN—I repeat that I did not make the remarks complained of. If

the honourable member can produce them I will accept the position. I produced my own speech and it was not written by anybody else. I still ask that the remarks be withdrawn, as they are objectionable.

The Hon. K. E. J. BARDOLPH—Out of deference to you, Mr. Chairman, I withdraw the remarks. I sat in the Chamber yesterday when the Minister made his speech closing the debate. My hearing is not affected and I distinctly heard the statement made.

The Hon. A. L. McEWIN—I object, Mr. Chairman; the honourable member is insisting that I said something which I did not say.

The CHAIRMAN—The Minister denies making any remarks about mis-statements by members and I ask the honourable member to withdraw.

The Hon. K. E. J. BARDOLPH—Out of deference to you, Mr. Chairman, I withdraw, but I can produce a copy of *Hansard* later.

The Hon. F. J. CONDON—We have gone a long way to meet the wishes of the Government, but it seems that the more we do that the worse off we are and there must be a day of reckoning. I realize that the Committee is against me and that there are such things as Parties. It is better to accept 14 days than have my amendment for 21 days defeated. I accept Mr. Cudmore's suggestion and ask leave of the Committee to amend my amendment by deleting "twenty-one" and inserting "fourteen."

The Hon. E. ANTHONEY—The words "at least seven days' are used, which implies that seven days will be the minimum. It could be 14 days, or even 21, before the notice is sent out.

The Hon. A. L. McEWIN—The honourable member's statement is correct. I am prepared to be reasonable at all times and think that 14 days is a reasonable time. Mr. Cudmore has suggested a mid-way term and as Mr. Condon has accepted the suggestion I agree to it.

Amendment, by leave, amended and amendment carried.

The Hon. F. J. CONDON—Subsection 5 of new section 146c provides that the penalty for a first offence for non-compliance with the notice shall not exceed £25. I move—

To delete "twenty-five" and insert "five." If a person is fined for non-compliance with the notice application can be made to a special magistrate for the issue of a warrant against him. If one is issued he is brought before the court and detained for examination. The penalty is too severe. A penalty of £5 is provided in subsection 1 of section 30a of the Food and Drugs Act, 1908-1935, which states:—

> No person who is suffering from any infectious or loathsome disease, or who for any other reason is likely to contaminate any article of food or drug shall—
>
> (*a*) handle any article of food or drug which is being sold or which is being offered, exposed, kept, stored, carried, delivered, or produced for sale; or
>
> (*b*) be employed in connection with the sale or the offering, exposing, keeping, storing, carrying, delivery, or producing for sale of any food or drug.

The Hon. F. J. CONDON—A man may have a disease and the penalty provided is £5. To my mind that is just as serious if not more serious than the offence under discussion. I consider we are getting too harsh with certain penalties and not harsh enough with others. Even the fine of £5 would be a deterrent.

The Hon. A. L. McEWIN—When I saw the amendment I took the trouble to examine legislation introduced in the other States and found that the penalties proposed were in keeping with those of the other States. If it is considered fair in the other States, surely there can be no suggestion that it will be a hardship in South Australia. We are putting into operation something which cannot in any way be considered a cheap proposition, as expensive equipment and highly trained officers are to be engaged. Therefore, it should not be possible for anyone to prevent the success of the scheme, or hold up the desires of the community, and in doing so get off lightly. I consider £5 a ridiculously low fine.

The Committee divided on the Hon. F. J. Condon's amendment:—

> Ayes (3).—The Hons. K. E. J. Bardolph, F. J. Condon (teller), and A. A. Hoare.
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> Noes (15).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, C. R. Cudmore, L. H. Densley, E. H. Edmonds, N. L. Jude, A. L. McEwin (teller), A. J. Melrose, F. T. Perry, W. W. Robinson, C. D. Rowe, R. J. Rudall, Sir Wallace Sandford, and R. R. Wilson.
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> Majority of 12 for the Noes.

Amendment thus negatived.

