LEGISLATIVE COUNCIL.

Thursday, November 6, 1958.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO ACTS.

His Excellency the Governor, by message, intimated his assent to the following Acts:—Libraries (Subsidies) Act Amendment, River Murray Waters Act Amendment, Industrial and Provident Societies Act Amendment, and Homes Act Amendment.

QUESTIONS.

PREMIER'S VISIT TO AMERICA.

The Hon. K. E. J. BARDOLPH—Does the Government intend to make an announcement to Parliament before it prorogues on any further negotiations that may have taken place following the Premier's mission to America for the purpose of establishing some undisclosed industry in South Australia?

The Hon. Sir LYELL McEWIN—Immediately any further development takes place an announcement will be made, but I have nothing to indicate that that will take place at an early date.

PLACES OF PUBLIC ENTERTAINMENT ACT.

The Hon. E. H. EDMONDS—Does the Places of Public Entertainment Act apply to halls and such public buildings in country districts and towns?

The Hon. Sir LYELL McEWIN—The Act applies to any building in a proclaimed area that is used for the purpose of hiring for public entertainment, and for that reason from time to time, as new areas are developed and these places are built, they are proclaimed as areas where the Act applies. It is in the interests of those building these halls that they should first communicate with the Inspector of Places of Public Entertainment and submit their plans, because when they desire later to let these halls for the showing of pictures or to the public they may find that they do not comply with the safety precautions prescribed under the Act, and they can be put to considerable expense. This is embarrassing to the department because its desire is to assist rather than to place obstacles in the way of any committee. We realize that in country areas particularly it could become oppressive if the Act were not administered in a sympathetic fashion, and that is what the department is encouraged to do. However, there are certain requirements in the matter of exits and in relation to the projection room from the point of view of fire that have to be observed, and the wisdom of this is shown by the relative absence of fires or damage in places of public entertainment. They occur occasionally but generally unbeknown to the patrons and without causing panic.

The Hon. K. E. J. BARDOLPH—Will the Chief Secretary instruct the Inspector of Places of Public Entertainment to notify councils as to the provisions of the Act in this matter, as all plans for buildings have first to be passed by councils and I think this would overcome the difficulty?

The Hon. Sir LYELL McEWIN—If carried to its logical conclusion this would be a request for the Government to supply every individual in the land with the Statutes dealing with his own way of life. Ignorance of the law is no excuse, but we assist in every way possible, and it was because of that that I was informed by the Inspector that he desired to make a statement directing the attention of the public to the requirements of the Act. That has been done and it is as far as we should be expected to go.

The Hon. E. H. EDMONDS—The Chief Secretary said that certain districts were proclaimed under the Act. I assume that a list of proclaimed districts is available to any person interested.

The Hon. Sir LYELL McEWIN—Yes. Perhaps I could throw a little further light on the matter by informing the honourable member that when this legislation was passed—I think in the early part of the century—many places were undeveloped or had little halls where nothing happened beyond a few tea parties, and it was thought an imposition to ask for them to become licensed. However, with the development of itinerant picture shows, where some element of danger exists, it became necessary that these places should become licensed and comply with the conditions of the Act, and proclamations were made from time to time as districts were developed. Now the Act covers a substantial part of the State.

CADELL PRISON FARM.

The PRESIDENT laid on the table the final report of the Public Works Committee, together with minutes of evidence, on Cadell Prison Farm.

PRICES ACT AMENDMENT BILL.

On the motion for the third reading—

The Hon. Sir COLLIER CUDMORE (Central No. 2)—I regret that I was not present yesterday when this Bill was discussed. As it had been on the Notice Paper for only one day I did not expect that the second reading would go through so quickly. I apologize for rising to discuss the matter on the third reading, but I have always been very much against this legislation. The war has been over for 13 years. It was emergency legislation brought in during the war, but we have had it drag on year after year. I have done everything I can; I have tried to defeat it by facts and by ridicule and I have said everything I can against it, and I had hoped that this year would have been the last, the Minister having been overseas and seen the progress that is going on in Belgium. The Belgians were the first after the war to remove controls.

The Hon. K. E. J. Bardolph—What about America?

The Hon. Sir COLLIER CUDMORE—America did it at the same time. It did not simply fade away for the next 10 years, either.

The Hon. K. E. J. Bardolph—Still, the prices skyrocketed.

The Hon. Sir COLLIER CUDMORE—I shall not enter into a long argument about this but I think that we as a Parliament are wrong in continuing this prices legislation. As the one State doing it, we are injuring our own industry. As Mr. Condon has said, the only proper excuse for it would be if it were done all over the Commonwealth, but we should not have it at all. If we do, it should apply everywhere and control everything. However, the system is completely wrong. It has handicapped our own industries. It is against all the Liberal principles. It is just power gone to the head, but power that we must continue to have for everybody and everything if we have it at all.

I am not concerned with what effect it has on votes or anything like that. My Party has continually passed resolutions opposing any sort of price control, but it has continued for all this time. One honourable member said that he hoped it would not go on to the next Parliament, but I am not satisfied with that. I should like to seize the last opportunity I have to discuss it. I stick to my statements over the years that it is abhorrent to me that the Liberal Party should continue this price control. I do not know why there was no division on the second reading. I ask the Council to divide on the third reading. I shall vote against it and I ask those honourable members who support me to vote against the third reading because the abolition of price control in this State is long overdue.

The Council divided on the third reading—

Ayes (12).—The Hons. K. E. J. Bardolph, S. C. Bevan, J. L. S. Bice, F. J. Condon, J. L. Cowan, E. H. Edmonds, N. L. Jude, Sir Lyell McEwin (teller), C. D. Rowe, A. J. Shard. C. R. Story, and R. R. Wilson.

Noes (6).—The Hons. E. Anthoney, Sir Collier Cudmore (teller), L. H. Densley, A. J. Melrose, Sir Frank Perry, and Sir Arthur Rymill.

Majority of 6 for the Ayes.

Bill read a third time and passed.

