

**LEGISLATIVE COUNCIL.**

Tuesday, September 23, 1952.

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

**QUESTIONS.****MARGARINE ACT.**

The Hon. F. J. CONDON—Is it the Government's intention to introduce an amendment to the Margarine Act to bring it into conformity with legislation passed in other States recently?

The Hon. A. L. McEWIN—The matter is under consideration, but no decision has yet been reached.

**UNDESIRABLE BOOKS FOR CHILDREN.**

The Hon. K. E. J. BARDOLPH—On July 29 I asked the Attorney-General whether it was the Government's intention to prohibit undesirable children's publications from being sold in South Australia, to which he replied that the New South Wales Premier was convening a meeting of all Premiers to prepare legislation and take action in that regard. Has any reply been received from the New South Wales Premier as to when the meeting will be called?

The Hon. R. J. RUDALL—As far as I am aware no such reply has been received, but I will make inquiries and let the honourable member know.

**PRICES ACT OFFENCES.**

The Hon. F. J. CONDON (on notice)—

1. How many prosecutions have been laid under the Prices Act?
2. In how many cases were convictions recorded?
3. How many cases were dismissed?

The Hon. A. L. McEWIN—The replies are:—

1. 121 finalized, 36 pending.
2. 119.
3. Two.

**PORT AUGUSTA SUB-BRANCH R.S.S. AND A.I.L.A. (PURCHASE OF LAND) BILL.**

Read a third time and passed.

**HEALTH ACT AMENDMENT BILL.**

Read a third time and passed.

**FRUIT FLY ACT AMENDMENT BILL.**

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

**FRIENDLY SOCIETIES ACT AMENDMENT BILL.**

Second reading.

The Hon. A. L. McEWIN (Minister of Health)—I move—

That this Bill be now read a second time. The purpose of the Bill is to make a number of amendments to the Friendly Societies Act which have been suggested by the United Friendly Societies Council or by the Public Actuary. The Bill has been examined by the executive of the council and meets with its approval. The Friendly Societies Act applies to a number of friendly societies, the names of which are set out in the second schedule in the Act. Section 5 enables the Governor by proclamation to add to this list the names of further societies. The section, however, does not contain provision for striking out from the list the names of societies which are dissolved or terminated. In point of fact, a few of the societies now included in the list have gone out of existence. Clause 2 provides that where a society is dissolved or terminated the Governor may, by proclamation, strike out the name of the society from the list in the second schedule. It also provides that, where a society changes its name, the Governor may strike out the old name from the list of societies and add the new name. Provisions to enable a society to change its name are contained in clauses 8 and 9.

Clause 3 authorizes a society to raise a fund or to add to an existing fund for the purpose of providing physiotherapeutic treatment to members and their dependants. The Act now provides that a society may provide such as medical benefits and treatment including therapeutic treatment and it is in accord with the general scheme of the Act to extend it to include physiotherapy benefits. Clause 4 is for the purpose of enabling friendly societies to participate in any Commonwealth scheme for hospital or similar benefits. In the first place, it is provided that a society may be registered under any Commonwealth law dealing with these matters. For example, the Commonwealth Government Hospital Benefits (Private Hospitals) Regulations require organizations which desire to participate in the Commonwealth scheme to be registered in accordance with the regulations. Consequently, the clause provides that a society may be so registered or take such other measures as are necessary to be authorized to act under any Commonwealth law of the kind in question. In the second place, it authorizes a society to

make payments on behalf of members and their dependents for such as hospital expenses in order to secure to them the benefits of a Commonwealth scheme and, in the third place, the society is authorized to receive by way of recoup any amounts payable by the Commonwealth. Thus, the clause enables a society to participate in a Commonwealth scheme and to make payments, on behalf of members, to meet such as hospital expenses and to obtain a recoup from the Commonwealth.

Clause 5 provides that a society may admit persons to membership upon condition that they shall have the right to contribute only to any specified fund or funds of the society. The societies, in order to attract persons to their organizations, are desirous of having this provision to admit persons to what may be termed limited membership. However, the clause also provides that if any person is admitted to this limited membership, he is to have the same rights as other members to vote at meetings of the society on any question relating to the fund or funds to which he contributes.

Clause 6 provides that the committee of management of a society may from time to time vary the entrance fees and subscriptions payable to the society and the benefits provided by the society. It is now competent for a society by its rules to give this power to the committee of management, and if this is done, any variation promulgated by the committee of management need not necessarily be submitted to the members. It is therefore provided by the clause that, where the committee of management alters the fees, subscriptions or benefits, that alteration must be submitted to the next annual general meeting of the society. If it is not so submitted or if a resolution approving it is not passed at the meeting, the alteration will cease to have effect as from the time the general meeting is concluded.

Section 11 of the Act provides that cheques of a friendly society are to be signed by two trustees and countersigned by the secretary or the treasurer. In instances the same person is both the secretary and the treasurer and, whether or not this is the case, it sometimes occurs that the volume of a society's business is such as to impose an undue burden on the countersigning officer. Clause 7 therefore provides that the committee of management may authorize one other person to countersign cheques.

At present, the Act makes no provision for the change of name of a friendly society and

the only way in which this can be done is by the society being dissolved and re-registered under another name. Clause 8 provides that a society may, by resolution, change its name, but the resolution must be agreed to by the committee of management and by not less than three-fourths of the votes recorded by members or of representatives of branches at a general meeting.

Clause 9 is ancillary to clause 8 and provides that a resolution for the change of name is not to be effective until it is registered by the Public Actuary. The clause also provides that a resolution proposing a new name for a society is not to be registered if it is similar to the name of an existing society included in the second schedule or if it is so similar thereto as to be likely to be mistaken for it. As has been mentioned, where the name of a society has been changed, clause 2 will enable the necessary changes to be made in the list of societies contained in the second schedule. I commend the Bill to the favourable consideration of members.

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

#### STAMP DUTIES ACT AMENDMENT BILL.

In Committee.

(Continued from September 17. Page 558.)

