LEGISLATIVE COUNCIL.

Wednesday, May 11, 1960.

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

QUESTIONS.

SELF-SERVICE PETROL PUMPS AND SUNDAY SALES OF PETROL.

The Hon. Sir ARTHUR RYMILL—Has the Government yet determined its policy on the question of self-service petrol pumps or, alternatively, on the question of extended Sunday trading in general?

The Hon. C. D. ROWE—We have had representations from various sources, some asking us to agree to the use of self-service pumps and others suggesting that we should not do so. The matter is under consideration and inquiries are being made, particularly in Victoria where self-service pumps have been operating for some time. However, no firm decision as to policy has been made in connection with them or with the hours for the sale of petrol on Sundays.

MOTOR CAR THEFTS.

The Hon. W. W. ROBINSON—I ask leave to make a brief statement prior to asking a question.

Leave granted.

The Hon. W. W. ROBINSON—No doubt all honourable members have observed the increasing prevalence of the stealing of motor cars or, as it is often termed, "joy riding," though I would prefer the stronger word, stealing. It was reported that on Anzac Day 22 cars and four motor cycles were taken, and on a subsequent date 13. Will the Government consider the advisability of increasing penalties with a view to stopping this regrettable practice?

The Hon. C. D. ROWE—I have had occasion to look into this matter at various times and my view is that the law provides adequate penalties for this type of offence. I have also obtained reports from the courts as to penalties imposed in these cases and I think that, although there is a general opinion to the contrary, most of the penalties imposed are fairly substantial. However, I realize the importance of the matter and certainly think that people should be prevented from taking and using other people's property and by their actions depriving them of the use of their cars for a considerable period and often causing extensive damage. I shall be pleased to get a report from the courts that handle these matters setting out the exact position with regard to penalties and their severity, because I think it will put a different view of the position from that which is generally held by the public.

GLENCOE-KALANGADOO MAIN ROAD.

Mr. HOOKINGS—Has the Attorney-General any information relating to the Glencoe-Kalangadoo main road on which I asked a question on April 26?

The Hon. C. D. ROWE—The Minister of Roads has furnished me with the following information:—

The 11 miles total length of Kalangadoo-Glencoe Main Road No. 305 is 7 miles in the District Council of Tantanoola, and the balance in the District Council of Penola. The 7 miles in the District Council of Tantanoola has been progressively improved, and is at present almost complete on a good alignment to open surface stage. This section is sound, although like all open surface roads, it will corrugate in the summer and pot-hole in winter. The 4 miles in the District Council of Penola has been maintained only, as extensive realignment is necessary and good material for open surface roads is not available. Investigation of the realignment is now completed, and land acquisition will commence in the near future. Preliminary investigations for material for crushed rock base have been completed, and detailed testing of these deposits will be undertaken during the year. For these reasons, no crushed rock base will be added during 1960-61, but it is planned to commence base work and sealing during 1961-62.

METROPOLITAN TRANSPORT ADVISORY COUNCIL ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

It is designed to give effect to the recommendations of the Workmen's Compensation Committee which met very recently and has made its report to the Government. With two exceptions the proposed amendments all relate to increases in amounts of compensation following increases in salary and wage levels over the past two years and certain increases which have been made in other parts of the Commonwealth. The basic amendment effected is an increase in the upper limit of compensation to

£3,000 in the case of incapacity and upon this basic figure the other proposed increases are founded. Accordingly clause 4 increases the amount of compensation payable upon death where a workman dies leaving dependants from £2,500 plus £80 for each child to £2,750, plus £90 for each dependent child and at the same time increases the minimum amount from £800 plus £80 per child to £900, plus £90 per child. Additionally this clause increases the amount of burial expenses from £70 to £80. Clause 5 makes a similar amendment concerning burial expenses in the case of a workman leaving no dependants.

Clause 6 likewise increases the total liability in the case of incapacity from £2,750 to £3,000 and at the same time increases the amounts payable in respect of children from £1 to £1 5s. each and for a dependent wife from £2 10s. to £3 5s. The weekly payment to a workman leaving a wife or child under 16 has been increased from a maximum of £13 10s. per week to £14 5s., while in the case of a workman without dependants there is an increase from £9 5s. to £9 15s. per week, but at the same time the opportunity has been taken to increase the minimum payment to a workman during incapacity from £4 to £5 per week. Clause 7 effects a consequential increase of a total fixed rate for schedule injuries from £2,750 to £3,000. Clause 9 increases the maximum costs payable to a workman for legal or medical fees from £15 to £35. The two matters of principle to which I referred at the beginning of my remarks relate to the definition of "workman" in section 7 of the principal Act and the amount of compensation payable in cases of incapacity. With regard to the definition of "workman" section 7 (1) (*a*) of the principal Act excludes persons whose average weekly earnings exceed £35. This amount will be increased to £45. Section 7 (1) (*c*) of the principal Act excludes from the definition of "workman" any member of an employer's family dwelling in his house. The committee has recommended that this exception should be removed from the Act and indeed the Government has received representations along similar lines from various quarters. It is accordingly proposed to repeal the paragraph making the exception.

The other matter has been the subject of questions inside and out of Parliament at various times. The Act provides that in the case of scheduled injuries a fixed sum shall be payable as compensation but that any sums paid during any period of total incapacity shall be in addition to such a fixed sum. In other words if a workman has been receiving fixed payments to the limit provided by the Act in respect of total or partial incapacity, if he is found to be suffering from a schedule injury he is entitled to receive up to £2,750 (after the present Bill £3,000) notwithstanding that he may have received that sum or a lesser amount already by way of weekly payments. Where, however, the incapacity is permanent but does not happen to have resulted from a schedule injury, there is some doubt as to whether the total amount of compensation payable whether by way of lump sum or weekly payments or both together may be limited to £3,000. The committee unanimously recommended that any amendment necessary to put both schedule and non-schedule injuries on the same footing should be made to clear up any doubts that might exist on the matter. Accordingly clause 8 expressly provides that sums paid by way of weekly payments shall not be deducted from any lump sum that may be awarded in respect of total incapacity. Clause 10 provides that its provision will apply only where the injury or death is caused by an accident after the commencement of the Bill. Thus the Bill is non-retrospective.

