LEGISLATIVE COUNCIL.

Wednesday, November 12, 1958.

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

QUESTIONS.

CHELTENHAM-PORT ADELAIDE BUS FARES.

The Hon. F. J. CONDON—Has the Minister of Local Government a reply to my question of October 13 regarding the proposed increase in bus fares on the Cheltenham-Port Adelaide route, as referred to yesterday?

The Hon. N. L. JUDE—I have been advised that the conversion from trams to buses on the Cheltenham route has provided the opportunity of effecting service improvements and correcting inconsistencies in passenger treatment in the district, bringing procedure into line with the rest of the metropolitan area. The new bus service will operate over the same route as the tram service until it reaches Hanson Road (on the down journey), at which point it will divide—every other bus proceeding along Hanson and Grand Junction Roads, and the other half of the buses running down Torrens and Addison Roads; the two routes will then join at the junction of Addison and Grand Junction Roads and proceed as one service along Grand Junction Road and Commercial Road to the Black Diamond Corner (terminal). The return journeys will follow the same routes as just described. The new service will thus absorb the feeder service which operates along Grand Junction Road and Hanson Road, and will avoid the need to transfer from tram to bus at the outer tram terminal (Cheltenham Parade). In addition to these advantages, the journey via Hanson and Grand Junction Roads will be reduced by one section, in order to establish uniformity of fare charges over either branch. With regard to transfers, these will be issued between the Osborne-Port Adelaide feeder bus service and the trolley bus or Cheltenham bus service, and vice versa, providing the passenger is travelling in the same general direction. In the main the use of transfers will largely remain the same: two transfer points (viz., at Cheltenham Parade and Hanson Road) will be automatically eliminated by the through running provided by the new service. Transfers will also cease to be issued at the following points—

(*a*) Junction of Grand Junction Road and Port Road—betwen fuel bus and trolley bus.

(*b*) Black-Diamond corner—between Osborne-Port Adelaide feeder bus service and the trolley bus services to Semaphore-Largs Bay. (No transfer tickets were previously issued for the reverse journey.)

These variations are made for three reasons—

(1) To establish uniformity with practice elsewhere in the metropolitan area.

(2) To accord with the general concept of transfers being granted between a feeder service and main services, subject to the passenger travelling in the same general direction.

(3) To eliminate the possibility of malpractice, which for many years we have known to exist but found impracticable to stamp out.

I trust that the honourable member will realize that the reply has involved much consideration, and that it is satisfactory to him.

The Hon. F. J. CONDON—Will the Minister obtain a reply to my question about the increase in fares? I am not concerned about transfers, but I pointed out what it will cost the people in extra fares.

The Hon. N. L. JUDE—Yes.

MISREPRESENTATION BY SALESMEN.

The Hon. K. E. J. BARDOLPH—Has the Chief Secretary a reply to the question I asked yesterday regarding misrepresentation by salesmen?

The Hon. Sir LYELL McEWIN—I have no information, and on reflection I am of the opinion that it is more a Federal than a State matter.

REPORT OF STANDING ORDERS COMMITTEE.

THE PRESIDENT—At the end of last session I promised the Attorney-General that I would call the Standing Orders Committee together to discuss difficulties arising out of the Council Standing Orders relating to Instructions to Committees of the whole Council on Bills. I now bring up the report and ask the Clerk to read it.

The CLERK—The Standing Orders Committee has met and considered the Standing Orders dealing with Instructions to Committees of the Whole Council on Bills. The Committee recommends no amendment of the Standing Orders but suggests that in cases where motions for instructions comply with the Standing Orders in all respects other than relevancy, the President direct the attention of the Council to the position and leave it to the Council to decide whether the instruction should be given to the Committee.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That the report be adopted.

The committee considered the difficulties which have arisen from time to time and believe that the difficult question of relevancy could best be overcome in the manner set out in the report. That is to say, when the President considers any motion for an instruction raises some doubt on the ground of relevancy he will report his opinion to the Council and leave it to the Council to decide whether the instruction should be given to the Committee or not.

The Hon. F. J. CONDON (Leader of the Opposition)—I second the motion. The report really takes away your prerogative, Mr. President, and you will not make a decision; in effect, it will be left in the hands of the Council.

The Hon. Sir ARTHUR RYMILL (Central No. 2)—I welcome this report, which I think is an extremely good solution of a difficult problem. I referred to this only recently, once again, during the debate on, I think, the Local Government Bill. The Standing Order as at present drawn and as interpreted in accordance with precedent has made it difficult for this Council to manage its own affairs or solve its own destinies. This suggestion will enable that to be overcome and really adopts the very laudable principle that the Council is actually in control of its own affairs. I do not think that it derogates from your powers, Sir, one iota because in the ultimate the Council should be, and normally could be, except where hamstrung by awkward Standing Orders, in charge of its own affairs. In my experience of the past few years your rulings have always been most sympathetic and generous to members. This is a very practical solution to the problem that could possibly have widened our Standing Orders further than was desirable and enable things to be done which could embarrass the Council. I think it is an admirable solution and I wholeheartedly support it.

Motion carried.

INDUSTRIAL CODE AMENDMENT BILL.

Read a third time and passed.

EXPLOSIVES ACT AMENDMENT BILL.

Read a third time and passed.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL.

Read a third time and passed.

ADVANCES TO SETTLERS ACT AMENDMENT BILL.

Read a third time and passed.

FOOT AND MOUTH DISEASE ERADICATION FUND BILL.

Second reading.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

The Bill gives effect to a recommendation of the Australian Foot and Mouth Disease Committee in 1956 that a draft Bill approved by that committee should be introduced in all State Parliaments to ensure uniformity in the method of distributing funds made available by the Commonwealth and the State to combat an outbreak of foot and mouth disease anywhere in Australia. The Bill is substantially the same as an Act with the same title passed in Victoria in 1957. Foot and mouth disease is one of the worst livestock diseases in the world. It is widespread in all countries except the United Kingdom, the United States of America, Canada, New Zealand and Australia. An outbreak in Australia could be disastrous for the livestock industry.