BROKEN HILL PROPRIETARY COMPANY'S STEELWORKS INDENTURE BILL.

Read a third time and passed.

MENTAL DEFECTIVES ACT AMENDMENT BILL.

Second reading.

The Hon. Sir LYELL McEWIN (Minister of Health)—I move—

That this Bill be now read a second time.

It deals with a number of unconnected matters which have for some time been a cause of concern to those administering the Mental Defectives Act. The explanation of the Bill is as follows:—

Clause 3 alters the short title of the Act from the Mental Defectives Act to the Mental Health Act. To medical authorities throughout the world the expression "a mental defective" means a person with a defective brain who is a congenital idiot or an imbecile or feeble-minded. A mentally sick person should not be regarded as a mental defective. His illness is in many respects the same as a physical illness and is often cured by suitable treatment. It is most important in the cure of the mentally ill that they should be treated in the very early stages of the illness, and experience has shown that patients and their relatives often avoid proper treatment in the early stages for fear of the stigma of being labelled as a mental defective.

The suggested amendment follows a trend in the other States and in other countries to give a title to the Act which is more descriptive

and does not necessarily imply mental deficiency. The Superintendent of Mental Institutions, Dr. Birch, has reported to the Government that the whole question of the care of the mentally ill is under extensive review in all English speaking countries. In the United Kingdom the work is being carried out by a Royal Commission on the law relating to mental illness and mental deficiency, and its recommendations which were published this year will provide material for a comprehensive review of the principal Act in this State with the object of classifying patients under kindlier and more accurate titles than apply at present. However, at the moment, all that is being suggested in this regard is a change of the title of the Act. Clause 4 is a consequential amendment.

Clause 5 amends paragraph (*b*) of subsection (2) of section 33 of the principal Act which deals with the method of transferring a patient from a receiving house or ward to a mental hospital. The paragraph provides that when a patient is transferred and received into a mental hospital the certificate of the superintendent of the receiving house or ward certifying that the patient is a proper person to be detained in a mental hospital, and the order of the justice of the peace authorizing the transfer, must be delivered to the superintendent of the mental hospital before he receives the patient. The effect of the amendment is to require additional documents to be delivered to the superintendent, namely, the order, statement and certificate upon which the patient was originally received into the receiving house or ward. The purpose of the amendment is to ensure that all the patient's official documents will accompany him to the mental hospital and not be separated in two institutions as is the case under the existing law.

Clause 6 amends subsection (5) of section 37 which deals with the transfer of a patient from a receiving house or ward by order of the superintendent. The effect of the amendment, which is similar to that proposed in clause 5, is to provide that all the patient's official documents shall accompany him to the mental hospital. Clause 7 will overcome a difficulty which has arisen under section 46 of the Mental Defectives Act in dealing with children who are certified to be mentally defective or in need of mental care and attention whilst under detention in a reformatory or industrial school. When a child while detained in an institution controlled by the Children's Welfare and Public Relief Board appears to be mentally defective, the Minister's only power under section 46 of the Act is to order the child to be removed to a hospital for criminal mental defectives. Under section 47 the Minister, upon receipt of a medical certificate in the form of the tenth schedule (to the effect that the child is apparently mentally defective but that the symptoms are not sufficiently marked to enable a certificate to be given that the child is mentally defective), may order the removal of the child to a receiving house. The child is, however, still classified pursuant to subsection (2) of section 47 as a criminal mental defective and can be transferred to a mental hospital only by invoking section 51 of the Act, which requires the giving of a certificate that the child does not suffer from any homicidal propensities or from a mental defect of such a kind as to render his detention in a hospital for criminal mental defectives desirable.

The Superintendent of Mental Institutions has pointed out that a number of young children admitted to the Enfield Receiving House pursuant to section 47 are found to be in such a condition that they should be in a mental hospital. The delay in obtaining the necessary transfer for the child is not conducive to the good management of the hospital; it has a bad effect on the other patients and is certainly not in the best interests of the child. The Children's Welfare and Public Relief Board and the Government are of the opinion that children should not be classified as criminal mental defectives, and placed in an institution with hardened offenders from the Yatala Labour Prison, merely because the children happen to be in an institution controlled by the board when they require treatment. The anomaly is apparent when it is considered that should a child require mental treatment whilst released on probation by the board, he can be admitted to a mental institution under the relatively simple procedures laid down in sections 31 and 35 of the Act, and transferred from one institution to another by order of the Director-General of Medical Services given pursuant to section 74 of the Act.

Clause 7 of the Bill enacts a new section 37a which provides that State children may be received and detained in mental institutions in the same way as other children. Clauses 8, 9 and 10 make amendments which are consequential to clause 7. Clause 11 amends section 98 of the principal Act which deals with the powers of the Public Trustee to manage patients' estates. Section 43 of the principal Act provides that a patient who escapes from

a mental institution may be retaken within three months of the date of his escape. If the patient is still at large at the expiration of that period he is no longer liable to be retaken.

Subsection (2) of section 98 lists the circumstances in which the powers, duties and functions of the Public Trustee shall cease in respect of the estate of any person. Clause 11 provides that a person who has escaped from an institution and is no longer subject to being retaken may regain control of his estate by submitting certificates from two medical practitioners, each of whom has separately examined the person and formed the opinion that he is able to manage his own affairs. In the absence of a provision of this nature there is no means whereby such a person may regain the control of his estate from the Public Trustee.

This is not a complicated Bill, but one that will take us along the road to a more modern approach to the treatment of mental health, in keeping with the trend in other parts of the world. I have read reports of the thought on this subject in England, which is along the lines of simplifying the handling of mentally sick people and not of suggesting that every mental defective is of the type that cannot be cured. I commend the Bill for the consideration of honourable members.

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

STATUTES AMENDMENT (LONG SERVICE LEAVE) BILL.

Adjourned debate on second reading.

(Continued from November 5. Page 1560.)