The Hon. F. J. CONDON (Leader of the Opposition)—I know that the Minister's concluding sentence regarding the Bill being non-retrospective is for my benefit. The proposals contained in the Bill are not over generous, but they provide an improvement on the present legislation. As the alterations have been recommended by a committee set up to consider the matter, I intend to support the second reading. Any opposition that may be raised may only delay the legislation, and I am most anxious that it should come into operation forthwith. My colleagues and I have as union secretaries and presidents of labour organizations over the years handled quite a number of workmen's compensation cases, and therefore I think we are in a position to express opinions on such important legislation. Some of the clauses are restrictive and I hope they will be dealt with at some future date. In some respects the Bill gives effect to amendments that we on this side have advocated for many years, although some of them have not been accepted. I bow to the decisions of the committee, which comprises men capable of making a recommendation. It included the Parliamentary Draftsman (Dr. Wynes) as chairman, Mr. R. Bishop (representing employees), and Mr. Moxon Simpson (representing employers). These men have had considerable experience and undoubtedly considered suggestions made from

time to time for the amendment of the legislation. They would have considered altered circumstances due to increases in the basic wage and marginal increases.

One desirable amendment deals with a member of an employer's family living at home. Under the present legislation such a person would not be entitled to any workmen's compensation. That stipulation is removed from the Act and in future such people will be entitled to compensation similar to that received by other employees. The Bill clarifies any doubt that may be in the minds of honourable members as to entitlement payments. Another amendment deals with cases of accidents not provided for in the schedule and provides that an injured workman, in addition to being entitled to compensation on a weekly basis shall, if the injury proves to be a permanent disability, be entitled to a lump sum compensation without any deduction of weekly payments. Prior to the last amendment of the Act any weekly payments made were deducted from the lump sum agreed upon. That resulted in a great injustice because, when the schedule was first inserted, the amount provided for the loss of a finger was £52 10s. and it was then possible for the injured party to receive that amount in weekly payments and in the end he would get nothing else for the loss of his finger. That could apply to the loss of any other limb. Parliament acted sensibly when it said that weekly payments should not be deducted from the amount fixed. This Bill continues that practice and it is a very important extension of the legislation.

Legislation of this type is generally favoured by employee and employer representatives who welcome any attempt made to improve the Workmen's Compensation Act provisions. I repeat that the members of the committee are men of experience, they consider these matters on their merits, and when they make a recommendation it is the duty of Parliament to consider it favourably. I do not wish to delay the Bill because it represents an improvement and I hope it will come into operation forthwith because it will benefit all concerned.

The Hon. Sir FRANK PERRY (Central No. 2)—The Workmen's Compensation Act has progressed over the years and it has now reached the stage where we seem to have a Bill each year dealing with improvements to the Act. The Act was originally designed to assist workmen who were injured in industry, but the provisions then applying became unreasonable in the light of present-day conditions. However, each year an improvement is suggested by the advisory committee, unions, employers, or others interested in this legislation, which appeals to most people because it relieves workmen who are injured and who are suffering from the result of an accident. It also helps their dependants.

Since the introduction of the Workmen's Compensation Act pension schemes have been introduced and unemployment benefits legislation has become operative. Both of these provide relief for certain classes of people and I often wonder whether the Workmen's Compensation Act has not now developed into a tax on industry. I question whether that should be the position. If a man is injured in industry Parliament says that industry must pay for it, but if a man is injured in any way, whether in his occupation, in a sport in which he is participating, or during his spare time he still suffers from the accident or injury. Although he may not be covered in every case there are facilities available in the insurance world for him or for anybody else to insure against any accident or misadventure that may befall a breadwinner. Perhaps this form of insurance should be adopted more instead of continually increasing the rate of workmen's compensation, which is a tax on industry and which affects the ability of companies to compete with overseas industries.

The Hon. S. C. Bevan—Who do you think should carry that?

The Hon. Sir FRANK PERRY—I suggest that some thought should be given to an overall coverage for accidents through the different schemes now existing on a Commonwealth-wide basis. They would have to be widened a little, but there are facilities available that could be used to compensate a person injured in an accident. The purpose of compensation was originally not to fully compensate for injury because in those days people were a little more individualistic and were supposed up to a point to look after their own interests. However, in later years this matter has been dealt with on a legislative basis and compensation has become more generous and conditions have been made easier, until now all sorts of accidents and conditions are covered by the legislation.

It is now generally agreed that people must be cared for and that hospitals must be provided, and consequently arrangements have been made for that to be done. I believe that as a community we should all undertake these obligations and I question whether workmen's compensation should be a tax on industry. The cost, in the engineering business, amounts to approximately 3 per cent of the wages bill,

so that if a company pays £100,000 in wages it is called upon to pay £3,000 for compensation insurance for its workmen each year. The costs to industry in Australia run into many millions of pounds each year. Although this amount may be easily obtained and distributed, I believe it is the type of thing that could be covered by a national scheme that would leave industry generally better off.