At its meeting at Hobart, in December, 1954, the Australian Agricultural Council adopted a report by its Standing Committee that should there be an outbreak of the disease anywhere in Australia the Commonwealth Government should contribute 50 per cent of the cost of eradication and that the States should contribute the other 50 per cent as follows:—New South Wales 29 per cent, Victoria 18.25 per cent, Queensland 20.5 per cent, South Australia 10 per cent, Western Australia 10 per cent, Tasmania 6.25 per cent, and Northern Territory and Australian Capital Territory 6 per cent. This suggested apportionment of the costs has been accepted by all Governments and a firm agreement exists whereby funds will be available in the above ratio to meet the cost of eradicating an outbreak wherever it may occur in Australia. In this State the power to control the disease is contained in the Stock Diseases Act, 1934-1956, and the regulations thereunder.

The eradication of the disease will necessitate the destruction of all cloven hooved animals on a farm where an outbreak occurs and in some cases on adjoining properties also. All milk, cheese, carcasses and similar farm produce of animal origin must also be destroyed, together with certain classes of fodder. Pig sties and dairies which cannot be adequately disinfected may have to be demolished

and burnt. To combat an outbreak of this disease it is necessary to act quickly. Delays or half measures would reduce the chances of success and eventually increase the overall cost. It follows, therefore, that funds must be available for the eradication measures and that any person who suffers loss by reason of these measures should be adequately compensated, and it is for these reasons that the Bill has been introduced.

The explanation of the Bill is as follows—Clause 2 provides that the Act shall come into force on a day to be fixed by proclamation. Clause 3 defines words used elsewhere in the Bill. Clause 4 enables the Governor by proclamation to extend the definition of "animal" beyond those mentioned in clause 3. Clause 5 provides that the eradication fund shall be kept at the Treasury. Clause 6 enables the Governor to appoint inspectors for the purposes of the Act. Should the disease be detected in this State it would probably be necessary to appoint inspectors in addition to the stock inspectors already employed by the Government.

Clause 7 provides for the payments into the fund by the Commonwealth and the States, and also lays it down that the proceeds of the sales of surplus stores and equipment will be paid into the fund. Clause 8 provides that the fund shall be applied in payment of all expenses directly connected with the control of the disease. This does not include the salaries of permanent Government employees who may be engaged in such work. The clause authorizes other payments out of the fund for compensation and expenses incurred in obtaining a determination of the value of items for which compensation is claimed. Clause 9 authorizes payment of compensation to the owner of any animal or property which is destroyed for the purpose of controlling or eradicating the disease, and to the owner of any animal which is certified as having died of the disease whilst on quarantined land.

Clause 10 provides that the amount of compensation for an animal shall be as follows:—

(*a*) If the animal destroyed is affected with the disease at the time of its destruction—the value of the animal immediately before it became so affected;

(*b*) If the animal died of the disease whilst on quarantined land—its value immediately before it became so affected;

(*c*) In every other case—the value of the animal immediately before it was destroyed.

The amount payable for property destroyed is its value at the time of destruction.

Clause 11 provides that the value of any animals or property shall be determined by agreement between the owner and the Minister, and in default of such agreement shall be determined by a special Magistrate. Clause 12 limits the amount of compensation to that provided by the Bill.

Clause 13 provides that claims for compensation shall be lodged within sixty days of the destruction or death of the animal or the destruction of the property and that no compensation, or only such as the Minister thinks reasonable, shall be payable to an owner who, during the currency of the Act, has been convicted of an offence against the regulations relating to the eradication of the disease. No compensation is payable for loss of profit or other consequential losses.

Clause 14 makes it an offence punishable by a fine not exceeding one hundred pounds for any person to make a false statement or be concerned in a fraudulent act for the purpose of gaining a pecuniary benefit under the Act.

Clause 15 provides for the winding up of the fund on a date not earlier than six months nor later than twelve months after the last diagnosed case of the disease following an outbreak in this State.

Clause 16 enables the Governor to make regulations to assist in carrying out the purpose of the Bill. Clause 17 provides that all offences against the Bill shall be disposed of summarily.

The Government commends the Bill to honourable members as an effective means of preparing for something which we all hope will never happen, namely, an outbreak of foot and mouth disease.

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 11. Page 1635.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the second reading of this Bill, which as pointed out by the Minister, is an amendment to the Statute affecting the Public Service particularly as regards long service leave. I understand that this amendment has been requested by the employees concerned. It covers really an accumulation

of long service leave over a period of continuous service and brings the position into line with that operating in other States following similar applications there.

We are asked from time to time to amend various statutes. We have a second reading speech explaining the Bill delivered by the responsible Minister and then are asked, after a short perusal of that speech, to determine the issue. I suggest to the Government that we have reached a stage in the history of legislation where members of this Parliament should, in effect, be continuously engaged in the affairs of the State—and, in the Commonwealth Parliament, in national affairs confronting that Parliament. We should adopt the practice of the House of Commons, which appoints respective committees on various types of legislation. Social legislation such as this is referred to all-Party committees. I am not suggesting all-Party committees to determine the policy of the Government but, in a matter like this that is virtually non-contentious and is not a principle of Party policy, I suggest that a report be submitted to Parliament whereby the amenities provided by long service leave and superannuation could be reviewed from time to time and our legislation brought into conformity with that in the other States—because, in the last analysis, each State is not foreign to the other States. We have a confederation of States in Australia and the conditions obtaining in all the States in matters such as these should be universal.

The Hon. Sir. Frank Perry—You cannot do that.

The Hon. K. E. J. BARDOLPH—I think we can. The mere fact of the introduction of this Bill and an explanation of it by the Chief Secretary brings it into line with the conditions in the other States. I am not suggesting that the committee should be all-powerful but I suggest this so that those elected to Parliament may fully appreciate and understand the various implications of the amendments to the existing Acts. Members of Parliament would be employed on such committees. If the system works well in Great Britain, in the Mother of Parliaments, I can see no objection to it working here in this young country and achieving generally the purpose that this amendment will achieve on this occasion. That is one of the features of our representative Government that this Government—at least while it is in office—could take into consideration for the purposes I have mentioned.