The Hon. F. J. CONDON (Leader of the Opposition)—This very short Bill, dealing with long service leave to public servants and teachers, is one that I do not think will receive any opposition. It allows a greater accumulation of leave over a longer period of continuous service, and in that respect brings certain conditions up to the level of those in other States. It is a pity that this line of action does not apply to other legislation. In his explanation of the Bill the Minister stated that it was desirable to bring the legislation up to the level of other States, but when the Opposition introduces amendments with that end in view it is always defeated. I shall probably have something to say on that point when the workmen's compensation legislation is being discussed in this Chamber.

After 41 years' service a Government employee is at present entitled to 365 days' leave. Legislation has been passed providing that Government employees after 10 years' service shall be entitled to 13 weeks' long service leave, but we do not apply the same principle to certain other employees. The Government is not prepared to ask private employers to apply that principle to their employees. The Bill increases the maximum long service leave from 365 days to 450. After 15 years' service a teacher is entitled to 90 days' long service leave and if he completes an additional 10 years he is entitled to another 90 days. Why not apply the same principle to all other employees? The Bill increases the maximum long service leave for teachers from 180 days to 270 days. Let us be consistent and extend to others the same consideration as is being extended to those covered by the Bill. I support the second reading.

The Hon. E. ANTHONEY (Central No. 2)—This alteration in the legislation is long overdue. The only point I do not understand is why the qualifications for long service leave for teachers and public servants differ. Whereas a public servant qualifies for long service leave after 10 years, it does not apply to teachers until after 15 years' continuous service. Why were they not placed on the same basis when the legislation was first framed? They are all public servants. The Bill is a move in the right direction and I support it.

The Hon. A. J. SHARD secured the adjournment of the debate.

INDUSTRIAL CODE AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 5. Page 1560.)

The Hon. A. J. SHARD (Central No. 1)—My only objection to the Bill is that the increases in salaries proposed for the President and the Deputy President of the Industrial Court are not sufficient. We often hear in other respects that the position in South Australia should be brought into line with that existing in other States. We should have in mind the salaries paid some years ago, and pay a proportionate amount now according to increases in other fields. Clause 3 provides that the salary of the President of the State Industrial Court shall be increased from £3,250 to £3,750 and that of the Deputy President from £2,750 to £3,150, and clause 4 provides that the increases shall be retrospective to July 1, 1958. I have no objection to these clauses except that I do not think the salary increases are sufficient.

I take this opportunity to pay a tribute to the work being done by the President and the

Deputy President. In our South Australian industrial set-up we have something to be proud of, and from my knowledge of industrial matters in other States I think that generally our set-up is equal to, if not better than, that in any other State. For this position much credit is due to the President and his Deputy. Some 12 months ago I referred to the desirability of the appointment of a Deputy President and the wisdom of my words is apparent because of the really good job he is doing. The President and the Deputy President appear to have satisfied both sides, and that is something we can be pleased about. These gentlemen play no small part in the industrial peace existing in South Australia and so long as they maintain their impartiality and give decisions according to the case presented I think that that peace will continue.

We should not worry about the salaries paid to these officers. Those with any experience in our Industrial Court will realize that arguments for increased wages are often based largely on relativity. The Industrial Code enacted in 1920 fixed the President's salary at £1,700 and that of the Deputy President at £1,200. At that time the basic wage was about £3 18s. a week, whereas today it is is £12 16s., or approximately three and a quarter times greater. If we take that as a measuring stick, the salary fixed for the President today should be about £5,525 and that of the Deputy President £4,525. I should raise no objection if the salaries were so increased, because I am convinced that in the main our public servants, particularly those in the top brackets, are not paid enough. In fact, their salaries are on the meagre side.

If I have one complaint concerning the treatment of public servants by the Government it is the salaries paid to those in the top bracket. During the war Commonwealth public servants were paid an amount above the salaries received by State public servants. Our Government adopted the practice of not increasing a salary for a particular job, but giving the officer an additional job with some added payment. I disagree with that principle. Public servants should be paid for the particular job in which they are employed. If we consider those in the top brackets we find that in addition to their main job they are given additional tasks with an added allowance. For instance, Mr. Pearce, the Under-Secretary, has also been appointed chairman of the State Bank Board at an added salary. No-one will dispute that as Under-Secretary he has a full-time job.

The Hon. C. D. Rowe—I do not think the reason stated by the honourable member is correct. Mr. Pearce is given the additional work because he is competent to do it.

The Hon. A. J. SHARD—It is wrong for public servants to be overworked. I think it will be found that earlier these officers were given additional work to entitle them to an increased salary.

The Hon. N. L. Jude—You believe in one man-one job?

The Hon. A. J. SHARD—Yes.

The Hon. N. L. Jude—You had better speak to some of the railwaymen.

The Hon. A. J. SHARD—The things I have mentioned are talked about outside. I do not believe in public servants being overworked. I want the Attorney-General to clearly understand that I am not saying that these officers are not capable to undertake their respective jobs. I believe they are, but their main job is sufficient for any one individual, and they should be paid accordingly. We find that Mr. Drew, the Under Treasurer, has also other duties. No-one will suggest that his position as Under Treasurer is not sufficient for one person, but to keep him in the salary bracket that he may have been offered elsewhere he is given the additional job of chairman of the Electricity Trust.

At the time of his appointment as Auditor-General, Mr. Bishop was given the additional job of a member of the Savings Bank Board so that he would be brought within the appropriate salary range. The same applies to Mr. Cartledge, the Assistant Parliamentary Draftsman, who is also chairman of the Housing Trust. Either office is a full-time job. I should not like to attempt to do the job of Mr. Fargher, the Railways Commissioner, but we find he is also a member of the Transport Control Board. Will anyone deny that Mr. Schumacher, the Public Service Commissioner, has a full-time job? However, in addition, he is a member of the Teachers' Salaries Board. Sir Edgar Bean is our Parliamentary Draftsman, and no-one will deny that is a full-time job—

The PRESIDENT—Order! I have been trying for some time to connect up the honourable member's remarks with the Bill before us, which is of one clause dealing with the salaries of the President and Deputy President of the Industrial Court. I ask the honourable member to come back to the Bill.