I do not oppose the Bill. It has been before a knowledgeable committee comprised of employer and employee interests and of members of the general public, and they support this Bill. That committee is, however, constantly altering the provisions of the Act. I was pleased to hear the Hon. Mr. Condon say that he was satisfied with it; that is quite a tribute both to the committee and the Government. Generally, I am not greatly in favour of committees taking over the responsibilities of Parliament, but this case is one of the examples where a committee consisting of representatives of both sides has been able to arrive at what I understand was a unanimous decision on what improvements should be made to the Workmen's Compensation Act. The Bill continues payments now being made to injured persons. Compared with payments made in other fields these may seem to be small, but they are of assistance to the workman who meets with an accident and also to his family. There is in industry throughout the country a pronounced effort to improve conditions in factories with a view to lowering the accident rate. The employers are taking a vital interest in this and committees have been set up to advise on working conditions and to urge employees to do everything possible to avoid injury, and the rate of accidents is gradually decreasing. That is all to the good; it not only lessens the cost of insurance but obviates a good deal of suffering on the part of the injured as well as loss of remuneration. This Bill is another indication of the altering value of money, and the same may be said of many other Bills that we have to consider.

The Hon. K. E. J. Bardolph—Don't you think it is the responsibility of the Menzies Government?

The Hon. Sir FRANK PERRY—I do not know who is responsible, but I agree that as money values decline the law in this and other matters should be brought into line. One provision of the principal Act limited the payment of compensation to those in receipt of not more than £35 a week. It is proposed now to extend this to £45 a week, which is roughly a one-third increase. I do not take it that this brings in a wider range of employees, but merely covers the same range but has regard for the increased wages that are now in force. It is also an indication that the Act is perhaps not as narrow in operation as it is often supposed to be.

I do not intend to oppose the measure, for it merely brings into line the increased scale of wages and makes consequent adjustments in the rates of compensation. One clause brings in people living in the home of the employer, and that is an advance. At one time the close associates of the employers were not covered by workmen's compensation. However, times have advanced and some months ago we considered compensation for the wife of an injured person. That type of insurance does not appeal to me. I think that the employer himself should take care of that type of accident and it must have been thought at one time that that should be the case, and probably that there might be some opportunity for collusion in obtaining compensation. However, we are now widening the legislation so that everybody seems to be able to obtain compensation whatever relationship he may have to the employer.

Clause 8 deals with lump sum payments in redemption of weekly payments and states that where permanent disability for work results from the injury, any weekly payments made prior to an application under this section shall be in addition to any such lump sum. I think there was some little misunderstanding with regard to this clause, but I believe that the Government is now satisfied that the wishes of the committee are being given effect and that the partially incapacitated as well as the totally incapacitated are covered.

Although I do not like to see further costs imposed on industry if it can be avoided, in view of present money values I believe that the Act should be amended to meet the position; we are simply catching up. I would hate to authorize increased costs that would be added unnecessarily to cost of production, whether primary or secondary. I support the Bill.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I too, support the Bill. I compliment the Hon. Sir Frank Perry on his tempered opposition and wish to reply to one or two of the statements he made. Money cannot compensate relatives for the loss of life of the breadwinner, or his suffering through injury. Sir Frank Perry said that workmen's compensation amounted to a three per cent charge on industry and that this hampered competitors

in overseas business. I remind him that practically all secondary industries in Australia are today under tariff protection and other protection in regard to custom duties, and that three per cent would be an infinitesimal charge on industry in order to compensate those who are maimed in industry. We should not lose sight of the fact that workers are an integral part of any industry, although I admit that the employers also play their part. Whilst on the one hand we have protection for industry, protection should also be extended to the employees. That being the case, the three per cent mentioned by Sir Frank Perry is invariably passed on, so it is the community that ultimately pays for the compensation. I have always agreed with committee decisions. I take the stand that it is better for three people or two people from either side to get together to discuss the welfare of an industry.

The Hon. Sir Arthur Rymill—Do you always agree with their decisions?

The Hon. K. E. J. BARDOLPH—Yes. I compliment the advisory committee on the manner in which it dealt with this important problem of workmen's compensation. Sir Arthur Rymill asked whether I always agree with committee decisions. I was chairman of the manpower committee during the war which comprised two representatives each of employees and employers, and I believe that the important decisions made by that committee were unanimous. If the matter had been left to an authority that had an impersonal view on the problems discussed, no doubt there would have been great turmoil. I compliment the Parliamentary Draftsman on translating the views of the committee into the Bill. Therefore, I wholeheartedly support the measure. Although it does not go so far as the Labor Party desires, it will give some relief to those who unfortunately are maimed in industry.

The Hon. Sir ARTHUR RYMILL (Central No. 2)—I also support the measure, because, as has been pointed out, it is not only on the recommendation of a responsible committee, but it is also an attempt to keep pace with the declining value of money. It should be mentioned that workmen's compensation is really insurance against workmen's own negligence.

The Hon. K. E. J. Bardolph—And sometimes the employers', too.

The Hon. Sir ARTHUR RYMILL—My honourable friends of the Labor Party always claim exclusive knowledge of things industrial, but unlike them I have been engaged in the courts in workmen's compensation cases. The position is that workmen's compensation legislation is not in substitution for any obligations the employer may have for his own negligence. One will often see where a workman obtains compensation under this Act, and also obtains further compensation at common law for the negligence of his employer in putting him in a set of circumstances that involve him in unreasonable or unnecessary risk or danger. That common law obligation remains, despite what is said by my learned friends (as they consider themselves to be in such matters), and irrespective of payments under this Act, an employee could still obtain any additional amount he was entitled to under common law. That is a facet that should not be lost sight of, because the prudent employer these days not only takes out a policy in accordance with his statutory obligations under this legislation, but also takes out a further policy covering his common law liability. As the Hon. Sir Frank Perry pointed out, the premiums on those policies are pretty substantial. I can now talk from the point of view of one having some knowledge of what goes on in insurance companies, and I can tell my honourable friends of the Labor Party that most insurance companies lose money in respect of workmen's compensation, quite irrespective of their overhead expenses in administering that part of their business. I think that other honourable members who know something of the operations of insurance companies can bear that out.