The Hon. K. E. J. BARDOLPH—On a point of order, Mr. Chairman. Earlier the Minister took exception to a remark I made, and I was asked to withdraw, which I did in deference to you, Mr. Chairman, but indicated that I

would peruse *Hansard* proofs. I have done that and find the following appearing in the Minister's speech:—

Because of loose and misleading statements which have been made since this Bill was introduced, many of these people may be fearful that their liberty is in danger. This is quite untrue.

I claim, Mr. Chairman, that the Minister was not in order in asking for a withdrawal of my observation, seeing that statement appears in the *Hansard* report. Was the Minister referring to statements made by other honourable members and myself in opposition to certain clauses of the Bill?

The CHAIRMAN—I am afraid that that is not a point of order, but a question of settling an argument.

The Hon. K. E. J. BARDOLPH—Does the Minister by his remarks yesterday reflect on members of this Council?

The Hon. A. L. McEWIN—The reply is in the words the honourable member read. I presume he does not need my assistance in interpreting actual words. There was no reference to members of this Chamber.

The Hon. F. T. PERRY—In view of the public doubt regarding the authority being placed in the hands of the Minister under this Bill, I think it would be better if the authority of a group of people was obtained rather than that of the Minister himself. I therefore move:—

To delete "Minister" in the first line of new section 146e and to insert "Governor".

I think the judgment of more than one is desirable when it is proposed that a large group of persons is to be medically examined.

The Hon. A. L. McEWIN—If we were proposing to X-ray a certain group it is unlikely that the Director-General would set about on a special mission without the knowledge of his Minister. If it were something likely to involve a difference of opinion the Minister is unlikely to sanction it without the cognizance of his Cabinet colleagues. In practice it would mean that if the Director-General set out on a course which was likely to embarrass Cabinet we would soon be in a predicament as regards administration. In effect, the amendments proposed by Mr. Perry are only such as to bring into operation a lot of heavy machinery to do the job of a small implement. I appreciate his motive, which is to ensure that an individual, in the person of the Director-General, shall not do something which Cabinet would not approve. I assure him from long experience that this would not be likely to happen, and knowing the Council's objection to proclamations I think this Committee may just as well take the risk in the first place and agree to the procedure set out in the Bill.

Amendment negatived.

The Hon. F. J. CONDON—I move to delete new section 146e on the strength of the very fine speeches by some members during the second reading debate. I hope at least that they will give me the opportunity of knowing whether they are running true to form.

The Hon. E. ANTHONEY—I assume that the honourable member refers to me as one of the members concerned. At the outset I did take grave exception to the compulsory provisions and I understood the honourable member did not oppose compulsory X-ray examination, so I cannot understand his attitude now; in one breath he is in favour of it and in the next moves an amendment which would delete the clause providing for it.

The Hon. F. J. Condon—I would agree to the other compulsory provisions, but not this one.

The Hon. E. ANTHONEY The Chief Secretary stated yesterday that there would be no compulsory treatment. I made no specific objection to compulsory X-ray examination. A complete health survey is a very good thing. I did object to the other compulsory provisions, but the Minister's explanation yesterday practically overcame my opposition.

The Hon. K. E. J. BARDOLPH—I oppose this section and would like an explanation from the Minister. This section refers to "any groups or classes of persons" and the Minister has not stated whether those people who may be suspected will be examined in a mass survey. I think he referred yesterday to teachers. He has not informed us whether, prior to their employment in the Education Department, they will be under constant health surveillance. I agree with the Leader of the Opposition that this section is too far reaching. Members of the Opposition are not opposed to the Bill generally and simply want to make it more workable and to afford certain protection for the community and those responsible for administering the Act.

The Hon. C. R. CUDMORE—The honourable member has given us evidence this afternoon that he has fortified himself with a copy of yesterday's proceedings, and I suggest that he now have a good look at the Minister's speech, because all of the answers to the questions he is now raising were given yesterday.

The Hon. F. J. CONDON—When I said I supported compulsory examination I was referring to the individual. This section is quite different as it refers to groups or classes.