The Hon. A. J. SHARD—I thank you for your tolerance, Sir, and while I accept your ruling I do not altogether agree with it. I

think this Bill deals with the salaries of public servants. However, if you will allow me I only have a few more words to say under that heading, namely, that Sir Edgar Bean is also a member of the Teachers Salaries Board and of the Superannuation Board.

The Minister knows my views. I have never quarrelled about the salary paid to a person doing a full time job, and I think he knows my views of the calibre of the President and the Deputy President of the Industrial Court. I can say quite truthfully that I have never said a wrong word about either of them, and I think that a salary increase is overdue considering the magnitude of their work in the interests of the State. Although we may not be able to do it this session, I suggest that the Government could well examine again the salaries of these persons and possibly correct an injustice on the basis of relativity. I support the Bill.

The Hon. Sir FRANK PERRY secured the adjournment of the debate.

EXPLOSIVES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 5. Page 1561.)

The Hon. S. C. BEVAN (Central No. 1)—This Bill is for the purpose of amending legislation that has been in operation since 1936. Since that time scientists have made considerable advances, but while some discoveries have been perfected others are still in the experimental stage. In quarrying and industries of a like nature the explosive used in years gone by was gunpowder. Science then evolved gelignite which, with a cap and fuse, creates an explosive force. These methods are not foolproof and require extreme care in the storage and handling of such explosives. Accidents have occurred from time to time resulting in considerable damage to property and even loss of life.

Some substances that are ingredients of explosives are not in themselves an explosive force and may be harmless, but when mixed with the other ingredients the mixture becomes highly explosive, and it follows that the storage and handling of such substances should be under the control of an appropriate authority. This Bill therefore extends the powers of inspectors and the power to make regulations under the Act. I feel sure that it could be argued that an inspector had no authority to enter and inspect premises where these ingredients, not in themselves explosives, might be stored, and the first amendment in this Bill extends that power.

The second amendment deals with regulations covering safety measures and I think we all agree that this is absolutely necessary. Nowadays the expansion of the metropolitan area has brought home building into close proximity to some areas where considerable blasting in quarries is taking place, and it is essential that there should be some control for the safety of property and people. I feel that the amendments are necessary and I support the second reading.

The Hon. A. J. MELROSE secured the adjournment of the debate.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 5. Page 1562.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—This measure deals with four matters affecting the Savings Bank of South Australia. The first is to enable the trustees of the bank to arrange for a superannuation fund for the employees of the bank. The second, which is covered by clauses 5 and 7, removes the limit of £2,000 on the amount which may be deposited in any one account. This is in conformity with the policy pursued by other savings banks throughout Australia. The third amendment deals with the length of notice required for withdrawal of deposit stock and provides that any amount of deposit may be withdrawn on one month's notice. The fourth amendment increases from £200 to £600 the maximum amount which can be paid without probate or letters of administration to widows or widowers of depositors or any other persons entitled in cases where a depositor dies without leaving a will or where there is a will but it is not intended to take out probate. This is also in conformity with the practice in other States.

Before resuming my seat I pay a tribute to the trustees of the bank because I think this is the place where eulogies should be expressed in respect of semi-governmental institutions such as this. Prior to the housing emergency when money became very scarce, some lending authorities were lending much larger sums than they are today and the Savings Bank, in concert with other lending authorities, played a great part in the economic development of South Australia. The people of South Australia should be grateful to those trustees who have been appointed from time to time for the way in which they have conducted the affairs of the bank, together with the employees who

also are concerned in that successful undertaking.

This amending legislation will provide that the trustees can vary the interest from time to time. I cannot say whether depositors get their proper rate of interest; it is not for me to determine what the rate of interest shall be. A risk is taken when investing in an undertaking but, with the Savings Bank, there is no risk at all.

The Hon. L. H. Densley—It is Government guaranteed.

The Hon. K. E. J. BARDOLPH—The Government guarantees many other concerns, too. With the Savings Bank there is no risk taken because the moneys are at call within a month. I cannot see that any honourable member can take exception to my giving credit where credit is due. As a member of the Labor Party, I have always attempted not to pull down but to build up and, wherever an institution is operating in the interests of the people, whether it be a Government or a private concern, I think no harm is done in giving praise for the work being done. It is creditable to give praise, where it is deserved, to institutions not guaranteed by the Government and with no representation in Parliament, as well as to Government institutions.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

ADVANCES TO SETTLERS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 5. Page 1565.)

The Hon. L. H. DENSLEY (Southern)—The Advances to Settlers Act was used by many people setting out to develop land taken up from the Government on the basis that they could get an advance when certain works were completed. Many settlers took advantage of it to get finance to provide themselves with the necessities for the areas they were developing. The Act provides:—

Subject to the provisions of this Act, the bank may, in its discretion, make advances to any settler on the prescribed security for (*a*) making improvements on his holding, such as ringbarking, clearing . . . grubbing, fencing, draining, erecting or making permanent water improvements . . . boring for water, erecting permanent buildings, or such other improvements as are prescribed; or (*b*) stocking his holding; or (*c*) discharging any mortgage already existing on his holding; or (*d*) any other purpose.

That wide provision made it possible for farmers with little money to go on the land, and as they continued to improve their land to get an advance on each improvement to continue their work. That Act was availed of by many settlers prior to 1943. Since then, less and less money has been made available for this purpose under the Advances to Settlers Act.

In 1943 the Land Development Act was passed by Parliament providing for the clearing and development of land for allocation to applicants. This Bill provides for an increase in the amount that can be granted for building, improving or enlarging a home. In 1944 an amendment provided that:—

The bank may make an advance of any amount not exceeding one thousand pounds to any primary producer for the purpose of erecting, enlarging or altering a dwellinghouse on the holding of that primary producer.

In 1952 that was amended to £1,750, and now this Bill seeks to amend the amount to £3,500 for building a house or making the improvements as set down in the Bill.