Clause 3—"Commission on duty paid on cheque forms."

The Hon. C. R. CUDMORE—I move—

After "Act" in new subsection (3) to insert "after the passing of the Stamp Duties Act Amendment Act, 1952."

In 1950 a suggestion was made to the Government by the banks that they should be allowed to print their own 1½d. duty stamps upon cheques instead of having to take their cheque books to the Stamp Duties Office and thereby occupy much of the time of everyone concerned in getting them stamped. Section 7 authorized certain people as distributors of stamps and they were allowed a commission as fixed by regulation. When the matter was being discussed it was apparently overlooked by those representing the banks that the Act of 1950 did not provide for their still getting commission. This Bill rectifies that, and I think it only right to correct a mistake, but it must have been a mistake on the part of the banks. The Minister has been good enough to inform me that the amount involved is roughly £750.

The Hon. F. J. Condon—Is this retrospective legislation?

The Hon. C. R. CUDMORE—Yes, and that is why I am objecting to it so as not to give my honourable friend an opportunity to twit me with being inconsistent. My amendment will delete the retrospective aspect, but will enable the omission to be rectified as from the passing of this measure. The sum involved is small and will not do the banks much harm, but the amendment will maintain our opinion, so often expressed, that when things have been done by way of legislation we should not alter them by retrospective legislation. The amendment makes it clear that the banks will receive commission after the passing of the Bill.

The Hon. R. J. RUDALL (Attorney-General)—The amount involved is £720 and not £750 as suggested. The whole matter seems to be extraordinary, but the position is quite clear. There were negotiations between the banks and Treasury officials . . . . .

The Hon. F. T. PERRY—Who initiated them?

The Hon. R. J. RUDALL—The banks, I think. As a result a suggestion was agreed to by the Government and introduced to Parliament and approved. No-one—neither the banks, officers of the Treasury, nor Parliament—realized that under the new procedure the banks would not be entitled to commission as they would not be distributors under section 7.

The Hon. E. ANTHONY—One would have thought that the banks would be awake to it.

The Hon. R. J. RUDALL—The banks were not awake to it nor the Treasury officials nor Parliament.

The Hon. F. J. CONDON—What about the legal advisers?

The Hon. R. J. RUDALL—They were not awake to it, neither was the Leader of the Opposition. If the mistake had been noticed there is no doubt that Parliament would have rectified it.

The Hon. A. L. McEwin—No-one suggested that the commission would be altered.

The Hon. R. J. RUDALL—No. I also have objections to retrospective legislation but there are exceptions to every rule, and surely where an obvious mistake has been made it should be rectified and the banks should receive what they would have been entitled to. If we make a principle apply to a case like this we are going too far, and I hope the Committee will not accept the amendment.

The Hon. F. T. PERRY—Mr. Cudmore has raised a point of principle and I think we should take cognizance of it. The stability of

legislation means something and as two years have elapsed since the mistake was made I think the principle should not be waived. The smallness of the amount involved means nothing, and although I am not entirely against retrospective payments I suggest they should only be made in cases of hardship. The banks initiated the new procedure and I am surprised that they should request repayment when it was their error.

The Hon. A. L. McEwin—Isn't it a debt of honour?

The Hon. F. T. PERRY—No, it is a mistake which no-one has sought to rectify before. The banks should not ask for retrospective payment and I support the amendment.

The Hon. Sir WALLACE SANDFORD—On this occasion I cannot agree with either Mr. Cudmore or Mr. Perry. It is not a question of hardship. Neither the Government nor Parliament was acquainted with the mistake which it is now sought to rectify. There is a suggestion that some form of punishment should be imposed and that, I am sure, will not meet with approval. Consequently I am unable to support the amendment.

The Hon. E. ANTHONY—I do not see that any punishment is being inflicted. The banks are suffering from a mistake they made. Do not we all have to suffer from mistakes we make? Surely the banks should be able to carry the small amount involved because of their own error.

The Hon. R. J. Rudall—It was a mutual mistake.

The Hon. E. ANTHONY—It should not be incumbent upon Parliament to find the mistake. The banks initiated the new procedure and they should have been aware of what was involved. A principle is involved and if we do not stand for principle what do we stand for? The trouble with the world is that people do not stand for principles.

The Hon. A. L. McEwin—Did the honourable member notice the mistake when the legislation was before the House?

The Hon. E. ANTHONY—I was not aware that the banks received commission. I know that customers pay duty because it is impressed on every cheque they write. I do not think it is a fair thing for the banks to come, two years later, and ask to be repaid for a mistake they made. I support the amendment.

The Hon. F. J. CONDON—Every measure should be considered on its merits. I have heard members agree to retrospective payments

on various occasions and it appears, in this case, that an honest mistake has been made. If three legal men in this Chamber cannot pick out mistakes how can the Leader of the Opposition do so? When an honest mistake has been made surely we should be reasonable and rectify it. In every-day life, in conferences which do not require legal advice, mistakes occur and are rectified irrespective of retrospectivity.

The Committee divided—

Noes (12).—The Hons. K. E. J. Bardolph, C. S. Bevan, J. L. S. Bice, F. J. Condon, J. L. Cowan, L. H. Densley, A. A. Hoare, N. L. Jude, A. L. McEwin, R. J. Rudall (teller), Sir Wallace Sandford and R. R. Wilson.

Ayes (5).—The Hons. E. Anthony, C. R. Cudmore (teller), E. H. Edmonds, A. J. Melrose and F. T. Perry.

Majority of 7 for the Noes.

Amendment thus negatived.

Clause passed.

Remaining clause (4) and title passed. Bill reported without amendment and Committee's report adopted.

#### PRICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 17. Page 557).

The Hon. C. R. CUDMORE (Central No. 2).—This appears, on the face of it, to be a simple Bill to extend price control for another year, but to me there is a lot more in it than that. It is time that price control ceased. The experiments which our Government have led, and on which I congratulate them, in freeing things like textiles from control, in which we were followed by all States one after the other, have shown that they can be applied with advantage to the community as a whole. It is with great regret that I have been persuaded there is any necessity to continue price control. Members have received circulars from master plumbers and others showing the difficulties they are faced with by having their affairs and the amounts they can charge for work controlled, at the same time having to meet quarterly wage adjustments for their employees. The controlled price they are allowed to charge for their services never catches up. I speak rather feelingly on this matter as members know that legal charges have been fixed for a long time and can always be taxed. Members of the legal profession have no hope

of catching up with the increases in wages every quarter to pay their typists and staff.

The Hon. A. L. McEwin—They are not fixed under this legislation.

The Hon. C. R. CUDMORE—I am using that as an example. Master plumbers' charges are fixed under the legislation. They do not get a fair deal in the way of catching up with the increase in wages they automatically have to pay. We should abolish price control, because of the burden it places on industry and the number of people who have to be employed in checking up things. Every big industry needs a department, almost, to keep in touch with the Prices Commissioner and his department. The employment of all these people means an overhead charge on industry generally, making everything more expensive to consumers. That must be perfectly obvious to everybody.

Things have been happening lately which have made me wonder whether it is possible to remove price control. Members probably saw Saturday's *Advertiser* containing a full page advertisement, in fact, the advertisement has been in every paper. We have seen the Shell Company's motors being driven about the streets advertising the use of more Shell lubricants. If members buy petrol, as I have to do, they will notice at their garages that employees are now supplied with uniforms and the buildings painted and made more glorious. All over the Commonwealth petrol companies have been spending enormous sums in purchasing petrol stations and at the same time are asking for an increase in the price of petrol. That, to me, is something in the nature of an unexplained scandal.

The Hon. S. C. Bevan—What price would we be paying for petrol now if it were not controlled?

The Hon. C. R. CUDMORE—That is just the point I am raising. I have seen these things, not only in the metropolitan area, but in the country, and if it is going on all over Australia to the same extent as it is here it must cost millions of pounds.

The Hon. A. L. McEwin—And probably more money is being spent by advertisements over the radio.

The Hon. C. R. CUDMORE—Yes, and at the same time the companies are asking people to pay more for petrol. There is something wrong about it. I am not trying to find excuses, but it has shaken me to see these things going on.

The Hon. E. H. Edmonds—Do you suggest that control is not effective?

The Hon. C. R. CUDMORE—No. The control of petrol prices is necessary so that consumers will not have to pay for this advertising. I cannot understand how it has gone as far as it has. The Bill, in itself, is something quite new in our prices legislation. If it was only a matter of clauses 1, 2, and 4 it would be an ordinary renewal of price control, but it is not. The provision in clause 3, which deals with the price of butter and cheese, is something new, and was hardly noticed in the House of Assembly. That was extraordinary and I sought the adjournment of the debate in the hope that I would be able to find out something about it. When I made inquiries about the butter scheme that the State Ministers and the Federal Minister for Commerce and Agriculture are bringing in, and which we are asked to support, I realized it was a five-year scheme. Does the provision mean that we will need a Prices Bill for another five years? If so, I would vote against the whole measure. I suggest to the Government that if it wants a butter and cheese prices scheme it should be provided for in a separate Bill. I am assured that the effect of the measure will not make it necessary for price control legislation to be introduced in five years' time. From my inquiries I found that the original suggestion was for 10 years. This prices scheme will cost the taxpayers enormous sums, in fact, millions of pounds in subsidies to keep up the price of butter—and I am sick and tired of it.

The Hon. A. L. McEwin—The subsidy has not been increased.

The Hon. C. R. CUDMORE—It may even have been decreased, but it is to be continued under this scheme.

The Hon. E. ANTHONY—Will it be necessary to re-enact this legislation again next year in order to keep that portion alive?

The Hon. C. R. CUDMORE—I understand not. This is not by any means an easy clause to understand. It took me some time to grasp it because the whole substance is in the words "based on" in line 19. I will not mind if any member with a greater knowledge of the subject puts me right on this because I am only an amateur trying to find out what it is all about, but as I see it this gives an undertaking by the State Government that any retail price fixed for butter or cheese will be based on the wholesale price fixed under the Commonwealth scheme; in other words, that our State prices officials will add the costs of collection, distribution and so forth on to the maximum wholesale price fixed by the Commonwealth. What

troubles me is what will happen next year if we do not renew price control. Would the Government then tell us that because this arrangement has been made with the Commonwealth Government for five years we must have price control in order to carry out the Commonwealth's scheme? On that point I ask for some assurance from the Government, or the production of some correspondence or evidence of some sort that the Government will not put us in that position.

The Hon. F. J. Condon—This Government may not be here next year.

The Hon. C. R. CUDMORE—I am sure that whatever Government is here it will honour any agreements or arrangements made with the Commonwealth Government.

The Hon. S. C. Bevan—It may be necessary to retain price control next year.

The Hon. C. R. CUDMORE—It may be, but I shall not vote for price control this year if it implies that it will be necessary next year, and that is why I ask the Government for some better explanation as to the effect of this clause. We have had potato control, honey control, apple and pear control and so forth, but we have not put it in a Prices Bill in so many words.

The Hon. A. L. McEwin—Parliament would still be here and would have the same voice next year.

The Hon. C. R. CUDMORE—Undoubtedly, but will it be put to Parliament that it is necessary to do this in order to carry on the Commonwealth scheme?

The Hon. F. J. Condon—Or to honour an agreement?

The Hon. C. R. CUDMORE—Exactly, and I want some assurance on that before I can support this clause.

The Hon. E. ANTHONY (Central No. 2)—The point raised by Mr. Cudmore has intrigued most members. This legislation introduces a new principle—or lack of principle—concerning which I have spoken many times, namely, that Ministers or Premiers go to conferences and pledge their Governments before Parliaments have an opportunity to discuss the matter. We often find that South Australia is pledged more or less through the mouth of its Premier or Minister of Agriculture—

The Hon. A. L. McEwin—As for instance?

The Hon. E. ANTHONY—This very thing is a case in point. Parliament is faced from time to time with a *fait accompli*, but such procedure is putting the cart before the horse.