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

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 11. Page 1639.)

The Hon. C. R. STORY (Midland)—This Bill is another advance in the development of industry in the country areas. It is in conformity with the Government's policy to help industries become established in those areas. I believe the Government has done an extremely good job in encouraging industries to go to country areas by providing the public utilities necessary for their establishment.

This amendment will enable industry to have buildings erected by the Housing Trust the same as houses are now built. The trust has actually erected some buildings, at Elizabeth in particular, and those are welcomed by the people who have a desire to establish industries there. This is not restricted in any way to the Elizabeth area; it will apply to any part of the country where it is reasonably certain an industry can prosper and survive. In his explanation of the Bill the Chief Secretary said:—

> It provides that, with the consent of the Governor and upon the recommendation of the Industries Development Committee, the South Australian Housing Trust may erect factory premises on any land of the trust which is situated outside the metropolitan area.

I think that is an extremely good provision. The Industries Development Committee comprises people who look into and advise on whether an industry is in such a position that it can be resuscitated and assisted by a further advance, and it also has the power to recommend to the Government the establishment of factories for that industry or for other industries to be established.

The Hon. S. C. Bevan—Hasn't the Housing Trust already done that?

The Hon. C. R. STORY—Yes, the trust has built factories outside the metropolitan area. I point out that I am extremely pleased that it is necessary for the committee to make this recommendation. That committee is comprised of people from all walks of life—members of this Parliament—who take evidence and investigate the possibilities of the survival of an industry. Had it not been that that recommendation was necessary I do not think I would have been very happy about this Bill.

The Hon. F. J. Condon—Does it affect your district?

The Hon. C. R. STORY—The honourable member should realize that Elizabeth is one of the up and coming places in my district. It would perhaps be better if members confined their remarks to happenings in their own districts, because it would often save this Council much time. Had this provision regarding the recommendation of the committee not been included, we could very easily find ourselves with factory shells being put up all over the country on the promise of the establishment of certain industries; a tremendous amount of Government money would be tied up, and an industry, if it actually got there, would probably not survive because certain ingredients are necessary for an industry firstly to become established and then to survive. Perhaps the most important thing is the raw material. Public utilities such as water supplies and distances from the seaboard are other factors. As I said earlier, this Bill conforms with the Government's policy of encouraging decentralization.

The Hon. S. C. Bevan—That's a laugh!

The Hon. C. R. STORY—The honourable member has not been able to produce evidence to prove that the Government has not done its very best to decentralize industry. This Government has encouraged industry, and there is plenty of proof of that. People stand up and talk about where they are going to send industry, but sending certain industries to certain places is not my political philosophy. Industries have to be encouraged, and they must have a reasonable chance of survival. This Bill cannot but do good provided the committee carries out its job properly, as I believe the personnel of the present committee will do. It has assisted industry. Only a very small amount has actually been written off in the time the committee has been functioning, which proves that it has carried out its instructions and done its work diligently. Provided the committee watches the position carefully, I feel we will not have a crop of factories which may become a burden on the State being put up all over the country. I have much pleasure in supporting the Bill.

The Hon. Sir FRANK PERRY (Central No. 2)—Any steps by the Government or anyone else to establish industries away from the metropolitan area must naturally have some support from this Chamber. Australia as a whole has unfortunately concentrated too much on the metropolitan areas of the various States, and this applies particularly in South Australia. I read this Bill originally with some satisfaction, but after hearing explanations given by two members of the Industries Development Committee, which seeks to decide these matters, it seems to me that the Bill is brought forward not so much with the idea of the practical development of any industry in the country but to legalize something that has already been done.

The Hon. A. J. Shard—Hear, hear!

The Hon. Sir. FRANK PERRY—That detracts a little from the glamour of this Bill and from what some of us hoped the Bill would do. Industry does grow, but there has to be some reason for the growth. The Industries Development Committee has guaranteed nearly £4,000,000 over the 17 years of its existence, and in that period some £600,000 of that amount has been repaid—not very much, but it shows some activity. If we examine it further we find that very few country industries have been supported by the committee.

The Hon. L. H. Densley—That is not so; £1,000,000 has been provided for the pyrites industry.

The Hon. Sir. FRANK PERRY—Pyrites is an ancillary of another industry, not an industry in itself. The intention of the original Act was that smaller industries be developed, but the committee has guaranteed up to £1,000,000 for one industry and up to £900,000 for another.

The Hon. L. H. Densley—It has recommended guarantees to that amount.

The Hon. Sir FRANK PERRY—Yes. Other sources exist to obtain money, although it may not be as easy or as cheap as this source. I think the aim and the idea of the original committee was to establish active smaller industries that could not be financed by the ordinary methods and had to approach the Government for help to get started.

The Hon. C. R. Story—Where would they get the money otherwise?

The Hon. Sir FRANK PERRY—Millions of pounds have been raised by companies which are not as strong as the companies that have been guaranteed under this legislation. The Government lent money at 3½ per cent or thereabouts to certain industries but, to my mind, those loans and the interest charged were not envisaged when this legislation was first introduced.

The Hon. K. E. J. Bardolph—The Government did not lend money at 3½ per cent.

The Hon. Sir FRANK PERRY—The Government guaranteed the State Bank. I have always had the idea that the State Bank was virtually owned by the Government of this State, because its capital comprises money voted by this Parliament. I think any assistance to industry should be made on sound lines, and if industry can be developed in the country it is all to the good. However, the proposal is for the Housing Trust to supply the land and the buildings; the Commonwealth Bank can supply the machinery, and all a man has to do is to have two strong arms and get to work. That is a wonderful position, and anyone that can convince the Industries Development Committee on those lines will have a wonderful start under this legislation.