The Committee divided on the Hon. F. J. Condon's amendment to delete new section 146e:—

Ayes (3).—The Hons. K. E. J. Bardolph, F. J. Condon (teller), and A. A. Hoare.

Noes (15).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, C. R. Cudmore, L. H. Densley, E. H. Edmonds, N. L. Jude, A. L. McEwin (teller), A. J. Melrose, F. T. Perry, W. W. Robinson, C. D. Rowe, R. J. Rudall, Sir Wallace Sandford, and R. R. Wilson.

Majority of 12 for the Noes.

Amendment thus negatived.

The Hon. F. T. PERRY—My next amendment was to delete "or" at the end of paragraph (*a*) of subsection 1 of section 146f, but the Minister's proposed amendment to delete paragraph (*a*) of subsection (1) of new section 146f covers my point and consequently I shall not move my amendment.

The Hon. A. L. McEWIN—I indicated that I would move to leave out all provisions as to compulsory treatment and accordingly I have had a number of amendments drafted to that effect. I therefore move the following amendments to new section 146f:—

Delete all words in paragraph (*a*) of subsection (1).

Delete the letter "(*b*)" in subsection (1).

Amendments carried.

The Hon. A. L. McEWIN—I move:—

After "living" in paragraph (*b*) of subsection (1) of proposed new section 146f to insert "or the habits of the patient."

I move the amendment, after consultation with the Parliamentary Draftsman, who drew attention to a limitation so far as the paragraph is concerned.

Amendment carried.

The Hon. A. L. McEWIN—I move:—

To delete "treated" in the second to last line of subsection (1) of new section 146f and insert "offered treatment."

This will provide for treatment of a patient on a voluntary basis.

The Hon. K. E. J. BARDOLPH—The words "for such period not exceeding six months as a special magistrate orders" will nullify the Minister's amendment. Has the Minister any explanation of that?

The Hon. A. L. McEWIN—If a patient is being detained on a magistrate's order in an institution for treatment it will not conflict with the words "voluntary patient." Probably 99 per cent of the patients in sanitoria will be there for voluntary treatment on the suggestion of their own doctor. That is distinct from a person who is detained in an institution under an order.

Amendment carried.

The Hon. A. L. McEWIN—I move:—

To delete paragraph (*a*) of subsection (2) of new section 146f. To delete "he will be living in such circumstances" in paragraph (*b*) of subsection (2) of new section 146f.

These are consequential amendments and I ask the Committee to accept them.

Amendments carried.

The Hon. F. J. CONDON moved:—

To delete "seven" in subsection (5) and insert "fourteen."

The Hon. C. R. CUDMORE—I suggested that 14 days' notice be given in another case, but this is an entirely different question. The first concerns the Director-General giving a person notice to attend for an examination, but this is a question of a magistrate ordering a notice to be served on a person. There is no necessity for the alteration suggested by Mr. Condon.

The Hon. K. E. J. BARDOLPH—The subsection provides that a person can appear before a magistrate personally or be represented by counsel or agent. It is also provided that a magistrate shall hear arguments submitted by or on behalf of the Director-General and shall not be bound by the rules of evidence. Apparently the Director-General can delegate his powers to an obscure civil servant or to a minor official in the Crown Law Department. Can the Minister say if ordinary court procedure is to remain inviolate?

The Hon. A. L. McEWIN—I reiterate that no provision is made in the Bill for the delegation of any power or authority. Any person who appears before a magistrate has the right to call witnesses and produce evidence.

Amendment negatived.

The Hon. F. J. CONDON—Paragraph (*b*) of subsection (1) of new section 146k provides that a notice shall be served upon a person personally or it shall be left at his last or most usual place of abode or business with a person who apparently is not less than 16 years. It should be given only to the person concerned. I therefore move—

To strike out all the words after "personally" in subsection (1).