I know that Parliament can reject it but it seldom takes that course as it endeavours to be loyal to its Ministers. However, it would be far better if Parliament had opportunities to discuss matters before responsible Ministers pledged their States.

The Hon. K. E. J. Bardolph—Would that be practicable?

The Hon. F. J. Condon—Don't you think the Commonwealth Government should control prices?

The Hon. E. ANTHONY—Apparently it wants to control the price of butter and cheese and that is why this apparently innocent provision is in this Bill, whereas I think the proper procedure is to introduce a separate measure to provide for that. I, too, would like the Minister's assurance that what we are doing today will not bind us for the full term of the butter stabilization scheme.

The Hon. A. L. McEwin—What is the term of the Bill?

The Hon. E. ANTHONY—Twelve months.

The Hon. A. L. McEwin—How then can it bind us for five years?

The Hon. E. ANTHONY—We will have to re-enact this legislation year after year until the scheme expires and that seems to be a clumsy way of legislating. As to price-fixing generally my own view, many times expressed, is that we should get a far better deal and business would be able to function much better without any of this cumbersome legislation. I know that we have experienced a time of shortages and in order that the person with the most money should not get most of the goods available price control was instituted, but I think that with the better supply in most lines nowadays our economy would quickly adjust itself if we removed controls completely. Consider the motor industry, for example. It is making huge profits, quite uncontrolled, which are borne by the purchaser. Motor service stations can charge their clients practically anything they choose. Why should we have control of one section of industry and not of others? If it is a good thing to control any prices then let us control them all, but a lot of big fish are getting through the net and it does not seem to be just. I would prefer to see the natural law of supply and demand allowed to function.

The Hon. R. J. Rudall—How can it function in times of shortage?

The Hon. E. ANTHONY—When there is a big demand for things we find that industry produces them.

The Hon. K. E. J. Bardolph—Is not one of our troubles due to the fact that people produced luxury goods because of the demand for them?

The Hon. E. ANTHONY—Exactly, but today those industries are being gradually eliminated. My belief is that the less we interfere with the natural law of supply and demand the better. Until I am convinced that we shall not have this legislation for another five years I will withhold my opinion.

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

#### BUILDING OPERATIONS BILL.

Adjourned debate on second reading.

(Continued from September 17. Page 555.)

The Hon. F. J. CONDON (Leader of the Opposition)—We have heard some interesting addresses this afternoon on another price control matter. In my opinion they are all linked and therefore my remarks on this Bill will be brief. Building materials control has not proved to be what we expected of it; although admittedly the situation is not so urgent as it was a few years ago it is still necessary to have some form of control. Certain priorities were not always put to the best advantage and this is leading to the abandonment of control. The rate of construction of houses has fallen off considerable, due to the somewhat difficult financial position. For a number of years speculators have been taking advantage of home-seekers by demanding high prices. Some people have been forced into buying on the black market and paying exorbitant prices.

In 1949 two amending Bills were introduced. Because the House of Assembly did not have time to debate the first Bill the Legislative Council extended its life for one month and discussion took place on the second Bill. I then suggested that the amending Bill did not go far enough and in 1951 I also said that it would be better to extend the legislation for another 12 months. It has been the policy of this Chamber to extend legislation for 12 month periods when it has been necessary, and that is practically what is being done today. Last year when a similar Bill was being discussed an attempt was made to give people outside a radius of 30 miles from the metropolitan area a priority over metropolitan dwellers, but that was defeated. It is no use having any control unless it is effective.

The Hon. E. Anthony—Then you won't have any control.

The Hon. F. J. CONDON—The time is coming when controls will cease but we have not yet reached that stage, because for a number of years people have been prepared to pay any price for a home. They have been paying £2,500 plus a £300 subsidy by the Federal Government for weatherboard houses and I do not know how they will meet the position. They are paying huge prices for paltry homes.

The Hon. J. L. S. Bice—I think the honourable member will agree that that price is common in Victoria.

The Hon. F. J. CONDON—I am not concerned about that, but it is a rope around a man's neck. They may be homes, but in time they will become slums.

The Hon. N. L. Jude—You are being critical of Housing Trust homes, aren't you?

The Hon. F. J. CONDON—I am criticizing the cost of homes. The Housing Trust may not be to blame.

The Hon. C. R. Cudmore—Do not the high wages force up prices?

The Hon. F. J. CONDON—They may, but my honourable friend knows that houses are being sub-let by contractors who are making hundreds of pounds. The Housing Trust has done a good job but there is a housing shortage and there are a number of applications from people who are not in a position to pay the high prices demanded.

The Hon. F. T. Perry—It is optional whether they buy or not.

The Hon. F. J. CONDON—That is so, but the position is that the Government cannot sell prefabricated houses which were imported from overseas and is trying to sell them to New Zealand.

The Hon. E. Anthony—They were not worth the money.

The Hon. F. J. CONDON—Exactly, and no man on wages can afford to pay over £2,500 for a weatherboard or prefabricated house. The Bill repeals the existing Act and eases the present restrictions. Every year we are easing provisions and those who are opposed to controls should be satisfied that something is being done to abolish them.

The Hon. E. Anthony—And to get back to freedom.

The Hon. F. J. CONDON—Those who fought for freedom are entitled to something.

The Hon. N. L. Jude—What about the unemployment in the building trade?

The Hon. F. J. CONDON—I am not discussing the building trade although I under-

stand there are a lot of complaints about unemployment in it. It may be that people who want to buy homes are not prepared to pay high prices. The present Act provides for control over the use of various essential materials including building bricks, roofing tiles, galvanized iron and flooring boards and it is an offence to use any of those materials except under permit or for certain purposes. The Director of Building Materials has done a good job. His is a difficult position and he has to decide the order of priority of building applications. It is only natural that he cannot satisfy everybody.