Much inquiry must be made into this matter so that we do not have buildings all over the State that are not put to the use for which they were originally intended. I think that these industries should have some backing and some interest of their own before they are encouraged to go too far. I was a member of the Industries Development Committee for two or three years. A little closer and more definite inquiry should be made regarding some of these industries before I would be prepared to go as far as this Bill goes. However, we must assume that the committee will apply itself to the greater risks it is now taking in not only establishing industry, but supplying the land and buildings for it. If the committee can develop on those lines I support the Bill, but I think it places additional responsibilities on the Committee which it must be prepared to carry.

The Hon. K. E. J. Bardolph—When the honourable member was on the committee he never supported a minority report.

The Hon. Sir FRANK PERRY—I submitted one minority report for which I offer no excuse, for had my opinion been followed that line showing a loss of £18,890 would not have been on the list. There is necessity for a very close examination of these matters by the committee, but if industries can be developed on good, sound lines in a modest way this can be sound legislation. I support the Bill and hope that it will develop along those lines, but I have some reservations.

The Hon. Sir ARTHUR RYMILL (Central No. 2)—I approach this Bill with very mixed feelings indeed. The Minister, in giving his reasons for the introduction of the Bill, commenced by saying that its purpose was to provide a practical means of encouraging the establishment of industries in country areas. I am sure that no member of this Chamber or of another place would do other than completely support the principle underlying that idea, and that facilities for industries are undoubtedly a most important matter for the progress and development of the State.

The thing I do not like about the Bill is the extension of the tentacles of the Housing Trust whereby it is now getting itself involved in and impinging on private industry in increasing directions. That is an aspect of this Bill that must be given the most serious consideration. I agree with the idea that the Government should help industries to be established, particularly where they would not be established without Government assistance. However, this Bill goes further than that and says that industries shall not only be established with Government financial assistance, but with the Government sponsored Housing Trust itself actually designing, planning and erecting the buildings for those industries. That is a matter which could be better left in most cases to private industry, and I sincerely hope this Bill does not presage competition by the Trust in an interfering sense with private industry to the end that the Trust ultimately ousts private enterprise altogether, although this Bill is certainly a step in that direction. I think most of us believe that private enterprise should be encouraged. There are things which it cannot do and which the Government has to step in and do, and that, I believe, is the role of Governments, but one of the things that worries me about this Bill is whether the Government is not going further than it need in doing things that might well be left to private enterprise.

One provision of the Bill that appeals to me more than some of the ideas I have mentioned underlying the Bill is the provision relating to the possibility of the Trust's leasing factory premises rather than selling them. The Bill empowers the Trust both to lease and to sell any premises it may erect. That may be a good thing in certain cases, and it might be something that private enterprise cannot fully handle, but I know that many of the large life assurance companies have very satisfactory programmes of lending money for the erection of buildings on what is called a purchase-lease basis, and for facilitating the building on what is called a pure lease basis, which approximates the leasing provisions of this Bill itself. I noticed in the press the other day that the immediate past president of

the Institute of Architects protested against this Bill and said there was nothing that the Housing Trust architects could do that private architects could not.

The Hon. L. H. Densley—They do not do it quite so cheaply. I think that is the argument.

The Hon. Sir ARTHUR RYMILL—I think that is so and he considered that this was an unwarranted interference with private enterprise. These things have to be taken into account by this Council. To sum up: I am all for encouraging industries to come to South Australia. I am against unwarranted Government interference with private industry, but I realize that there are occasions when the Government can properly supplement private industry. If this Bill is well administered, and of course we have an all-Party Committee to go into each request and make recommendations, I feel that it can make a valuable contribution in the development of the State. It largely depends on the action of the Industries Committee whether the Bill will be a success or not. I feel sure that it it will be passed and therefore I express the hope that the committee will very carefully scrutinize any applications that come before it with a view to seeing which should have Government assistance and which can well look after themselves.

The Hon. L. H. Densley—You appreciate that the Industries Committee has not recommended any expenditure on this type of building to the present?

The Hon. Sir ARTHUR RYMILL—I realize that. In giving my luke-warm support to this Bill I am pinning my faith on the good, sound commonsense of the committee. It is a committee that is well respected at the moment. We do not know what sort of committee we will have in future, but if its present calibre is maintained I feel that we will have a sensible administration of this legislation. Pinning my faith on the integrity and ability of this committee I give the Bill my present support.

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

WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 11. Page 1642.)

The Hon. S. C. BEVAN (Central No. 1)—Workmen's compensation legislation is usually rather contentious, but this Bill brings South Australian conditions into some semblance of line with those that have prevailed for some time in other States. South Australia has dragged behind other States in its industrial legislation.

The Hon. L. H. Densley—But not in its industrial expansion.

The Hon. S. C. BEVAN—I referred to industrial legislation. If we were considering industrial expansion I could find a lot to say. So far the debate has centred upon various aspects of the principal Act and interpretations of its provisions, and something has been said regarding claims based on the numerous items in the schedule and some that are not covered by the schedule, and the difficulties that people have had in obtaining compensation. Mr. Condon referred to some he had encountered in his own experience. The attitude of the insurance companies, referred to in the Act as the insurers, has also been commented on. Unfortunately, in some instances it has been necessary for the claimant to take legal action, or threaten to do so, before his claim has been recognized.

I should like to give one or two experiences respecting claims for workmen's compensation to illustrate the difficulties that arise. One case concerned an accident that does not come within the schedule. A female employee injured her back and was away on compensation for a considerable time, but on her return to work she still suffered from the injury, which prevented her from carrying out her previous duties and also her home duties. A claim was lodged under the Act for compensation for partial disablement. The insurance company referred the claim to its doctor, who reported after examining the woman that she had injured her back some years previously and was suffering a recurrence. When the doctor asked her had she had previous trouble with her back she replied, "No," and the report put in was retracted. That is the kind of thing that goes on.