The Hon. Sir Frank Perry—They are catching up a bit now.

The Hon. Sir ARTHUR RYMILL—Sometimes they catch up and at other times they lose ground. I think that most insurance companies would sooner be without workmen's compensation insurance altogether. I wanted to bear out what Sir Frank Perry said in regard to the amounts which are involved in business in effecting this insurance and other similar insurances. It does add to the cost of products, because these things are part of the cost of production and therefore must be added to the price of the ultimate products, which, of course, is the price my friends of the Labor Party and their supporters have to pay, as well as those people I represent.

The Hon. K. E. J. Bardolph—Don't you think that in this case they would be happy to pay the increase imposed in view of the good purpose served?

The Hon. Sir ARTHUR RYMILL—I think that many people are altruistic enough to

think that way, but unless I misinterpreted the honourable member's remarks, he rather thought otherwise, and that is why I took the opportunity to reply.

The Hon. K. E. J. Bardolph—You took the wrong angle.

The Hon. Sir ARTHUR RYMILL—If the honourable member had been a little more lucid I could have understood him. This House must carefully scrutinize this type of Bill because whenever we put up workmen's compensation, up go the premiums, which increases the amount industry has to pay, and this puts up *pro tanto* the ultimate cost of the goods produced. In common with those honourable members who have spoken on this measure I feel, in view of the decreased purchasing power of money, that these increases, despite those other factors I have mentioned, are justified, and I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 9 passed.

Clause 10.

The CHAIRMAN—The Parliamentary Draftsman says that the word "occurring" should appear in this clause after the word "accident." I shall make an amendment to that effect on the official copy of the Bill.

Clause as amended passed. Title passed.

Bill read a third time and passed.

HEALTH ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

STAMP DUTIES ACT AMENDMENT BILL.

Read a third time and passed.

SWINE COMPENSATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from May 10. Page 422.)

The Hon. G. O'H. GILES (Southern)—I support the Bill and congratulate the Honourable Mr. Robinson on his excellent account of the problem of infectious rhinitis and of the contribution made by Landrace pigs towards the spread of the disease in South Australia. His remarks were well put together, thoughtful and constructive. The Bill provides for the insertion of the words "infectious rhinitis" in section 4 of the principal Act, which deals with many other swine diseases such as swine fever and swine erysipelas. The words "infectious rhinitis" are a general term covering two specific viruses, namely, body rhinitis and atrophic rhinitis, which causes atrophy of the snout with a consequent misshapen appearance. To the general public and to the veterinary fraternity the words "infectious rhinitis" cover the whole field and they are used in the Bill.

The fund to which primary producers are the only contributors now amounts to about £93,000. This amount has been built up by levies or by stamp duty at the rate of a penny-halfpenny in the pound on all pigs sold, so the fund is not subsidized by a Government instrumentality but is one derived from contributions made by the primary producer. The sum of £93,000 represents a great deal of money and I will refer to that later in my remarks.

The point that must concern Parliament is this: will the inclusion of infectious rhinitis in the legislation mean either a gain or a loss to the fund? The answer probably is that it will not have much effect. Swine fever is perhaps a good instance of a disease that can be controlled by slaughtering. Compensation would naturally be heavy because the total value of the carcass is involved, but in the case of infectious rhinitis that is not the case. As the Hon. Mr. Robinson said, the carcass is still of class one quality for human consumption both prior to and subsequent to the onset of the disease. Perhaps that could be qualified in one small degree in as much as in some cases a high temperature develops in the early stages, but on the other hand it may occur at a later stage; it is quite erratic, but as with all animals, if they are killed while they have a high temperature the carcass is spoiled for human consumption. Infectious rhinitis is a disease that already has a grip in certain other countries, and it is a condition that the people of those countries have learned to live with. It has been found that the pigs of those countries have acquired a greater immunity to the disease, and curiously enough, that state of affairs has already become apparent in South Australia, where the disease has been rampant for such a short period; so short, indeed, that in two instances I know of it was difficult to get a correct diagnosis, because the effect on the pigs was so mild. It was only after smears had been taken, and sent in one case to Weybridge in England, that the diagnosis was established.

I see that the Leader of the Opposition, who is always so fair in his comments, said that as the disease occurs only occasionally little can be done to reduce losses, except possibly by vaccination, and this method of control is now being considered. I went to a great deal of trouble this morning to find out exactly what

work is being done on this aspect and whether it represents a worthwhile measure of prevention. I do not know the source of the Leader's information, but I was unable to find any veterinary officer who could back up that statement. No doubt in respect of any disease the idea of control by vaccination can be investigated, and perhaps the Leader of the Opposition, knowing that, took advantage of that state of affairs to suggest it in this case. However, I have not been able to establish that it is a practicable possibility. Nobody has yet been able to isolate the virus that causes infectious rhinitis, and until that is achieved vaccination cannot be undertaken.

Another thing that confuses diagnosis is the secondary diseases that occur in such an outbreak. An example of that would be a high temperature in the early stages, because that could easily be a secondary infection; nobody can yet say. As it is not known what virus is causing the trouble nobody can suggest what is primary and what is secondary in the diagnosis of this disease, and that further confuses the issue as to whether we could usefully resort to vaccination.