Clause 4 enables any person to build a house not exceeding 18 squares. Each year we have increased the number of squares allowable but we must realize that a pound does not go as far now as it did 10 years ago and a person's financial position may not enable him to build to 18 squares. I think the area provided is rather high. Clause 8 refers to the issue of notices to cease the unlawful construction of a building or structure; clause 9 the issue of permits and clause 10 the duration of a permit. For a number of years district councils and local boards of health have shown consideration to householders who are residing in homes which are unfit for occupation. In many instances houses should not be occupied because of the danger to the health of the inhabitants.

The Hon. E. Anthony—But where would the occupiers go?

The Hon. F. J. CONDON—That is the problem. I know a number of houses which for years have been declared unfit for human occupation but people have been permitted to live in them to the detriment of their health, because they are in the unfortunate position of being unable to secure better homes. Under the Bill people will not be allowed to demolish houses and use the sites for factory purposes. I know of instances where new buildings are being demolished in order to make way for certain Government instrumentalities. Even in Mr. Anthony's constituency proposals have been made to demolish a number of homes in order to provide something which it is claimed will be in the public interest. These matters require most careful investigation.

Under clause 5 authority has to be obtained to use cement for the construction of any footway, roadway, carriageway, pavement, kerb, or water table in any street or road or for building a fence. I am aware that certain restrictions are necessary. Clause 11 deals with the

revocation of permits and clause 12 provides that any moneys received by a builder from an owner shall be paid into a joint bank account in the names of the owner and builder. Although we are releasing certain controls it is necessary to retain others. The Bill will remain in operation until December 31, 1953. For the reasons I have explained I shall support the second reading.

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

#### HOSPITALS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 21. Page 501).

The Hon. C. R. CUDMORE (Central No. 2)—I have little to say on the Bill. My first point deals with comments made by Mr. Condon about the Health Act Amendment Bill and this Bill being introduced here first. He said that it rather destroyed our position as a House of review. The reason was that the Minister in control of these matters is in this Chamber and he should personally sponsor them before they are considered in the House of Assembly. I am only troubled by one small point in the Bill—whether subsidized hospitals should collect their own insurance money or whether it should be done by the department. Although we were told that the suggestion came from the department we were not informed whether country subsidized hospitals were of the same opinion or whether they had been consulted. I understand, however, that they have and doubtless members representing country constituencies will be able to assure me on the point. Mr. Rowe, in a most interesting speech, quoted comparative costs and referred to empty beds in certain hospitals and crowding in others. I trust that before the debate is finished the Minister will comment on Mr. Rowe's speech and advise members of the position. Some of us cannot understand why there should be so much crowding in certain hospitals and vacant beds in others.

The Hon. J. L. S. BICE (Southern)—I have listened with great interest to speeches on the Bill. Like Mr. Cudmore, I was concerned as to whether subsidized hospitals have been acquainted with the actual position. I contacted the secretary of one institution which might be affected and he brought the matter under the notice of the secretary of the Hospitals Association. During show week members

of the association council met, more than 60 delegates attending, representing 44 subsidized hospitals. They were fully acquainted with the Bill's provisions and entirely agreed with them. I have been assured of that both by the chairman of the hospital council and an official. Apparently we are experiencing a sort of war in the way of casualties caused through road accidents. During 1951 no fewer than 2,910 casualties received medical and surgical attention at the Royal Adelaide Hospital. There were also 32 cases treated at Mount Gambier, 45 at Port Pirie, six at Barmera, 16 at Port Augusta, 17 at Wallaroo and 19 at Port Lincoln, making a grand total of 3,045. The Police Commissioner's report showed that for the year 1950-51, 6,325 persons required medical treatment of some form. Of that number 197 were killed. The figures show how necessary it is to have a simplified form for collecting insurance from the companies. Country hospitals, I find, are glad to be associated with the legislation and I have pleasure in supporting the Bill.

The Hon. A. L. McEWIN (Minister of Health)—Mr. Cudmore asked for some explanation about Mr. Rowe's remarks and the figures he quoted. Mr. Rowe was using the total number of beds in hospitals and not the occupied beds, which is the customary figure to take when referring to hospital costs. Apparently he took the total bed capacity of Government country hospitals when he quoted £610 a bed. He also quoted £350 for 40 subsidized hospitals. What really counts is what it costs to maintain occupied beds. Had Mr. Rowe referred to the column containing those figures he would have got an entirely different picture. I was naturally intrigued when I saw that the cost was £350 for maintaining beds in subsidized hospitals. I certainly wish that that were true, but the position is far different. There are several reasons why the figures for subsidized hospitals vary, as much depends on local conditions and the amount of support given by the local public. Angaston shows the most advantageous figure, £508 per occupied bed, and that is the cost we take notice of when quoting hospital figures. On the other hand there are reasons why the average cost of maintaining beds in Government hospitals is higher, and this means that the figures are not comparable. For example, administration charges, interest on loan funds and contributions to superannuation and sinking funds amount to no less than 4s. 1d. a day on

occupied beds and this is a charge which does not appear in the figures of subsidized hospitals. The capital charges on the latter are met by voluntary contributions by the public subsidized to the extent of 50 per cent by the Government and therefore that cost once met disappears and only the maintenance and running costs remain. Furthermore, there are numerous contributions by way of voluntary help which do not appear in the figures. For example, local women's guilds contribute linen and effect repairs to linen, or there may be a local wood day, when the people vie with one another in making donations of wood. Therefore, unless you know the amounts represented by those contributions the figures cannot be compared.

The Hon. L. H. Densley—It is all to the credit of the country hospitals.

The Hon. A. L. McEWIN—I quite agree, but not to the discredit of hospitals which do not have the benefit of that system. My only point is that the comparisons are not relevant. I know that the costs of two country Government hospital, namely, Wallaroo and Port Augusta, are very high, and the reason is that the patronage of those hospitals is not sufficient for their size and nothing can be done about it. Wallaroo is probably the most up-to-date and best building we have, being built after a thorough investigation by the Public Works Standing Committee, but it is operating at approximately one-third of its capacity. In these Government country hospitals we must provide ancillary services which are not available at ordinary subsidized hospitals; they are meant to provide a complete range of hospital facilities which have not to be provided by those other institutions.