I know of a workman who injured his hand to such an extent that it was practically useless. It had been caught in a machine and the fingers were laid back against the palm. He was away from work for a considerable time and at the conclusion of his treatment at hospital he was discharged and declared fit to work. However, he could not carry out his duties because of the injury. The company offered him £250 in total settlement of the claim, but when he brought the claim to me I rejected it because of the damage that had been suffered. I was the secretary of his union. The union consulted its solicitor

and there was a final settlement of £1,250 by the company, which in the first instance offered only £250.

Another case concerned a person who had lost a finger just above the second joint and, under the schedule, it was not considered that he had lost the second joint. Because of the injury the finger was of no further use and the insurance company said that it was liable for payment for only one joint, despite the fact that the doctor said that the finger was useless. That is the kind of thing that goes on. Because of such instances, the Workmen's Compensation Committee has been prompted to suggest further amendments.

One of my complaints about the Bill is that it does not go far enough. I consider that the committee should already have submitted a recommendation relative to compensation for an injury suffered by a workman when travelling to or from work. This question has previously been considerably discussed not only in this Chamber but in the House of Assembly. An amendment has been included providing for compensation for a workman if injured when travelling to or from work in a vehicle supplied by his employer, and this applies to many employees in South Australia. I fail to see any difference between an employee travelling to and from work in a vehicle supplied by his employer and one travelling in his own vehicle. It is only natural that a worker should travel direct to work whether he rides a push bicycle, travels in a bus, or drives his own motor. The same would apply to a vehicle supplied by the employer. South Australia is lagging behind the other States in this respect. One speaker in the House of Assembly, speaking on one clause of the Bill, suggested that because it contained a recommendation of the Workmen's Compensation Committee it should be accepted, but when it came to the question of compensation for a worker injured when travelling to or from work he contended that the amendment should not be accepted. The Premier stated that even had it been a recommendation of the committee the Government would not have accepted it. Apparently its recommendations are accepted on the one hand, whereas on the other they are not acceptable.

The Hon. N. L. Jude—If a worker got pneumonia going to work because he had left his overcoat behind, how could the employer be blamed?

The Hon. S. C. BEVAN—Would he be covered or not under the same circumstances if he were travelling in a bus provided by his employer?

The Hon. E. Anthoney—No.

The Hon. S. C. BEVAN—That is debatable. Apparently an arbitrator would be called in to decide the position. If under the law a committee were appointed to hear complaints and make decisions, it would be beneficial to all parties concerned. At present a worker has to force the issue before there can be a settlement of a claim. Yesterday, Sir Frank Perry told members that about 2½ per cent of the wages bill of an employer was paid to insurance companies as premiums to cover workmen's compensation. I am prepared to accept that figure.

The Hon. Sir Frank Perry—The percentage varies in various industries.

The Hon. S. C. BEVAN—I appreciate that, but an enormous amount must be paid in premiums to insurance companies. Where a reasonable claim is justified within the ambit of the Act, the claimant should not have to go through the present processes to get that to which he is entitled. The premiums paid by the employer must be sufficient to cover claims; a premium would not be paid on each individual employee. No employee would wilfully have an accident so that he could claim compensation. The question of industrial safety also arises. With proper safeguards, many of these claims would be eliminated. The question of responsibility comes into it at all times.

The Hon. E. H. Edmonds—Is not that covered by the Factories Act?

The Hon. S. C. BEVAN—No. It comes under the Industrial Code, but that is not sufficiently policed to see that effect is given to it. Often in South Australia a factory is not inspected until there is an accident, but then we find that an inspector immediately inspects the factory to study the circumstances of the accident.

The Hon. E. H. Edmonds—What are your people doing to let them get away with that?

The Hon. S. C. BEVAN—We have complained repeatedly.

The Hon. F. J. Condon—There are not sufficient inspectors to go around.

The Hon. S. C. BEVAN—That is what we are told. The trades union movement has complained continually. Recently there was an explosion in a city factory, and this place had not been inspected. The Bill increases compensation payable to workers to bring the amount closer to present day money values. Clause 3 provides for the amendment of section 16 of the principal

Act to increase the minimum payment under this section from £500 to £800 when a workman dies leaving dependants. Clause 3 (*b*) increases the maximum amount payable to the workman's dependants on his death from £2,350 to £2,500, which is small compensation indeed.

Section 16 (4a) of the principal Act is amended to increase the funeral expenses benefit from £60 to £70, on the recommendation of the committee which, apparently, ascertained from undertakers the normal present-day cost of a burial. Clause 5 increases the maximum weekly payment for incapacity to a married man with dependants from £12 16s. to £13 10s., and to a single workman with no dependants from £8 15s. to £9 5s. There can be no argument about that, because a comparison with the position in the other States, having regard to the variation in the basic wage, shows that in Victoria the weekly amount payable is £12 12s., in New South Wales £13 8s., in Western Australia £13 5s., in Tasmania £12 18s. (with a maximum of £14 for a man with a wife and three children, a man with a wife and two children being entitled to £12 18s.), and in Queensland the amount payable is his average weekly earnings. That is something that we, the Opposition, have advocated for South Australia: a workman unfortunate enough to meet with an accident whilst in the employment of his employer should not suffer a reduction in his normal wage but should receive it as a weekly payment because, even if it is extended to £13 10s. a week under this amendment, it will still not go far towards paying his debts. I appreciate that the present Act excludes any hospital or medical attention that he may receive. The clear weekly payment, I maintain, should be the normal weekly wage he was receiving prior to his accident.

The maximum amount payable for total incapacity is increased to £2,750, which is approximately what is paid in the other States. In Victoria it is £2,765, in Queensland £2,885, in Western Australia £2,695 and in Tasmania £2,245, so we are still behind two States in our payment for total incapacity.

Clause 6 amends section 18a of the principal Act and has for its purpose the removal of any doubt as to the actual intention of workmen's compensation. This clause deals with medical, hospital and other expenses incurred because of an accident. The section originally provided for medical, hospital and other similar expenses up to a total limit of £25. Over the years the overall limit was gradually raised to £150 but, by amending legislation, this was altered by the provision empowering magistrates to award additional expenses. That is where we got into trouble.