The only other point I wish to touch on is in relation to clause 4, which empowers the Government to declare by proclamation any other disease affecting swine to be a disease for the purposes of this Act. This type of clause has been considered very carefully by the Council in the past and in this case I think the attitude of the Government is entirely commendable. In introducing the Bill the Chief Secretary said, "Measures have to be taken in these matters without delay." I am quite certain that the Government must have power to deal with emergencies by proclamation; that is completely desirable in every way. The onset of this disease is a good example, as it occurred when Parliament was not in session so that nobody had power to declare it under the Swine Compensation Act. Looking into the future we can imagine the possibility of blue tongue or foot and mouth disease reaching this country, so we must have power to act far more quickly than has been the case until now.

Finally, may I suggest that £93,000 is quite a lot of money to have in a fund such as this when the industry that supports it is such a small one. Therefore, perhaps the Government could have another look at the 1½d. in the pound contribution. There seems to be little sense in going on and on building up the fund, on paper at any rate, to a figure beyond the needs of the particular community concerned. I see no danger in adding this disease to the list of notifiable diseases, and this fund is not to be confused with other funds to which industries have not subscribed.

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

JUSTICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from May 10. Page 426.)

The Hon. Sir ARTHUR RYMILL (Central No. 2)—The necessity for this Bill, as I understand the position, stems from the somewhat novel provisions placed in the Justices Act by the 1957 amending Act. I have been looking up *Hansard* to see what was said on that occasion, and although I see that the Hon. Mr. Bardolph went back to the days of King Edward III, I find that I took a liberal, forward-looking view of the legislation and uttered these words, which seem to be more sensible than other utterances of mine that I have read:—

> I doubt whether any honourable member or the Government could guarantee that it is perfect in all respects, because it is somewhat novel in its application and will need a little trial to see if it has any defects.

That seems to be the position in regard to section 62 (*c*), which was added in 1957, but on the other hand the trial in relation to section 57 (*a*), which was also added, has apparently proved so successful that the Government now wishes to extend the application of that section. I entirely agree with the Government's approach to it on both grounds. When the 1957 amendment was brought in it was mentioned that there were great difficulties in the courts in establishing guilty pleas because of the legal procedure that had to be adopted. As every member knows, under British law a man is deemed to be innocent until he is proved guilty, and although that has been interfered with in some minor matters for the sake of brevity of procedure or ease of administration, it still remains the general concept of British law. Until the 1957 amendment of the Act it was necessary either for a defendant to appear in person and plead guilty or, with very limited exceptions, for the prosecution to establish its case by evidence on oath in the defendant's absence. In minor matters, and the Justices Act relates to many minor matters, such as road traffic offences and so on, that was a terrible waste of many people's time. It wasted the time of the magistrate, court officials, and officers of the police force, who

could be much better engaged on more important duties. It also wasted the time of solicitors, although a solicitor could enter a guilty plea on behalf of a client. As I previously pointed out, wasted time is wasted money.

The amendment, after operating for three years, has been found to work so well and for the benefit of so many people and of the courts that the Government now very properly desires to extend the principle to other prosecutions. As honourable members know, by no means are all prosecutions instituted by the police force, for many are instituted by public bodies such as the Metropolitan County Board, the Milk Board, various Government intrumentalities and bodies, such as the Municipal Tramways Trust. There are also many prosecutions in respect of breaches of by-laws of various councils. It is that type of prosecution that this amending Bill now contemplates bringing into the 1957 provision regarding a guilty plea. It will save much time of many people, and that is why I consider it is a most worthy Bill and should receive our support. That part of the legislation is dealt with in clause 3, and there are various other machinery provisions in that clause with which I feel it is unnecessary for me to deal, because they all seem to add up to the same thing.

The other portion of the Act which the Bill amends is section 62 (*c*). This is the part where it appears that the Government has found it necessary, in view of its experience of the 1957 legislation, to insert a small amendment. The Attorney-General dealt with this in his speech on the second reading. It deals with the protection of defendants when such things as the forfeiture of their driving licence is likely to take place. The part I previously referred to enabled defendants to save themselves expense. This part was a protection to them in that if the more dire penalties were threatened they should have notice and have a chance to make representations, where the summons went by default particularly.

The Attorney-General has pointed out that since this amendment has been in operation it has been found that cases occurred where a defendant in order to evade service of the notice to forfeit his driving licence deliberately changed his address and left the State, and thus the notice could not be served on him and he was able to escape penalty, which in many cases he no doubt deserved. That is why this amending clause has been introduced so that where, after the making of due inquiries and the exercise of reasonable diligence, a notice is unable to be served, the matter may go on. The interests of the defendant would still be well protected. It is only where a man has removed himself from the scene that this procedure can come into operation, and it is obvious that because he removes himself he should not escape the fitting penalty for his offence. It seems to me that honourable members can accept this Bill in its entirety not only as good legislation, but as a measure that is largely aimed at protecting the interests of defendants where it is proper that they should be protected, either pecuniarily or otherwise. For those reasons I support the Bill.

The Hon. C. D. ROWE (Attorney General)—I should like to reply to some of the points made by the Honourable Mr. Condon yesterday. I am indebted for his contribution to the debate, and also his suggestions. I have looked at them, and although the Government cannot adopt them at present, I certainly think they should be watched with a view to seeing whether at a later date some of them might be recommended. Mr. Condon expressed his support of the Bill, but asked why the special procedure permitting a plea of guilty by letter is limited to prosecutions by members of the police force and public officers. The answer was partly given in my second reading when I pointed out that when the legislation was enacted in 1957 for the first time it was limited to a case initiated by members of the police force so as to give it a period of trial. Now the Government has decided to extend it to charges for similar offences initiated by other public officers besides the police—that is prosecutions by Commonwealth, State or local authorities.

Mr. Condon suggested that the procedure should be applied to private prosecutions. As to this, I doubt whether there are very many private prosecutions these days. There is the further point that it is one thing for the Government to permit defendants charged by it to avail themselves of the special procedure and it is another to make the same provision in relation to private prosecutions. I think there might be some complications in the introduction of a special procedure where private prosecutors were concerned. That aspect is something we might look at in the future.