Although it is only a small Bill that simply extends to applicants under the Advances to Settlers Act the same privileges as are extended under the Advances for Homes Act and the Homes Act, it brings them all into conformity at a rate of £3,500, the accepted amount now for building a home. It is a good amendment. It is realized that a farm as much as anywhere else needs a good house nowadays. I have pleasure in supporting the Bill.

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

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 4. Page 1526.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—This short measure needs little elaboration other than mention of what happened in this matter on the Industries Development Committee. In negotiations for the establishment of industries, particularly in Elizabeth, through the Housing Trust, some applicants desire the buildings to be erected and let to them on a rental basis with an option to purchase. The Act setting up the Housing Trust appears to be ambiguous, for one of its sections refers to the construction of buildings other than houses. The Treasurer submitted three applications to the committee for the purpose not of a recommendation but of having the committee express an opinion on the desirability of the establishment of an industry in the Elizabeth area, which the committee did.

Three applicants told the committee that the capital cost of erecting one factory was about

£30,000 to £40,000. It would be somewhat of a burden on them, in view of the state of the financial market, to build a building and then equip it with the necessary modern machinery. In other words, instead of investing money in the building, the company had the money to set up plant and go into production.

The Treasurer then indicated to the committee that he would bring down amending legislation to widen the scope of the powers of the committee so that it could make a direct recommendation after an investigation by the Housing Trust, which is to be complimented on its activity in attempting to establish industries in South Australia. It is a keen and live body, whose overtures to those interested firms (one of which was from overseas) brought about their establishment in Elizabeth. The trust's architects provide the plans for, and the contractors construct, the buildings.

The Hon. Sir Frank Perry—Have you seen the buildings?

The Hon. K. E. J. BARDOLPH—I have seen one. It is not elaborate but a factory type of building suitable for the kind of work that will be carried on.

The Hon. Sir Frank Perry—You could not compliment the architect on it, could you?

The Hon. K. E. J. BARDOLPH—I do not want to make any comment on its architecture, but the buildings are constructed according to the directions of the architects. The trust indicates the amount it wants to spend and the architects from the trust plan accordingly. They have their own particular style of construction, planning and design.

The Hon. Sir Arthur Rymill—It is fairly straightforward, isn't it?

The Hon. K. E. J. BARDOLPH—It is an efficient and quick job. They seem to have the control and know-how to get materials. There is no hold-up for the structures but the structures do hold up! There is no delay in building them. This Bill widens the ambit of the present Act governing the powers of the Industries Development Committee to deal with applications for the establishment of factories and other buildings.

The Hon. L. H. DENSLEY secured the adjournment of the debate.

IRRIGATION ON PRIVATE PROPERTY ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 4. Page 1528.)

The Hon. J. H. COWAN (Southern).—The Irrigation on Private Property Act in its present form applies only to land that is reclaimed or partly reclaimed adjacent to the River Murray. The purpose of this Bill is to enable persons mutually interested in the development of irrigable lands to join together in a petition to declare their lands to be a private irrigation area and, if granted, thereafter to manage their own affairs within the framework of the Irrigation on Private Property Act.

This Act has been in operation for about 20 years regarding certain areas on the Lower Murray, more particularly referred to as reclaimed swamps. There are now five areas operating under this Act—River Glen, Toora, Woods Point, Yiddinga and Long Island. These areas have functioned successfully as privately-owned reclaimed swamp areas under this Act. Under the Act, a board may be constituted of all owners of swamp property, and it has powers to levy rates and carry out all other functions in connection with the successful working of these reclaimed swamp areas.

Three essential points in connection with reclaimed swamps are that (1) the bank must be of uniform height and strength for the whole of its length; (2) irrigation must be controlled so that one owner cannot damage his neighbour's property; and (3) drainage must be effective. We all know that a chain is only as strong as its weakest link and an embankment is only as strong as its weakest section. Therefore, should there be six owners on the reclaimed swamp and five of them do their utmost to maintain their bank in proper order and strength, and one neglects to do his duty in that regard, those five holders are in serious danger of being flooded out with any rise in the river. In addition, if one owner fails to keep his channels in order, drainage problems occur and create difficulties for all his neighbours.

The experience is that with a lawfully constituted board as provided by this Act these swamps have been able to work quite successfully and with all the advantages enjoyed by people on Government controlled swamps. I believe and hope that when this Bill comes into force it will apply to other areas, mostly on the Upper Murray but not necessarily so, where groups of people may come together and decide to set up irrigation schemes on high land, and that the schemes will be effectively controlled and managed under boards such as now exist in connection with these irrigation areas on the

lower Murray. I am certain that this Bill will do much to promote development on the river in this regard, because without such a measure people cannot come together and agree on just what should be done for their mutual interests. It would have been impossible for these swamps to carry on without this legislation, because no-one would have been prepared to purchase an area if he found that there was no control over his neighbours in the conduct of their affairs in regard to irrigation and reclamation.

The chief difference in this amendment is that previously it was only necessary for a majority of the settlers to apply for a petition to come under the Act. That, of course, applied to swamp lands. The Bill now provides that it will be necessary for 100 per cent of settlers on high land to petition to be brought under the Act. The difference is that on reclaimed land under private irrigation it is essential for the good of all land owners that an embankment be constructed to protect the whole area. As I have pointed out, if one landholder stood out and neglected to do his duty, the others could not carry on in a safe manner. On the other hand, with high land irrigation an owner may already have his private pumping plant and there is no reason why he should be brought in under an irrigation scheme and dictated to by a board. Therefore, some people may stand out in connection with the high land irrigation, but not in a reclaimed area.

I agree with the remarks that you, Mr. President, made when you were taking part in the debate on similar legislation in 1939. You said that one merit of the Bill was that it would not cost the general taxpayer any money. That merit will still be retained in the present Bill, which will merely allow people, by coming together under a lawfully constituted board, to safeguard their own interests and therefore develop and progress under that management.