The Hon. E. ANTHONEY—The notice is to be sent to a sick man asking him to report for an examination, and if he is not present to receive it it may be left with an irresponsible youth of 16 who may put the notice aside, making the person concerned liable to a fine of £25. The person who is expected to appear in court should be assured of receiving the notice.

The Hon. A. L. McEWIN—As I am concerned that the Bill shall be effective, it would be unwise to accept the amendment. It would considerably weaken the effectiveness of the legislation because it would be possible for people to avoid being served with a notice. I therefore ask the Committee not to accept the amendment.

The Committee divided on the Hon. F. J. Condon's amendment—

Ayes (4).—The Hons. E. Anthoney, K. E. J. Bardolph, F. J. Condon (teller), and A. A. Hoare.

Noes (14).—The Hons. J. L. S. Bice, J. L. Cowan, C. R. Cudmore, L. H. Densley, E. H. Edmonds, N. L. Jude, A. L. McEwin (teller), A. J. Melrose, F. T. Perry, W. W. Robinson, C. D. Rowe, R. J. Rudall, Sir Wallace Sandford, and R. R. Wilson.

Majority of 10 for the Noes.

Amendment thus negatived.

The Hon. A. L. McEWIN—I move—

To add the following new section:—146 L(*a*)—Every application to a special magistrate under this Part shall be heard and determined in chambers.

That will ensure that an inquiry is held in private.

The Hon. C. R CUDMORE—This amendment will be in line with the provision already agreed to in new section 146j, which lays it down that an appeal to a Supreme Court judge shall be heard in chambers.

New section inserted.

Clause as amended passed. Remaining clause and title passed. Bill reported with amendments and Committee's report adopted.

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

Adjourned debate on second reading.

(Continued from October 16. Page 913.)

The Hon. E. ANTHONEY (Central No. 2)—The history of legislation dealing with workmen's compensation is most interesting and dates back to 1880, when the first English Bill was introduced. One can easily see how this legislation first came about. It arose, of course, when mass production came into being in England. Factories sprang up throughout the country and men were gathered together in large numbers, where previously they had worked under the manorial system and produced for a smaller number of people. Machinery was introduced into these factories and the danger resulting made the occupation of the worker much more risky. All kinds of precautions were taken by the employers to protect their workmen, but until 1880 there was no compensation for the workmen injured in the factory. In that year the first legislation was introduced, and four years later the very verbiage of that English Act was embodied in South Australian legislation, so that we were not long in following the English practice in protecting workmen against injury. Ever since then there has been a gradual increase of benefits. I take it the actuaries must base their computations upon the value of a man to the community; they capitalize his worth and estimate the amount of compensation to be given. In 1932 compensation was based on the average weekly wage of the worker, with a maximum of £5 a week. No allowance was provided for the wife, but I think the child was paid an allowance of 7s. 6d. a week. Later the benefits were again increased and, I think in 1945, the Act provided for a benefit of two-fifths of the weekly wage, plus an allowance of £1 a week for the wife and 7s. 6d. for each child. Now the Government has introduced a measure which outdistances all others. Why it should introduce a Bill which, in the words of the Premier himself, is intended to be the most liberal in the whole of Australia I cannot understand.

The Hon. F. J. Condon—That statement is not correct.

The Hon. E. ANTHONEY—I am simply quoting the Premier. Is he wrong?

Hon. F. J. Condon—Firstly, the limit here is £1,740, whereas in New South Wales it is £2,000.

The Hon. E. ANTHONEY—I think the Premier said that it was not his intention to increase all the rates.

The Hon. F. J. Condon—Secondly, there is no provision for travelling time here.

The Hon. E. ANTHONEY—The honourable member perhaps feels that some reason lies behind the Premier's stating that this was to be the most liberal Act in the Commonwealth.

The Hon. F. J. Condon—I appreciate the Bill, but it is not correct to say that it is the most liberal in Australia.

The Hon. E. ANTHONEY—Without disparaging South Australia in any way we must realize that it is a poor State; it is not blessed with rivers of any magnitude, such as are New South Wales and Queensland.