Another point raised by Mr. Condon concerns the case of a man who has been arrested and bailed out. I suppose that there is some merit in his suggestion that such a

person should be able to plead guilty, but there is the other side of it, namely, that provision for the defendant merely to tell the police that he intended to plead guilty could lead to abuse or suggestions of abuse. It could be claimed that the police had used some form of duress on a man who had been arrested. I think that we should have to consider such an approach very seriously. The whole scheme and tenor of the legislation is to limit it to simple offences on complaint, and what was contemplated was merely the simplest type of offence. Too wide an extension could, as I have said, lead to abuse. It is for that reason that we have taken the Bill as far as we have and this will provide a great improvement. I have never hesitated to submit to the House for its approval suggestions that would lead to advantages in amending a Bill, and that practice will continue in future.

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

COMPULSORY ACQUISITION OF LAND ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from May 10. Page 427.)

The Hon. C. R. STORY (Midland)—We have been favoured with several very good and informative speeches on the subject of the compulsory acquisition of land. I suppose that the compulsory acquisition of land is one of the things that must inevitably happen in a community where there is constant expansion. I do not suppose that 120 years ago it was envisaged that it would be necessary in Adelaide for certain streets to be widened to take the increased traffic or that motor cars would be the order of the day. In the interests of democracy and progress it is necessary to have legislation such as this and I think the only thing that we as Parliamentarians have to watch is that people's rights are not infringed unduly as a result of the acquisition of land for the common good. It is most important to ensure that people are not forced to surrender something for which they may have worked hard and on which they have staked their whole being only to find that they may lose it without adequate compensation being paid. I have examined both sides of the question as fairly as I am able so as to see whether both sides get as good a deal as possible. The Bill sets out to amend only section 42 of the principal Act. That section provides that after 12 months from the delivery of the notice of claim by the owner of the property acquired, the acquiring authority shall pay to the owner interest at the rate of 5 per cent on the amount of compensation eventually assessed. That interest is to be paid from the expiration of one year after the notice of claim has been served until compensation is actually paid.

In most cases the acquiring authority does not take possession of the property until the compensation payable has been assessed or paid. It may happen that, for a number of reasons, the owner has remained in possession of the property for years after he has given notice of claim. The result of this is, as the Supreme Court has decided, that the owner may be in possession of his land and still receive 5 per cent interest on his money. The Hon. Sir Arthur Rymill made that point in his speech. He said that it is not quite right for the owner to be paid interest and to have possession of his land as well, and that was the point at issue. I believe for many years it was thought by members of the legal profession that that was the position, but the Supreme Court held differently.

The matter is however in the hands of the acquiring authority. If the owner does not make a claim the authority, acting under section 67, may take possession after 21 days from the notice to treat, but if the owner does make a claim the authority, by invoking section 67, may take possession forthwith merely by depositing in court the amount of the claim or any lesser amount fixed by the court. That could mean that any Government authority or the City Council could pay an amount as low as 1 per cent, because the amount to be paid in is that fixed by the court as a fair and reasonable amount. That means that it is not always necessary for a large sum to be tied up while proceedings are in hand.

I can instance a case that may result in gross unfairness under clause 3 of this Bill. The clause provides that if the owner continues to occupy his premises, although he is entitled to the 5 per cent interest prescribed by the section, there will be deducted from that interest 75 per cent of the gross rental at which the property can be expected to be let during the period while the owner is allowed to remain in occupation after the notice to treat. On the surface that looks reasonable enough, but further complications and litigation could arise. It will be noted that the provision deals with the "gross amount of interest." That also could cause much complication because it might have to be assessed bearing in mind the gross

and the net rents involved. These matters will no doubt have to be argued because there is a difference between the actual rental and the assessed rental. Clause 3, if enacted, may create a grave injustice to property owners. There is a case involving compensation before the Supreme Court now, on which judgment has been reserved. That case dates back to April 21, 1950.

The Hon. F. J. Condon—Is that in Adelaide?

The Hon. C. R. STORY—Yes. That highlights the possible injustice that may be caused by clause 3. Section 12 of the Act provides that the property is to be valued as at one year before the giving of the notice to treat. Under clause 3 therefore the owner would get interest from a year before his notice of claim, and it would be assessed on the value of the property as at one year before the notice to treat. On the other hand he would have to allow against that interest three-quarters of the gross rental that would have been paid for the property on its rising value from year to year. Let us consider that. If the notice to treat were the same as that applying in the East End Market Case, which notice was given 10 years ago, that interest would be payable only on the value of that property 11 years ago, but there has to be deducted from that interest, which was based on the low values of 1950, three-quarters of the rental of the property based on the inflated values of the property from year to year.

The Hon. F. J. Condon—Do you know what happened with the Bolivar landholders in connection with acquisition by the Engineering and Water Supply Department?

The Hon. C. R. STORY—That was a case where the question was resolved in a reasonable time, though I do not know the details. The injustice caused could be considerable. I recapitulate by saying that the values of 10 or 11 years ago will be taken into account when the matter is eventually decided. Rents charged in these areas have been increasing in keeping with the inflationary spiral. If we calculate 75 per cent of those rents and deduct that sum from the interest which has to be paid at the rate of 5 per cent, that would result in a considerable loss to the property owner.

The Hon. F. J. Potter—In that case he would get no interest at all.

The Hon. C. R. STORY—That is so.

The Hon. F. J. Potter—He would not have to pay it.

The Hon. C. R. STORY—No, but he would be at a distinct disadvantage because, had his case been brought on and settled within 13 months, he would be in a very much better position and might have re-established himself or improved his position.