The Hon. F. J. Condon—I think the President introduced the 1939 Bill.

The Hon J. L. COWAN—Yes, I believe he did. I am sure Mr. Story will have much interesting information to give members on the application of this Bill to certain areas on the upper Murray, where I understand it will be applied almost immediately it comes into force. I sincerely hope it will promote development and prosperity in those areas to the extent that similar legislation has done on the lower Murray.

The Hon. C. R. STORY (Midland)—This Chamber is indebted to Mr. Cowan for giving us the history of the practical application of this legislation over the period it has operated. It was first introduced as a private members' Bill by Mr. Shannon in another place in 1939. Its object then was to allow groups of people to engage in primary production in the lower Murray reclaimed areas. Those people have worked under that legislation for nearly 20 years, and the fact that the Act has only been amended once indicates that it must have been well drafted in the first place. It is the object of neither the Government nor any one sponsoring these amendments to take the old provisions of the Act away from those people who were pioneers under the legislation and who worked so successfully under it.

It has now become necessary for something to be done about furrow and spray irrigation on the upper reaches of the Murray. I think the main objects of the Bill are to enable groups of people to draft rules so that they can have some legal binding one with the other. Since the passing of the Act, as Mr. Cowan has mentioned, a number of groups have taken advantage of it. Great interest is now being shown by several groups in the Upper Murray areas. The first group to approach the Government was one at Murtho, above Renmark, and that group was followed by one at Ramco which was extremely keen on getting the same type of thing under way.

The reasons for the amendments are mainly to enable primary producers who wish to irrigate high land by spray or furrow to own a communal pumping plant and to use a communal main delivery line. The headworks on this type of development are expensive, and if people can put in a large enough main to serve a group the overhead costs are cut considerably. Instead of 10 individual pumps on the river there would be one large one working under the provisions of this legislation. In the case of Ramco, the provisions would extend right through to the settlers' own sprinkler establishments on the properties.

Provision is made in the legislation for practically every contingency that can arise on a fruitgrowing property. I think the experience of the Renmark Irrigation Trust shows the necessity for keeping legislation of this kind up-to-date. A number of amendments are now proposed, the most important one, as mentioned by Mr. Cowan, being that dealing with petitions for the constitution of an area. Under the present system a group of people, providing

more than 50 per cent of them agree and providing they hold more than 50 per cent of the land, may petition the Minister and ask him to declare any area an irrigation area under this Act. That has worked satisfactorily. Provision was made for a counter-petition, and a further provision made it necessary for the Minister to gazette the petition notice in three *Government Gazettes* to enable everybody to know what was happening. If the Minister received a counter petition, he had power to refer the matter to a magistrate.

The Hon. Sir Frank Perry—Are these areas partially developed?

The Hon. C. R. STORY—The ones I am speaking of at the moment are virgin country; but certain irrigation schemes that are now established could come under the provisions of this Act. I do not think the provision relating to 50 per cent of landholders has been such a worry as far as the lower areas of the Murray are concerned. The development cost is not nearly as high with that type of irrigation as it would be with this fairly expensive spray irrigation. When a person embarks on a spray irrigation project he can think in terms of £150 to £200 an acre for development costs. It would therefore appear wrong to force somebody into such a scheme. The Bill now provides that those people who will be developing areas under spray or furrow irrigation will have to have 100 per cent of the group agreeable before the petition will be accepted by the Minister. Regarding petitions, the Minister is not obliged to take the recommendation of a magisrate; he may act entirely on his own in the matter and either declare an area an irrigation area or decline to do so.

We are being particularly careful to allow those people who are established to have provisions exactly as they are at present. In the Waikerie-Ramco extension scheme 750 acres will be developed under the provisions of this Bill, and it is most essential that such a group scheme have some sheet anchor on which to develop. This is an extremely useful Bill and I compliment the draftsman on the way he has been able to tie it in with the old legislation. The areas I have mentioned will be used mainly for citrus growing, but I do not think this will result in over-production in those areas, a fear that has been mentioned by several people. We can afford to produce much more citrus fruit in South Australia because it is of a better quality than that grown in any other State.

I pay a special tribute to the sponsors of the Ramco-Waikerie scheme. A committee was set up of representatives of local government, traders and the industry. Members worked very hard in the initial stages and I sincerely hope that their efforts will be most beneficial to their town and district. It will result in giving Waikerie something that it particularly needs. I specially mention the chairman (Mr. Coats) and the secretary (Mr. Denbow), who have done an extremely good job in getting the scheme under way. Reference was made to this scheme recently at a political meeting on the river, and I think an explanation is necessary, otherwise members may get a wrong impression. It was alleged in the press by a candidate that the object of the Bill was to enable big capitalistic wine-makers to establish a winery and plant a large area of wine grapes, which would work against the interests of the established industry. I stoutly deny this accusation, because it is quite untrue. I can only be charitable enough to think that the gentleman responsible was either very ignorant of the facts or he did not have a very strong case and wanted to bolster it. It is definitely not for the purpose mentioned and I commend the Bill to honourable members.

Provision is made for a board of management, which may delegate its power to a committee and that committee will be elected for a fixed term to carry out the duties delegated to it. The necessary precautions are taken in the Bill regarding drainage so that one man will not be able to "seep out" another, and provision is also made for the board to have power to force any grower to drain his country and stop a nuisance to the remainder of the community. The Bill is given teeth by the provision of fairly heavy penalties for breaches of the regulations, under which the various schemes will be set up; and power is given to the board to borrow money for developmental works, maintenance, etc. I intend to move a suggested amendment, the purpose of which is to enable the board to be granted loans under the Loans to Producers Act, 1927-1951. I consider it will improve the Bill and enable the board to get some real money for developmental projects. I thank the Government for accepting my proposal. This is a very necessary Bill and will do much good in the development of irrigation in South Australia.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

New clause 6a—"Application of Loans to Producers Act, 1927-1951."