This amendment has caused considerable confusion. Claims have been resisted by some insurance companies, forcing the workman to apply to a magistrate, thus involving him in legal costs. The clause now before us will clear up any misunderstanding on that score. Clause 6 (1) reads:—

Where a workman is entitled to compensation under the other provisions of this Act or by reason of subsection (6) of this section the employer shall be liable to pay as compensation to the workman the reasonable expenses incurred by the workman for such medical, hospital, nursing and ambulance services as are reasonably necessary as a result of his injury.

That means the redrafting of section 18a (1). The reference to £150 as expenses and the determination by a magistrate of any expenses exceeding the £150 will be deleted. The clause proceeds to define what is meant by ambulance, hospital and nursing services. Clause 6 (4a) reads:—

The compensation payable under this section shall be in addition to all other compensation payable to the workman, and the fact that a workman is entitled to compensation under this section shall not restrict the compensation payable to him under any other provision of this Act.

That means that the medical expenses, whatever they may be, are not deductible from any lump sum payment to which the workman may be entitled. Then subclause (4), upon which Sir Frank Perry commented yesterday, reads:—

The Governor may by regulation prescribe the maximum amounts which may be charged and recovered for any medical, hospital, nursing or ambulance services the cost of which is payable as compensation under this section.

The honourable member said it should not be left, for instance, to an individual to determine what should be the amount recoverable but that a limitation should be written into the Act so that people would know the circumstances. Examining it, I find that the intention of that subclause, that this matter shall be governed by regulation, is justified.

The report of the committee that prompted this phraseology says:—

In order to prevent over-charging, the committee recommends that the legislation should provide that the Governor may by regulation prescribe the maximum amounts chargeable for medical, hospital, nursing and ambulance services in cases where the cost of these services is

payable as compensation. The committee is informed that the British Medical Association already has an arrangement with underwriters as to standard charges for work done by medical practitioners, and it is desirable that hospital, ambulance and nursing charges should be similarly standardized on a just basis.

That is an adequate explanation. It means that a reasonable fee would be obtained by the B.M.A. for medical services, hospitalization and the like. They being experts on that could advise, and the amounts determined after consultation would be the amounts fixed by regulation. So there is sufficient safeguard in the phraseology of the clause against overcharging. I have pleasure in supporting the second reading.

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

IRRIGATION ON PRIVATE PROPERTY ACT AMENDMENT BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's suggested amendment without amendment.

LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT BILL.

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

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

The main purpose of this Bill is to extend the operation of the Landlord and Tenant (Control of Rents) Act for another year. Whilst the housing position is improving and is substantially better than it was some years ago, the demand for rental housing is still considerably in excess of the supply. The applications made to the Housing Trust provide evidence as to this demand. During 1957-58 the trust received 4,828 applications for permanent rental accommodation, as compared with 5,417 in the preceding year. There were 1,938 applications during 1957-1958 for emergency houses compared with 1,720 in 1956-1957 although, in many cases, these applicants also applied for permanent housing. During 1957-1958 there were also 2,750 applications to purchase houses as compared with 2,547 during the previous year. It is estimated by the trust that it holds approximately 7,000 active applications for rental accommodation and in most cases the applicants are living under unsatisfactory housing conditions.

As early as 1953, the Act was amended to provide that it would not apply to new houses. Consequently, the owners of new houses are not subject to any control either as to the rents which can be charged or as to the recovery of possession from the tenants. It was thought in some quarters that, as a result of freeing new houses from control, private building of houses for letting would take place, but the fact is that, apart from rental houses built by the Housing Trust, virtually no houses have been built for the purpose of letting although, of course, many houses have been built for home ownership. The building of flats by private enterprise is being carried on in the metropolitan area. Whilst in some degree these flats will ease the housing position for certain categories of people, they are unsuited to the needs of workers with families for the reasons that the rents are invariably much higher than the average worker can afford and that the flats are usually designed to accommodate only the smallest of families. The Government is therefore of opinion that, in view of the rental housing position, it is desirable to extend the operation of the Act, and clause 4 provides that the operation of the Act is to be extended for a further year, that is, until 31st December, 1959.

The only other amendment proposed by the Government is contained in clause 3. Subsections (2) and (2a) of section 6 provide that the provisions of the Act are not to apply to certain leases such as the lease of a new dwelling-house or where the lease is in writing and is for a term of two years or more. Some doubts have arisen as to what is the position when a lessee under, say, a two years' lease, remains in possession of the premises at the expiration of his lease and the lessor wishes to recover possession of the premises. The question then arises whether or not proceedings by the lessor to recover possession are governed by the provisions of the Act or by the general law relating to these matters. There is little doubt that the intention of Parliament was that the Act should not apply to rights arising out of these leases, and it is probable that the correct view of the law is to that effect but, in view of there being some uncertainty in the matter, clause 3 is proposed to clear up any doubt. A similar state of affairs arose where a lessee of premises subject to an exclusion certificate held over after the expiration of his lease when section 69 was enacted in 1951 to meet the position.

There are two categories of leases involved. In the first place there are leases of new premises and premises which have never been

previously let, and the clear intention of paragraphs (*a*) and (*b*) of subsection (2) of section 6, is that these premises should never come under control. In the second place, paragraphs (*c*), (*d*) and (*e*) of subsection (2) and subsection (2a) exempt from the Act certain leases, such as leases for two years which leases are intended to be free from control but where the premises could subsequently be let under conditions, for example, an oral letting from week to week, where the subsequent letting would be subject to the Act.

Clause 3 is similar in principle to section 69 but distinguishes between the two categories previously mentioned. As regards the second category, that is, such as where a tenant for two years holds over after the expiration of his term, the clause provides that the lessor may, at any time after the expiration of the term, give notice to quit and may, after three months after the expiration of the period of the notice to quit, commence proceedings for recovery of possession. The Act will not apply to the proceedings but the lessee is given some time to obtain other accommodation. In addition, it is provided that the rent to be payable during the holding over is to be that payable under the lease or such other amount as is agreed in writing, and acceptance of such rent will not be deemed to constitute a new lease. As regards the first category, that is, such as where new premises are let, it is provided that the Act is not to apply to the notice to quit or to any subsequent proceedings.