The Hon. F. J. Potter—He might have been but he might have been better off by getting his rents.

The Hon. C. R. STORY—That is so, but whichever way we look at it an injustice is entailed to the people involved. I agree with the Hon. Sir Frank Perry that clause 3 appears to react harshly on the property owner. I think also that the interest rate should be increased and that it should be advanced to 6 or 7 per cent because interest rates on second mortgages are quite high. The whole purpose of the interest provision was to ensure that a case would be settled quickly, and that must be the object of compulsory acquisition. Surely its object is not to hold the matter up as long as possible while someone procrastinates. That could cause hardship. I think the Bill favours the acquiring authority and I have tried to stress that. I also think, at present, that there is not sufficient incentive on the part of the purchasing authority to conclude negotiations speedily.

It has been pointed out during the course of the debate that the owner very often throws certain spanners in the works to hold up negotiations, but the remedy is with the acquiring authority. It has plenty of power to bring matters to a head and to acquire possession of the property. Protracted negotiations are, for all practical purposes, quite unnecessary in most cases. If the Act were amended so that the value to be taken into account were the value of the land at the date when negotiations were concluded, with a provision that interest on the money paid at that time was to be credited, many of these cases would be concluded promptly. I do not think that is asking much, but it is adopting a more realistic approach and it would help people who have to wait five, six, or seven years.

I know that departments are faced with various complications. They cannot get sufficient surveyors and they cannot get assessments made, but if there were an incentive to expedite matters it could be done in many cases. I intend to support the second reading to get the Bill into Committee so that the Attorney-General, who is handling the Bill, may have an opportunity of giving us further explanations and of considering certain amendments on the file in addition to other amendments that may be submitted.

The Hon. A. C. HOOKINGS secured the adjournment of the debate.

SOIL CONSERVATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from May 10. Page 424.)

The Hon. L. H. DENSLEY (Southern)—I pay a tribute to the Department of Agriculture and officers of the Soil Conservation Branch for the good work they have done in bringing this Act into force. Many officers have been exceptionally good and have worked in harmony with landowners and the soil conservation committees in the various districts. They have given some very good advice on many aspects of soil conservation. We find that soil conservation naturally divides itself into two parts. A year such as the last, with little rain, accentuated the drift problem in sandy country and I should say that good rains over a long period would be almost the complete answer to that. On the other hand, in the event of a very wet year, those sandy soils are not so subject to erosion, but we find it taking place in the firmer, hilly ground. Consequently, we are likely to have some degree of soil erosion most of the time.

Contour ploughing in hilly country under the supervision of departmental officers has proved very effective, and there has been great improvement, not only of pastures, but of crops on those areas. On the other hand, in sandy soils work of an experimental nature, such as the sowing of rye, has proved very successful. Consequently, I feel that the Act has worked extremely well and that we should be very appreciative of the work of the departmental officers.

The amendment proposed for the subdivision of some districts and the aggregation of others is quite a good one, and I support it willingly. Another amendment relates to drifting sand. Obviously, if a man does not take care of his country he creates a problem for himself and his neighbours. Some aspects of this problem are dealt with under the Vermin Act and I am sure there is no greater menace than overstocking, particularly with rabbits; if a man runs a great number of rabbits on his country he is a menace not only to himself but to his neighbour, and anything that can be done to prevent unnecessary cultivation, burning off, or over-stocking of areas subject to erosion is quite a good thing. It is a little difficult sometimes to put this provision relating to overstocking into practice because what is good stocking for a period of several years may, in a subsequent year, prove to be far too great, and I do not know just how a departmental officer can get over that problem. When a drought comes along the landowner is at his wits' end to know what to do with his stock, especially if there are no buyers about, and he would have to rely on sympathetic consideration by the department. The clause empowering provisional orders to be made in respect of areas outside soil conservation districts is a good one. I have pleasure in supporting the Bill.

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

LAND AGENTS ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

STATUTES AMENDMENT (PUBLIC SALARIES) 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.

It provides for increases in Parliamentary salaries and allowances and its justification is found in the increases which have been made throughout the Commonwealth in almost all salaries and wages over the last few years. The last occasions upon which the salaries and allowances of members other than Ministers were altered was towards the end of 1958 while in the case of Ministers of the Crown the last adjustment was made as long ago as in 1955 when the salaries of the chairman and members of the Joint Committee on Subordinate Legislation were also last adjusted. It was also in 1955 that the last adjustment was made in salaries of certain officers of the two Houses, while the salaries of the Chairman and Members of the Land Settlement Committee are still receiving salaries that were fixed in 1951. Having regard to the facts which I have mentioned, the Government decided to appoint a small independent committee to consider what adjustments of salaries, allowances and special parliamentary appointments might be warranted. The committee consisted of Sir Edgar Bean (the former Parliamentary Draftsman), Mr. W. P. Bishop (the former Auditor-General), and Mr. G. Seaman (the Under-Treasurer). The committee made its report and recommendations to the Government only a few days ago. It reported that, it had paid particular regard to the rates obtaining in other States including the time and manner of their determination, recent increases in professional and

other salaries throughout the community and increases in salaries for public appointments in this State since the last revision of parliamentary salaries and allowances.