The Hon. C. R. STORY—I move to insert the following suggested new clause:—

6a. The following section is enacted and inserted in the principal Act after section 37:—

37a. (1) A board of management may apply for and be granted a loan under the Loans to Producers Act, 1927-1951, as if the board were a co-operative society registered under the Industrial and Provident Societies Act, 1923-1954, and engaged in rural production.

(2) Any such loan may be granted for the purpose of enabling the board to construct any works or execute any other powers of the board under this Act.

(3) For the purpose of obtaining a loan under the Loans to Producers Act, 1927-1951, the board may mortgage, charge or give any other form of security on its interest in any land or its interest in any goods or chattels.

The Bill will enable irrigable highlands to be developed by private owners through the agency of a board of management. Members will realize that much money will be required by any such board to enable the construction of proper pumping plant and other irrigation and drainage works. Thus, the first problem of the board will be to find adequate finance for that work. As the board at that stage will have little security to offer any lending institution, the whole scheme could fail unless some provision were made to overcome that difficulty. This type of development will be of great value to the State. We have an obligation to do what we can to see that it does not fail through lack of initial financial backing.

Under the Loans to Producers Act the State Bank, with the object of encouraging rural production and effective land settlement, can make loans on the prescribed security to any co-operative society registered under the Industrial and Provident Societies Act which is engaged, or is about to engage, in rural production. Section 5 of that Act lists a number of purposes for which such loans may be granted. A board of management of a private irrigation area would not, under normal circumstances, wish to be a co-operative society, and would therefore be ineligible to obtain a loan under the Act. I contend that there is no reason why a board shall not be able to apply for and be granted a loan the same as a registered co-operative society. The purpose of the Loans to Producers Act is to encourage rural production and effective land settlement and it would be indeed a pity to exclude this new concept of a board of management exercising jurisdiction over irrigable highlands.

The Hon. C. D. ROWE (Attorney-General—The honourable member has made quite clear the purpose of the suggested amendment. The position is that under the proposed set-up for the development of land it may result that a loan could not be made under the Loans to Producers Act unless this suggested amendment were included. The effect is to ensure that those who anticipate being assisted by the Bill will not be deprived of that assistance. I ask honourable members to accept the suggested new clause.

Suggested new clause inserted.

Remaining clauses (8 to 17), schedule and title passed. Bill read a third time and passed.

SUPREME COURT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 5. Page 1566.)

The Hon. F. J. CONDON (Leader of the Opposition)—This Bill increases the salaries of the judges of the Supreme Court and the argument is used once again that it is necessary in order to bring the salaries into conformity, or thereabout, with those of the judges of other States. It is claimed that the margin of wage-earners has increased two and a half times since 1937 and the proposed increase of £1,000 maintains the margin in respect of the judges. I believe that had the judges remained in private practice their incomes would have been far larger than the sums proposed in this Bill.

The question of retrospectivity has often been raised in this Council and nine times out of 10 members have rejected it. However, on this occasion I think there is a reason why we should accept the principle because the raising of the judges' salaries was first considered some months ago and no doubt the judges considered that they were entitled to increases last July when other salary increases were agreed to. I have no objection to retrospectivity in this instance, but once again I ask members to be consistent and whilst agreeing to it in this case not to decline to do so in other cases. I support the second reading.

The Hon. Sir FRANK PERRY secured the adjournment of the debate.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

Received from House of Assembly and read a first time.

The Hon. C. D. ROWE (Minister of Industry)—I move—

That this Bill be now read a second time.

The Government has received a report from the Workmen's Compensation Committee recommending some increases in the rates of compensation and other amendments of the Act. The increases are justified by changes in the living wage and by increases in the other Australian States. The recommendations made by the committee appeared to the Government to be moderate and justified by the arguments submitted and the Government has accordingly introduced this Bill to give effect to them.

The rates of compensation in the Act at present were fixed in 1954. Since then the basic wage in South Australia has increased from £11 11s. to £12 16s., and a number of increases in the rates of compensation have been made by the Parliaments of the other States. The present maximum weekly rate of compensation is the same as the weekly basic wage. In the past the maximum has always been higher than the basic wage, so on this ground alone there is a case for reviewing the rates.

The explanation of the clauses of this Bill is as follows:—

Clause 3 deals with the amount of compensation payable when a workman dies leaving dependants. It is proposed that the present maximum of £2,350 should be increased to £2,500. Allowing for differences in the basic wage the figures in the other States are approximately as follows:—Victoria and Tasmania, £2,150, New South Wales, £2,620, Queensland £2,635, and Western Australia £2,625. To appreciate the full effect of these figures it must be remembered that in addition to the lump sum the workmen's dependants are entitled to an allowance (£80 in this State) for each dependant child, and that any weekly payments of compensation received by the workman in his lifetime are additional to the lump sum. Clause 3 also raises the minimum amount of compensation payable to full dependants on the death of a workman. At present it is £500 in addition to the children's allowances, and this figure has not been altered since 1947. It is not very often that the minimum applies but it is desirable that the opportunity should now be taken to bring the figure more into line with the other States and for this purpose it is proposed that it be increased to £800.

Clause 4 increases the funeral expenses which are payable in a case where a workman dies leaving no dependants, from £60 to £70. Information received by the committee indicates that the funerals provided for deceased workmen are now costing £70. Clause 5 increases rates of compensation for incapacity. The maximum weekly rate is increased from £12 16s. to £13 10s. In making this recommendation the committee has taken into account the rates in the other States. These are, after making adjustments for variations in the basic wage:—Victoria, £12 12s.; New South Wales, £13 18s.; Western Australia, £13 5s.; and Tasmania, £12 18s. for a man with a wife and two children, and £14 for a man with a wife and three children. In Queensland the overall maximum is the average weekly earnings, but as this maximum is based on a figure of £9 12s. for a man without dependants the actual maximum in the case of a man with two or more children must be somewhere about £13.