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

SUPREME COURT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 6. Page 1610.)

The Hon. Sir FRANK PERRY (Central No. 2)—This short Bill increases the salaries of our Supreme Court judges, who are very highly respected people in the community because they give decisions of very great importance. They are gentlemen who have risen to the greatest heights in their own profession because of their knowledge of the law, their character and their temperament, and these qualities enable them to give decisions in line with the legislation and the common law. I am sure all members agree that these gentlemen should be placed in a position where they should be relieved of any financial worry. The alteration suggested to their remuneration is quite large, but these judges missed out in the previous increases that were made and I do not think anyone can object to their now being brought into line.

The Hon. K. E. J. Bardolph—They would make more than their present salary in private practice.

The Hon. Sir FRANK PERRY—Yes. These judges give up private practice usually when they are at the height of their profession, and thus they give up the possibility of earning much more than they would earn as judges. The profession seems to regard a judgeship as a high honour, and I hope it will always be regarded as such. Honour, status and responsibility attach to the position, and therefore the judges should be reasonably remunerated for the time, experience and knowledge they apply to their work. I know our Supreme Court stands very high in the esteem of the legal profession and the people, and I am sure no-one will object to these increases. In fact, some people consider that the claims of the Supreme Court judges should have been recognized earlier. I have much pleasure in supporting the Bill.

The Hon. K. E. J. BARDOLPH secured the adjournment of the debate.

PULP AND PAPER MILLS AGREEMENT BILL.

Received from House of Assembly and read a first time.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

This Bill ratifies another agreement relating to the establishment of an industry in this State. It is the third agreement of this kind which has been placed before Parliament for ratification this session. Some question has been raised about the wisdom of legislating in this way but the ratification of an agreement is probably the best way in which Parliament can authorize the grant of rights to industries established under arrangements made with the Government. The alternative method of dealing with the problem would be by enabling legislation giving the Government power to make and carry out agreements, but if this method were adopted Parliament would have less knowledge and control of what is being done than it has under the present method of submitting agreements for Parliamentary ratification.

The facts which led up to this Bill can be shortly stated. At the end of last year the company called Apcel Limited was formed for

the purpose of carrying on a wood pulp and paper mill at Snuggery near Millicent on a site near the one already occupied by Cellulose Australia Limited. The new company was jointly owned by Australian Paper Manufacturers and Cellulose. The company selected Snuggery as the site of its mills because that locality had a number of advantages; but it had the disability that there was no ready means of disposing of effluent from the mills. It was expected that the mills would produce a considerable volume of effluent—over a million gallons a day. The effluent would not be poisonous or disease bearing, but it might constitute a nuisance unless proper arrangements were made for its disposal. In addition the new company required the right to take water for its mills from drains under the control of the Millicent council and from underground sources. It asked the Government to assist it in disposing of the effluent and in obtaining the necessary water rights.

The Government was desirous of having the industry established for several reasons. One important reason was that the proposal would bring about a further substantial measure of decentralization of industry and population, by establishing mills in a pleasant rural setting. The mills will cost about one million pounds, much of which will be spent on local labour. Further, the Government itself had a financial interest in Cellulose which is a part owner of the new company. In addition to all these factors Apcel would be a customer of the Forestry Department for about 16 million super feet of pulpwood a year. For these reasons and because of the Government's general policy of development, Ministers agreed to investigate the problem of disposing of the effluent. It is a simple matter, of course, to run the effluent from the mills into the drains, but the drains discharge into Lake Bonney and the problem was to prevent the effluent from creating a nuisance in the lake. After considering various engineering alternatives the Government finally decided to try the experiment of opening a small channel between the southern end of Lake Bonney and the sea, in the expectation that the flow of water from Lake Bonney would enlarge the channel and thus provide a simple means of draining the effluent from the lake into the sea. So far the experiment has been quite successful. As soon as the small channel was cut the flow of water widened it considerably and it is now working satisfactorily and has reduced the level of the water in the lake with beneficial results. There may be some difficulty in keeping the channel open when the flow of water from the lake diminishes and storms or other natural events cause sand to accumulate in the channel, but it is expected that this problem can be dealt with at a reasonable cost.

Following the success of the channel, the Government entered into an agreement with Apcel, Cellulose and the District Council of Millicent for the purpose of conferring on Apcel the rights which it required for its proposed industry. At the same time the opportunity was taken to extend the period of operation of certain rights, which Cellulose had obtained from the Millicent council about 20 years ago, to take water from, and discharge effluent into, Snuggery drain. The council was sympathetically disposed towards the new industry and was willing to grant the rights required by Apcel, and also to extend the existing rights of Cellulose. The agreement therefore is a four-party one by which the Government and the Millicent council grant rights to the two companies.

It will be convenient if before dealing with the Bill itself I explain the main provisions of the Agreement, which is in the schedule on pages 4 to 11 of the Bill. The first three pages of the Agreement contain recitals setting out the facts on which the Agreement is based, and I need not repeat them.

Clause 1 of the Agreement provides that the Agreement will not come into operation unless it is ratified by Parliament. Clause 2 contains the definitions.

By clause 3 Apcel binds itself to establish wood, pulp and paper mills at Snuggery. It is expected that the mills will be completed in the first half of the year 1960.