The Hon. F. J. Condon—We set an example to other States in many other things.

The Hon. E. ANTHONEY—We have no black coal; we are not wealthy in those directions, but we have done very wonderful things in the circumstances. But can South Australian industry, which has to contend with very difficult circumstances, afford to be the most liberal?

The Hon. K. E. J. Bardolph—But this State is the most highly industrialized in the Commonwealth.

The Hon. E. ANTHONEY—I would be very surprised to learn that our industrial production was higher than that of any other State. However, the point I am trying to get at is whether we can, as a small State with inferior facilities, pay more than the others in compensation, and I wonder why the Premier made such a statement. Possibly he had some motive; perhaps, by offering these attractions, he felt he would be able to attract workers to South Australia, but there will come a time when industry will not be able to carry these heavy burdens.

The Hon. K. E. J. Bardolph—Have we not heard that cry ever since industry was started?

The Hon. E. ANTHONEY—Yes, but never with greater reason. On all sides we hear talk about the inflationary spiral, and everything we do which increases the cost of production increases the spiral, whether it be increased compensation to the worker, or anything else.

The Hon. F. J. Condon—Has the honourable member looked at some of the balance-sheets of companies?

The Hon. E. ANTHONEY—I have, and I think some of the profits are very illusory. Those who have any interest in companies know that a great deal of the money which industry makes goes to the worker; I should say 60 per cent or 70 per cent of it, and after the taxation authorities have taken their share—a very big one—the shareholder has very little coming to him.

The Hon. F. J. Condon—Are the opponents of this Bill pleading inability to pay?

The Hon. E. ANTHONEY—I do not know that they are, but I am sure that they do not yet realize the repercussions of this measure. Although costs can be passed on to a point, when the public refuses to buy the wheels of industry begin to stop and then the effects are felt by the worker. Eventually there will come a time when industry will no longer be able to carry these tremendous burdens and we will begin to feel the effect of the heavy charges imposed on it.

The Hon. K. E. J. Bardolph—You would support a real wage instead of an artificial wage?

The Hon. E. ANTHONEY—I have always believed in realities, and that is why I am trying to bring home to members the fact that we are living in an artificial period when values have gone all to pieces and no-one knows the worth of money.

The Hon. F. J. Condon—Doesn't the honourable member think that the worker should be protected?

The Hon. E. ANTHONEY—He should be properly and fully compensated, but under this legislation it will be quite possible for him to get in compensation more than he was actually getting in wages. Under compensation today it is quite possible for a man to work with a firm for five days a week and then put in a good deal of time in some other industry. Should an accident befall him in the latter, industry would pay compensation on his total earnings. The principle of compensation never meant that a workman should receive as much as he would when in full employment. The legislation means a breaking down of the true principle of compensation, which is the only objection I have. Industry might be dealt such a blow by the many charges being made upon it today that it will crash. I support the Bill in the hope that amendments will be made to make it not only workable but just.

The Hon. C. R. CUDMORE secured the adjournment of the debate.

BUILDING MATERIALS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 16. Page 916.)

The Hon. C. R. CUDMORE (Central No. 2)—I support the Bill, realizing that we have not yet reached the stage when we can free all building materials. This is the first occasion this session that I have spoken on a second reading debate and I thank the Chief Secretary for the kind remarks he made yesterday upon my return to the Chamber, as well as other members for the manner in which

they received them. It is good for us to have a look at what the rest of the world is doing and if one is no wiser he is certainly better informed after seeing what others are doing. Another Bill, which will be received here later, will provide further opportunities of referring to certain aspects which impressed me and affect the control of our public affairs. In regard to building materials, all I know is that we are not alone in our troubles. I had opportunities of observing the position both in France and England. People in England are in exactly the same position as we are and must get permits for making additions even to a fowlhouse. It is inevitable that we should have to re-enact the Building Materials Act for a further term. I think our legislation has been administered most efficiently and fairly; in fact, the administration has worked smoothly and anybody who submits a reasonable case in a proper manner receives every consideration. There have been suggestions outside this House that there is too much dictatorial control about this legislation, but my experience is that it is working smoothly. Like other members I dislike all these controls, but if we are to have them they should be administered sympathetically and properly—and I feel that this legislation has been.