Having regard to all these figures the committee has agreed that £13 10s. is a proper figure to adopt in South Australia at present. In conformity with this increase the maximum for an unmarried man without dependants is increased from £8 15s. to £9 5s. The maximum total amount for incapacity is proposed to be increased from £2,600 to £2,750. In this case also the committee has based its decision on the maxima fixed by other States in which maxima are still in force. After making basic wage adjustments these are approximately as follows:—Victoria, £2,765; Queensland, £2,885; Western Australia, £2,695; and Tasmania, £2,245 (with provision for increases in the case of multiple injury). It is also proposed by clause 5 to increase the minimum amount of payment in a case of incapacity from £3 to £4. The minimum is hardly ever payable but while the rates are under consideration it is desirable to bring it into line with other States.

Clause 6 redrafts some of the provisions dealing with medical, hospital, nursing and ambulance expenses. Section 18a dealing with these matters was originally enacted about 15 years ago but has been radically altered by amendments. It originally provided for payment of medical and other allied expenses up to a total limit of £25, and there were subsidiary limits on the amounts payable under each heading—that is, for ambulances, nursing, doctors' fees and hospital charges. Over the years the subsidiary limits were increased and though they

were not expressly abolished their effect was largely nullified by the provision which allowed money not spent on one kind of service to be used to pay for another. The overall limit was gradually raised to £150, and later a provision was added empowering magistrates to award any additional medical, hospital, nursing or ambulance expenses actually and reasonably incurred by the workman without any limit of amount. However, because a number of limits are still mentioned in section 18a and because of the special provision for an application to a magistrate to authorize payments in excess of £150, the section does not work smoothly. The Government has been informed that in some cases claims by workmen for expenses in excess of £150 have been resisted and the workmen have been required to make applications to magistrates, although there was no real doubt about the liability to pay the sums. The Government has also been informed that legal questions have been raised about the effect of an application for excess medical expenses on a workman's general right to compensation. It was argued in one case that an adverse decision on such an application might mean that the workman was not entitled to anything at all. Doubts were also raised about the correct procedure. The legal position, however, now is that a workman has a right to be paid expenses on a reasonable scale for all medical, hospital, nursing, ambulance and other services which are reasonably necessary as the result of his accident. It is desirable in the interests of all concerned that this rule should be stated simply and that there should be no doubt about the procedure. For this reason the Bill proposes a re-draft of the relevant provisions of section 18a of the principal Act and lays down a general rule to the effect that if a workman is entitled to compensation for an accident he shall also be entitled to compensation for the reasonable expenses incurred by him for any medical, hospital, nursing and ambulance services which are reasonably necessary as a result of his injury. The effect of such a provision will be not only to remove the obsolete limits of amounts but also to make it clear that there is no difference, in principle, between the compensation for medical and hospital expenses and any other compensation, and that any dispute about the amount of such compensation will be settled by the same procedure as any other dispute under the Act.

Clause 6 also provides that the employer may pay the amount of the compensation for medical, hospital or other expenses direct to the medical practitioner, hospital or other person rendering the services, and such a payment will be a discharge of the employer's liability to the workman. The need for some provision on these lines has been pointed out to the Government by some public authorities which have found that workmen who have neglected to pay their hospital bills have nevertheless collected compensation. Hospitals have also reported to the Government that in some cases they have been unable to obtain payment from workmen although the workmen have received compensation for hospital expenses. Clause 6 also contains a provision empowering the Governor to make regulations prescribing the maximum amounts which may be charged for medical, hospital, ambulance and nursing services under the section. There is a provision in the principal Act on this subject but it was not designed to enable the Governor to prescribe the maximum limits of these payments.

Clause 7 of the Bill makes consequential amendments for increasing the amounts of compensation payable for scheduled injuries under section 26 of the principal Act. It is proposed that these amounts shall be based upon a maximum of £2,750 instead of £2,600. Clause 8 provides that the increased rates of payment will apply only in cases of injury or death occurring after the commencement of the Bill.

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

WRONGS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 5. Page 1559.)

The Hon. Sir COLLIER CUDMORE (Central No. 2)—This is a purely legal Bill. As I have dabbled in the law for some 40 years, it is probably expected of me that I should say something. I will, but it will not be in legal phraseology. The matter has been clearly explained by Sir Arthur Rymill in his second reading speech. This Bill is a real example of the British genius for compromise. He said that some of it he did not like and some of it he liked very much. As introduced, the Bill provides for the expenditure of many thousands of pounds, and I regard it as a good compromise. It is an example not only of the British genius for compromise but of the ability of the male sex to meet together and say, "This is a reasonable proposition." If members of the opposite sex—and, according to Kipling, "The female of the species is far

deadlier than the male''—had been discussing this, they would have gone on fighting for the whole or nothing until, like a chameleon on a tartan rug, they turned green, then purple and then gone like Guy Fawkes. This Bill has been agreed upon after proper discussion and I see no reason why we should not give it a speedy passage so that we can get on with something that really matters.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

New clause 6—''Operation of Act.''

The Hon. C. D. ROWE (Attorney-General)—I move to insert the following new clause:—

6. This Act shall apply only in relation to deaths occurring after the passing of this Act.

I indicated this new clause in the course of my second reading speech. I conferred with the Parliamentary Draftsman, Sir Edgar Bean, on this matter. His view is that the amending legislation should not be retrospective and that should be made quite clear in the Bill. Hence, the reason for my moving this new clause, which will make the position clear. In respect of deaths that have occurred and deaths in respect of which negotiations are at present proceeding, the position should be as the law was at that particular time, and this Bill should operate from the day on which it is assented to.

The Hon. F. J. CONDON (Leader of the Opposition)—This session we have passed several Bills that have been retrospective. This afternoon we dealt with one that was retrospective to last July. However, I am prepared to accept what the Attorney-General has said about the amendment. He has brought a legal mind to bear on it and I trust that what he has said is correct. Therefore, I do not oppose the amendment.

New clause inserted; title passed.

Bill read a third time and passed.

ADJOURNMENT.

At 4.24 p.m. the Council adjourned until Tuesday, November 11, at 2.15 p.m.