The Bill affords a number of hospitals the opportunity to collect their own insurance money rather than do so through the Director-General. I think that is a principle which commends itself to members, for it is only plain commonsense that these numerous institutions scattered throughout the country should be able to conduct their own business instead of having to put it through the Director-General and thereby cluttering up his work unnecessarily; it was impracticable of operation and never intended in the first place.

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

#### MINISTER OF AGRICULTURE INCORPORATION BILL.

Adjourned debate on second reading.

(Continued from August 21. Page 496.)

The Hon. F. J. CONDON (Leader of the Opposition)—Similar legislation to that proposed in this Bill has been passed in connection with the Minister of Works and the Minister of Lands, conferring upon them the status of body corporate as is proposed in the case of the Minister of Agriculture. This measure enables the Minister of Agriculture, who can now act only as an individual, to pass on his duties to his successor without an alteration of the Act and it applies, as did the previous measures, mainly to the transfer of land. I support the Bill.

The Hon. A. J. MELROSE (Midland)—What little there is to say has already been said, but there is one little matter of interest which may be mentioned and I do so because it puzzles me why the incorporation of various Ministers has been done piecemeal. If the argument applies to one it must surely apply, *mutatis mutandis*, to everyone of them. The Act of 1944 made considerable changes along these lines, for I find that the titles of Commissioner held by no fewer than seven gentlemen became translated into three Ministers, a body corporate had its name changed from Commissioner of Public Works to Minister of Works, and another, called the Commissioner of Forest Lands, became Minister of Forests. On the other hand, three bodies corporate seem to have been completely abolished, namely, the Commissioner of Waterworks, the Commissioner of Water Conservation, and the Commissioner of Sewers, and their powers transferred to the Minister of Works. In 1947 the Minister of Lands became a corporate body and in 1949 the Treasurer. It astounds me that once the idea had been conceived and recognized as a good one the whole lot should not have been dealt with. I support the Bill.

The Hon. Sir WALLACE SANDFORD (Central No. 1)—I support what the two previous speakers have said. It seems that the move can find no opponent whatever, and as the Leader of the Opposition and Mr. Melrose have covered all the ground I could traverse I simply indicate my support of the second reading.

The Hon. E. H. EDMONDS (Northern)—After hearing the remarks of the previous speaker it seems that our minds have been

running on similar lines. The Bill follows similar legislation enacted last year when the Minister of Lands was made a body corporate. I wondered, why something of this nature had not been done long ago about these public offices, and I endeavoured to find out why. I was not successful in my reasearch and, although I went back a long way, I could not see that there had been any objection on any occasion to such legislation. In 1887 the office of Commissioner of Railways was created. At that time there were three commissioners and under the then Railways Act they became a body corporate. From then on, with the exception of those instances mentioned by Mr. Melrose, I could find no instances of similar legislation being introduced. I have had some experience in public activities and the great benefit it is to have any public body constituted a body corporate has been made abundantly clear. In small organizations, where the control is vested in a committee of individuals, to have the committee constituted a body corporate obviates the necessity to undergo legal formalities when the committee is changed, particularly if the organization owns any property. We can readily appreciate the reason for constituting the Railways Commissioner a body corporate because he has charge of railway lines which traverse many lands and has control not only of the land occupied by the lines but adjacent land. It can be seen how it simplifies matters to have this legal status applied to those who control railways administration. It will simplify matters so far as the Minister of Agriculture is concerned and as I can discover no objections to the legislation I support the Bill.

The Hon. R. R. WILSON (Northern)—The Minister, in his second reading, referred to the establishment of a horticultural and viticultural research station at Loxton. Research work carried out in a locality is of greater benefit to that locality than if conducted many miles from that centre. When a Bill is introduced which alters legislation which has stood for over 100 years it creates some interest but we appreciate that the Minister of Lands and the Minister of Works have found it an advantage to be a body corporate and therefore I support the Bill.

Bill read a second time and taken through Committee without amendment.

Committee's report adopted.

## CORONERS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 20. Page 453.)

The Hon. C. R. CUDMORE (Central No. 1)—I am old enough and conservative enough to view any fundamental change in our legal system with some suspicion and therefore I have given much thought and consideration to this Bill, because it is in some ways revolutionary. I have read the full report of the committee which inquired into this matter in England in 1936 and to which the Minister referred in his second reading speech. I have also spoken to the City Coroner and read his report and have discussed the matter at length with the Parliamentary Draftsman and others and tried to assess the necessity for this Bill. When a thing has worked in a certain way for a long time one has to carefully examine the position before deciding to make an alteration which has not, so far as I have been able to discover, been adopted anywhere else in the Empire. The office of a coroner is an old one and originally the coroner was simply a tax-gatherer, and a tax-gatherer in an interesting and peculiar way. When a man died in the old days everything of which he was possessed was forfeited to the Crown. If he died in any unusual way the coroner was there to see the Crown did not slip and that all that was available was collected on the King's behalf. As it was put by Lord Wright's committee inquiring into the matter:—

The office of coroner can be traced back to the 12th century. The primary task of the mediaeval coroner was to keep a record of the pleas of the Crown, so that royal dues should not be overlooked. From the earliest times, however, one of the coroner's most important duties was to inquire into unnatural deaths. A violent death might bring revenue to the Crown in many ways. The hundred was liable to a fine if a dead body were found and the deceased could not be shown to be English (*i.e.*, might be of Norman blood).

That is to say, if a dead body were found and the person was of Norman blood then everybody in the area was fined for his being dead.

Whatever caused a death was forfeit to the Crown as a deodand, and the chattels of those who were convicted of a felony such as murder or manslaughter or who committed suicide were likewise forfeited.

That is the origin of the coroner's job—to see that the Crown got what was due when there was any unnatural death. To quote further from the report of Lord Wright's committee:—

The mediaeval coroner performed a great many duties connected with the fiscal rights of

the Crown; but gradually, with changing conditions, the holding of inquests on unnatural deaths became for all practical purposes his only function.