I was interested in Mr. Rowe's discussion on the size of houses in the country and I hope that when the Bill is in Committee we will hear a lot more on this subject. There appears to be much in his argument. We must face up to the fact that in all matters affecting building materials we are really up against nationalization in the form of the Housing Trust. I have no more to add to what I said when the Housing Trust legislation was first before us. We should appreciate that the more preference the trust receives over private enterprise the more difficult it will be for private individuals to build houses. It is becoming more and more the job of the trust to house everybody and each year it is getting more difficult for private individuals to erect small houses. Although members say they support private enterprise, we must look carefully into the position we are creating by granting powers and privileges to the trust. The legislation before us is to be commended and I support the second reading.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the second reading, but join issue with Mr. Cudmore in his statement that it is necessary for a continuance or extension of control of building materials. The shortage of building materials does not apply only to South Australia, or even Australia, as there is a shortage of materials for house building throughout the world. Mr. Cudmore said he was opposed to nationalization by the Government of the Housing Trust which, in effect, is nationalization of building materials. "Nationalization" is a word that has been thrown about very loosely. It must be remembered that the Housing Trust provides work for a number of small cottage builders, as well as larger contractors who have come into the trust's group housing scheme. In effect, the actual work of the trust is being carried on by private enterprise.

The Hon. E. Anthoney—It is the only way they can get a job these days.

The Hon. K. E. J. BARDOLPH—Permits are being granted for the construction of large essential buildings, such as hospitals, but the fact remains that the housing of our people is the most urgent problem. I think that the minimum contract for building group houses ranges from 10 to 50. The Act has been amended because of the department's experience during the period it has been found necessary to control building materials. There is always a shrewd and slick section of the community which endeavours to get behind legislation, and that is why we find that certain provisions not enacted in earlier legislation are included in the Bill. One refers to stop notices. I know of certain people in my district who, through ignorance, have exceeded the permitted building area by only six inches and as a consequence have been issued with stop notices. In one case the roof timbers of a building were allowed to deteriorate for 15 months because no provision had been made in the legislation for the lifting of a stop notice other than by the Building Materials Office. The Bill provides that within six months of the issue of a stop notice a person can apply to the court which can, if it sees fit, re-issue a permit to complete the building. That is a wise provision. Many of the homes have been built with money borrowed from lodges and financial institutions. If some person reports another, who is building a house, for exceeding the prescribed area the Building Materials Office must act after investigation and issue a stop notice. The issue of such a notice means that the economic value of the building, apart from its stability, is also weakened, and the party has no claim against anyone.

Many people who have built homes—and they usually only build one in a lifetime—rush in

and pay deposits to unknown builders, instead of seeking out reputable ones, and in many cases lose their money. A good feature of the Bill is that deposits must be paid into a joint trust account of the builder and the person concerned. My only other point concerns the setting up of a building advisory committee. I will probably be told by the Minister that it is not Government policy. South Australia has successfully embarked upon a housing scheme. The personnel of the Housing Trust is most efficient, as are also the officers controlling the Building Materials Office. The committee suggested should consist of builders, architects and representatives of building trades unions appointed through the Trades and Labor Council, and they could advise the trust regarding the issue of permits. I do not wish to detract from the activities of the present committee, which advises the Building Materials Office concerning the issuing of permits, but its members are not in the best position to know the difficulties regarding supplies, labour and costs, whereas a committee composed of the representatives I mentioned would be aware of those things. I support the second reading and look forward to the time when it will be unnecessary for Parliament to consider such Bills and we shall get back to normal conditions with no restrictions.

The Hon. E. ANTHONEY secured the adjournment of the debate.

ADJOURNMENT.

At 4.33 p.m. the Council adjourned until Thursday, October 18, at 2 p.m.