Clause 4 sets out the various rights which are proposed to be granted to Apcel. The first is the right to discharge effluent from the mills into the Snuggery drain and into drain number 57, and to cause the effluent to flow into Lake Bonney. As an incident to this right Apcel is also granted the right to lay pipes on or under any road to convey effluent from the mills to the drains. Before doing any such work on a road Apcel must give notice to the council and must comply with any reasonable directions given by the council. Apcel is also granted the right to lay water pipes and electrical powerlines on or under any roads, Crown lands, or land vested in the council. By paragraph (*d*) of clause 4 Apcel is empowered to take water from drains 56D and 57 which are adjacent to the site of its mill and also from the Snuggery drain. The

right to take water from the Snuggery drain however is limited to water not required by Cellulose, because Cellulose already has the prior rights to this water.

It is contemplated that Apcel may have to sink bores to obtain underground water and clause 5 of the agreement provides that the Government will assist Apcel to put down such bores, and that Apcel will pay the reasonable costs of any work done by the Government.

Clause 6 deals with the rights of Cellulose. These rights, like those of Apcel, are granted by the State and the Millicent council so far as their respective powers permit. The existing rights of Cellulose to take water from and discharge effluent into Snuggery drain, which rights would normally expire in about a year, are extended for an indefinite period. The right to water, however, conferred on the company is subject to the ordinary right of riparian owners to take water from the drain.

Clause 7 places an obligation on Cellulose and Apcel to maintain the drains which they respectively use under the agreement. Cellulose is obliged to keep that part of the Snuggery drain above the place where water is drawn off for the mills, free and clear of all obstructions. The company is also obliged to keep the drains into which it discharges effluent free from all obstructions arising from the effluent, and Apcel is under a similar obligation. Those drains which carry effluent of both companies must be maintained by both companies, their liability for the maintenance being joint and several.

Clause 8 provides that both Apcel and Cellulose must do all work under the agreement with reasonable care and skill and avoid unnecessary damage and reinstate the surface of any land which is disturbed.

Clause 9 sets out the obligation of the Government to assist in disposing of the effluent. It provides that the State will construct and maintain in effective working order all the works necessary to dispose of effluent which finds its way into Lake Bonney. In return Apcel and Cellulose are jointly and severally liable to make an annual payment to the State of £2,150.

Clause 10 empowers the Cellulose company to make good any damage which is caused to the Snuggery drain and if damage is caused by the wrongful act or negligence of any person other than Cellulose, Celluose is given the right to recover the cost of making good the damage.

Clause 11 provides that both Apcel and Cellulose will have the right to sink bores and wells and draw off underground water from the land owned by them. They have this right in common law, but the effect of the clause is that if any restriction should be placed by legislation on the right to sink bores, the Government or the council will, so far as the law permits, grant the companies the necessary licences.

Clause 12 provides that when the present agreement is ratified the existing agreements under which Cellulose obtains rights in relation to the drains from the Millicent council will cease to have effect.

The Bill itself contains seven clauses. The first one which need be mentioned is clause 4 which ratifies the agreement and provides that it shall be carried out and take effect as if it had been expressly enacted in the Act.

Clause 5 provides that neither Apcel nor Cellulose will be liable for the discharge of effluent in accordance with the agreement. As I mentioned before the effluent is not poisonous or disease bearing and if it is properly disposed of it is not expected that it will create a nuisance. However, protection from possible legal action is essential if the industries are to be carried on, and because of the benefit which is derived by the Government and the public from these industries it is reasonable that the legislature should grant protection. There are numerous precedents for clauses of this kind.

Clause 6 makes it an offence for any person to discharge into the Snuggery drain above the weir at the Cellulose mill any matter which will effect the purity of the water in the drain. It is of importance to Cellulose that the water arriving at the mill should not be polluted.

Clause 7 is a procedural clause which is somewhat similar to one contained in the Broken Hill Company's Indenture. As the present agreement is made in the name of the State of South Australia it is desirable that any legal proceedings should be taken in the name of the State, and this is only possible if special provision is made in the Bill. Clause 7 contains a provision for this purpose.

This represents another progressive step in the industrialization of the State, and also because of its situation in the country I have much pleasure in submitting the Bill for the consideration of members.

The Hon. K. E. J. BARDOLPH secured the adjournment of the debate.

BENEFIT ASSOCIATIONS BILL.

Returned from the House of Assembly with amendments.

HOUSING IMPROVEMENT ACT AMENDMENT BILL.

Received from House of Assembly and read a first time.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

The purpose of the Bill is to resolve some doubts as to the power of the South Australian Housing Trust under the Housing Improvement Act, 1940, to erect buildings such as shops and the like. The trust has been proclaimed as the housing authority for the purposes of that Act.

Paragraph (*c*) of subsection (1) of section 43 of the Housing Improvement Act provides that the housing authority may, with the consent of the Governor, construct buildings which in the opinion of the housing authority will serve a beneficial purpose for persons to whom houses are let by the housing authority. However, the introductory words of the subsection are "for the purpose of providing housing accommodation for persons of limited means, the housing authority may." These introductory words have caused some doubts as to the effect of paragraph (*c*) although there is no doubt that the intention of paragraph (*c*) was to authorize the erection of other than houses.

Paragraph (*c*) should not have been enacted as a part of section 43, which section provides in the main for the erection of houses, but should have been enacted in association with a section dealing with the general powers of the housing authority.

With the growth of the Housing Trust and the part it is playing in the development of the State, it is considered important that there should be no doubt as to the power of the trust, as the housing authority under the Housing Improvement Act, to erect such as shops, halls and similar buildings needed for new urban areas being developed by the trust. Accordingly, clause 2, in effect, re-enacts paragraph (*c*) of section 43 (1) as a new subsection in section 16, which section deals with the general powers of the housing authority and clause 3 repeals paragraph (*c*) of section 43 (1). The new subsection included in section 16 mentions types of buildings which may be erected by the housing authority and specifically authorizes the housing authority to let or sell the buildings. The effect of the Bill will accordingly be to make it clear that the housing authority may, with the consent of the Governor, erect such building as shops and the like to provide for the needs of persons housed by the housing authority.

The Hon. K. E. J. BARDOLPH secured the adjournment of the debate.

ADJOURNMENT.

At 4.18 p.m. the Council adjourned until Thursday, November 13, at 2.15 p.m.