The Minister said a good deal about the power of the coroner to commit people for trial but there is nothing in our Coroners Act about it. Section 12 however states:—

Every coroner shall have in respect of all inquests all the powers, authority, and jurisdiction which belongs to the office of a coroner in England except so far as inconsistent with this Act.

They are the old common law powers of a coroner which have come down since the 12th century and which still exist in England. Our first Coroners Act was passed in 1850 and was amended in 1884. In the print of the Coroners Act which I have it is wrongly referred to in many places as 1844, but the Act was amended in 1884 and is, today, more or less as it was then. The chief power of the coroner is that he has the same power as coroners in England in spite of the fact that some of the powers were altered in England in 1926. As our Coroners Act was confirmed in 1935 I take it it embodies those powers of 1926 except in so far as they are inconsistent with this Act. These few remarks will show that it is certainly time we had a look at our Coroners Act to see what should be done.

This Bill is based on a report of the City Coroner who has pointed out that difficulties have arisen in getting through his work. The two main reasons are rather interesting. The first is that under the Coroners Act everything must be taken down—depositions must be recorded at a coroner's inquiry—and it has been difficult to obtain people to take depositions. The City Coroner has from time to time had to wait until he could borrow somebody from the Industrial Court or elsewhere who was capable of doing the work properly. It is a specialist's job and it is difficult to get people to do the work, which is just as specialized as the reporting of *Hansard*. It is difficult to understand why the Government has not trained somebody for the purpose or taken steps to obtain sufficient people. It is scandalous that inquests should be held up simply because there is not a clerk capable of taking the depositions. On a number of occasions people are kept waiting, trials are delayed and inquests held up.

The increase in the number of inquests is due in large measure to the number of motor accidents. It is another of those difficulties that have smitten the world through the invention of

internal combustion engines. The world was reasonably safe until they were invented. At one time it took a long while to go 50 miles and one therefore had time to think. There were no aeroplanes and no bombs from the air. We were thousands of miles out of touch with the hundreds of millions of black people to the north of us and, altogether, everybody was much happier. Today we witness continual accidents through motor vehicles, with consequent deaths. One thing that has arisen out of all these motor vehicle deaths is that in every inquest into a death three parties are concerned—the representative of the deceased and the insurance companies that have insured the respective cars. They invariably send counsel to represent the parties concerned and to examine and cross-examine witnesses with a view to establishing civil liability. That is one of the major causes of delays at inquests and why it is suggested there should be some alteration of the *procedurè*. Lord Wright's committee on the subject said:—

We turn now to a practice which, we have been told, has grown up of interested parties making use of inquests in order to elicit facts from witnesses which have a bearing on civil liability, but which are not strictly relevant to the issue before the coroner. . . . We can find no authority for the practice in the Acts on which the coroner depends for his jurisdiction. Apart from cases of murder and manslaughter which are expressly referred to, all that the Statute requires the coroner to do is to investigate the facts "how, when, and where the deceased came by his death." The express proviso that in cases of murder and manslaughter they are to impute blame to individuals if the evidence discloses criminality shows by implication that in all other cases the scope of the inquiry is limited to an ascertainment of the facts.

I was speaking of the City Coroner's report in which he pointed out the difficulties of getting through the number of inquests with which he had to deal. Curiously enough, the Bill does not deal with one of these main difficulties—the inquiry into civil liability. In the City Coroner's report three main points, which are not expressly included in the Bill, are put forward. The first is the power to cross-examine with a view to establishing civil liability. It seems that that is still to be left entirely to the coroner. He has to decide whether he will allow questions on that basis. The other I have already mentioned is the shortage of people to take depositions. This is a matter of administration and is, to some extent, dealt with in the Bill under three provisions—(1) that instead of having to take depositions the

coroner can decide that it is unnecessary to take full notes, (2) to appoint Justices of the Peace to take evidence away from the inquiry, and (3) to take certain evidence by affidavit. Another matter recommended by the City Coroner, and not included in the Bill, is the question of whether he thinks it fit to hold a private inquiry and go half way back to the present practice. That point, in my opinion, has not been included. We have to make up our minds whether the coroner will not any longer have criminal jurisdiction.

The first and most important thing in the Bill is that it removes criminal jurisdiction and provides that a coroner shall not, upon an inquest, commit any person for trial. The power has only been placed in our coroners' hands because section 12 of the Act gives him all the powers that coroners have in England. It came as a shock to me to find that section 7 of the Coroners Act provides that every Justice of the Peace shall be a coroner. With all due respect to our justices hundreds of them are hardly fit to conduct a coronial inquiry. The City Coroner is a specialist, who has been appointed for the purpose, but we are going a long way by saying that every justice shall be a coroner.

The Hon. R. R. Wilson—Is that the only qualification necessary for a Justice of the Peace to sit as a coroner?

The Hon. C. R. CUDMORE—Yes. Under the present legislation every Justice of the Peace is a coroner. The amendment is an important one taking away from the coroner power to find any person guilty or to commit him for trial. His powers are limited as to how, when, and where a man met his death.

The Hon. E. Anthony—How is any further trial initiated?

The Hon. C. R. CUDMORE—In practice, if an accident happens and death occurs, whether in a factory or on the road or in a hospital under suspicious circumstances the police prepare a report for the coroner who decides whether an inquest shall be held. The whole matter is entirely in his hands. If he thinks fit he conducts an inquest and if he finds a person is guilty commits him for trial. The objection to that is that a man might give evidence without any idea that he will be accused of anything and suddenly find himself committed by the coroner for trial. If the Bill is passed the police will, in future, make out a report in the same way, but it will not be left to the coroner to decide whether a person is guilty and shall be committed for

trial. The strict rules of evidence do not apply in the coroner's court and an accused person has not the same protection there as he would have if he appeared before a justice or in a police court. In future the police will make preliminary inquiries, but instead of a coroner saying whether the matter is to go further they will, if they see fit, prosecute.

If the coroner has already started an inquiry he will have to stop it or adjourn it until after the police court and criminal proceedings have been concluded. Then, if he sees fit, he can proceed with his inquiry. A most curious provision in the Bill is that if a coroner goes on with an inquiry and later proceeds to make his finding, an inquisition shall not contain any finding inconsistent with the determination of any matter by the result of criminal proceedings. If that is the position why have a coroner? It is a most extraordinary provision. A coroner will be allowed to continue his inquiry, but he is told he must not make any finding contrary to a finding made on criminal proceedings.

The Hon. F. J. Condon—A man might be called as a witness and then find that he is an accused?

The Hon. C. R. CUDMORE—Yes. Under the present law he can be brought before a coroner's court, where the rules of evidence are not strictly enforced, and be asked questions; he may or may not be advised as to what he has to reply to, but may suddenly find himself committed for trial.

The Hon. R. J. Rudall—With all sorts of evidence given not necessarily admissible in a police court.

The Hon. C. R. CUDMORE—Exactly. The reason why a coroner is still necessary, even if we take away his criminal jurisdiction, is that there are cases of death by accident, say in a factory or in suspicious circumstances, where it is necessary to have an inquiry to satisfy the public that the machinery is in proper order or that somebody has not been taking medicine which he thought was quite innocent but which proved to be fatal, or something of that sort. Also, there is necessity for a coroner in the cases enumerated in the Bill where he has to authorize burial when a doctor's certificate cannot be obtained.

Apart from the main provision of the Bill abolishing the criminal jurisdiction of the coroner, it contains several good points. One I have mentioned—the right for a justice to take evidence at a distance and forward it rather than having to bring everyone down to

attend the inquest. Another is the power to take affidavits on certain simple matters instead of bringing witnesses long distances, and the power to dispense with actual depositions when the coroner thinks fit. Another amendment which forms a large portion of the earlier part of the Bill, and redrafts altogether the coroner's power, relates to inquests on the bodies of persons ordinarily resident outside the State but who have died within the State, and on people who have died outside the State whether the dead body of that person is within or outside the State. That seems to be quite desirable, and finally there is an amendment repealing a section of the Criminal Law Consolidation Act. I quite agree that if this Bill is to be carried it is necessary that this section of the Criminal Law Consolidation Act should be repealed, but I draw attention to the fact that we are somewhat inclined in these days to repeal provisions in Acts not themselves under review by the insertion of clauses in a Bill before Parliament. If it is necessary to repeal a section in another Act there should be a short Bill repealing that section, otherwise it is almost impossible to follow up the law.

My general reaction is one of hesitancy. I have perused the comments on this Bill by two prominent members of the Law Society. They did not have the opportunity of reading Lord Wright's report and probably not the Coroner's report, but I emphasize the fact that neither in England nor anywhere else has the report of the Wright Committee been fully acted on. These reforms are, to a great extent, revolutionary, and I think this is a clear case in which we should make haste slowly. I suggest that, as the Government has had this matter under consideration for two years, it should give everyone concerned reasonable time for consideration, and that these proposals, and possibly the Minister's introductory speech, should be widely circulated not only to members of the Law Society, but to other people interested who are not actually coroners. We know the City Coroner's comments and I think we are fortunate that we have in the City Coroner a man who is prepared to suggest reforms that will reduce his work.

The Hon. R. J. Rudall—I do not think that animated him.

The Hon. C. R. CUDMORE—It may not have done so, but it is quite unusual because the tendency is to build up Government institutions. I suggest that this Bill should be made as widely known as possible and not

hurried through Parliament. There are two alternatives: one, to pass it through without its being widely known and see how it works; the other, to make it widely known and defer its passing. I suggest that it would not be out of place to defer it even until next Parliament because it is such a revolutionary change in the whole system of coronial work. I support the second reading, but certainly think that the Bill should not be hurried through.

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

#### LAND SETTLEMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 17. Page 559.)

The Hon. C. R. CUDMORE (Central No. 2)—As the Minister said when introducing this Bill, it simply extends the life of the Parliamentary Land Settlement Committee for a further period. I had the honour to be one of the original members and we all hoped, when it started in 1944, that its work would have been over long before this. However, for various reasons, that has not proved possible and the committee is still examining and purchasing land and the allotment of blocks is still going on. I think the committee has done sufficiently good work to prove that it is necessary that it should continue for a further term and therefore I have pleasure in supporting the second reading.

The Hon. F. J. CONDON (Leader of the Opposition)—When the Bill was introduced in 1944 it dealt with two topics—the establishment of a Parliamentary Committee on Land Settlement and the acquisition and settlement of underdeveloped land. Members will recall that there was quite a difference of opinion, and eight or nine divisions but the amendments were defeated and today we are asked, following the Act of 1949, to further extend the life of the committee. The first term was for a period of five years and in 1949 we extended it for a further three years. The life of the present committee expires on December 31, 1952, and therefore it is necessary to pass this Bill if it is the intention of Parliament to give it further life. The committee has rendered good service to the community and it was expected, as Mr. Cudmore said, that it would not be necessary to reappoint it.

It is of interest to note the rather remarkable change in the personnel of this committee over

the years of its existence. Unfortunately, it has lost several good members by death and one must pay a tribute to the work they rendered to the State. It is not an easy matter, when members of committees have to decide questions of great importance on which differences of opinion exist, but I think it can be truthfully said that, with only two exceptions that I can recall in 22 years, the various committees appointed by Parliament and consisting of representatives of all Parties, have brought in unanimous reports. This shows the value of such committees, as differences of opinion can be ironed out and common decisions arrived at which are in the interests of the State. This is what the Land Settlement Com-

mittee has done and that is why I support an extension of its term. May I say, however, that the pitiful allowance to members is not worthy of the Government and I think it regrettable that such allowances are not fixed by Parliament instead of by an outside body, because the best judge of a member's worth are within the walls of this Parliament and not outside. I support the second reading.

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

ADJOURNMENT.

At 4.32 p.m. the Council adjourned until Wednesday, September 24, at 2 p.m.