The committee took as a comparable basis the determination of basic salaries in Victoria twelve months ago which provided for metropolitan members a total of £2,550, including electoral allowances. The committee reported that the comparable metropolitan figure in Queensland and Western Australia was about five per cent higher, significantly higher in the New South Wales Assembly, but much lower in the Council in New South Wales and both Houses in Tasmania. The committee suggested that the basic salary of members in this State should be raised from £1,900 to £2,000 and the metropolitan electorate allowance from £250 to £550, giving a total increase of £400 on the present combined South Australian rate of £2,150. This increase was considered to be fairly equivalent to the adjustment in professional and administrative salaries of public appointments which have been made since the last variation in parliamentary salaries in December, 1958. The committee reported that the existing electoral allowances (£250, £300 and £325 according to location) did not provide for such an extent of variation between the metropolitan and most outlying areas as is the practice in other States, nor did it allow for a justifiable variation. It accordingly suggested that if the new basic metropolitan electoral allowance of £550 were accepted, the intermediate rate should be £700 and the outlying rate £800.

With regard to ministerial salaries, the committee reported that the provision has over the years fallen back proportionately to ordinary South Australian Parliamentary salaries and ministerial provision in other States. The committee further recommended that the practice be adopted, following most other States, of providing that Ministers' remuneration should be in addition to the normal parliamentary salary, some reasonable proportion of the increase to be provided as an expense allowance. It accordingly suggested that a pool of £17,200 be provided instead of the present £28,750, but this, of course, takes account of the fact that ordinary parliamentary salaries and electoral allowances of Ministers would be separately provided. For the information of honourable members, although the Bill will merely provide for a pool figure, I would point out that the committee's suggestion was that the Premier should be allocated £2,850 of which £750 might be provided as an expense allowance, the Chief Secretary £2,350 of which £500 could be provided as an expense allowance and the remaining six Ministers £2,000 of which £400 should be provided as an expense allowance. In accepting these broad recommendations it has been decided that the expense allowance for the Premier should be £600 the allocation for salary remaining as recommended. This means that the total amount in the pool will be reduced by £150 to £17,050. As to electoral allowances for Ministers, the Government also decided that these should not vary according to locality, but that Ministers should be prepared to accept the ordinary metropolitan allowance of £550 in all cases.

The committee recommended other increases which would accord broadly with the general increases as follows:—Speaker and President of the Legislative Council, from £850 to £1,050; Chairman of Committees, from £350 to £425; Leader of the Opposition, from £700 to £850 (plus £200 by way of an expense allowance); Deputy Leader of the Opposition, from £250 to £300. Following on the general criteria already set out the committee recommended the following increases in relation to parliamentary committees:—

1. Public Works Committee:—
   Chairman .. .. .. from £600 to £750.
   Members .. .. .. from £400 to £500.
2. Land Settlement Committee:—
   Chairman .. .. .. from £250 to £300.
   Members .. .. .. from £200 to £250.
3. Committee on Subordinate Legislation:—
   Chairman .. .. .. from £200 to £250.
   Members .. .. .. from £100 to £125.
4. Industries Development Committee:—
   Chairman .. .. .. from £250 to £300.
   Members .. .. .. from £200 to £250.

No statutory amendment is required in the case of the Industries Development Committee, since the relevant legislation provides for the fixation of salaries by His Excellency the Governor. The committee lastly recommended that separate statutory provision be made for the Government Whip to receive £250 and suggested that an amount of perhaps £150 might be provided for the Opposition Whip. The Government has accepted all of the recommendations of the committee with three exceptions. Two of these I have already mentioned, namely a reduction of £150 in expense allowance for the Premier and a fixed electoral allowance for Ministers (at the metropolitan rate) irrespective of locality. The other departure relates to the Chairman of Committees—the Government felt that, having regard to the amount of work performed by this officer and the nature and importance of his duties, the suggested figure of £425 was too low and is accordingly raising this figure to £525.

The present Bill is designed to give effect to the decisions. Clause 2 covers the Joint Committee on Subordinate Legislation while clause 3 provides for Ministers of the Crown in which connection it will be noticed that the basis hitherto adopted has been altered—see clause 5 (*a*) and (*b*) of the Bill. Clause 4 covers the chairman and members of the Land Settlement Committee, while clause 5, in addition to altering the basis of Ministerial salaries as already indicated, provides for the general increase in the case of all members (subclause (*c*)) and for electoral allowances according to locality (subclauses (*d*) (*e*) and (*f*)). Subclause (*g*) increases the electoral allowances for ministers.

Clause 6 provides for the various officers of the Houses including both Government and Opposition Whips. Clause 7 covers the Public Works Standing Committee. Clause 8 provides that all of the amendments shall operate from the first day of the present month. As I have remarked on other occasions, the Government does not generally favour the making of retrospective payments and there does not seem to be any special reason for dating back the increases beyond the date mentioned. Clause 9 covers the payment of arrears.

The Hon. F. J. CONDON (Leader of the Opposition)—I consider that Ministers of the Crown have always been underpaid, and I agree with the departure proposed in the Bill concerning them. The last occasion upon which the salaries and allowances of members of Parliament were discussed was in 1958. When the last increase was granted to members the Taxation Department took a very nice slice of it. Many people are under the impression that members of Parliament do not pay taxation, but I want to disabuse their minds of that, because they have always paid it. This Bill was submitted to Parliament after a small, independent committee consisting of Sir Edgar Bean (former Parliamentary Draftsman), Mr. W. P. Bishop (former Auditor-General), and Mr. G. Seaman (the Under-Treasurer), had considered the position. No-one could question their qualifications. They naturally inquired into the rates paid in other States and made their recommendations accordingly. The proposed alterations are justified. There have been all-round increases in wages in other spheres. Since this matter was last discussed in Parliament, the basic wage has been increased and marginal increases have been granted by the courts on the evidence submitted by the Australian Council of Trade Unions and other trades organizations. Prior to this, there had also been private agreements between employers and employees.

The salaries and allowances paid to members of Parliament in this State are not equal to those paid in the other States or by the Commonwealth. There are a few well-meaning critics who are not in a position to judge the duties of a member of Parliament. They seem to think that all a member has to do is to attend Parliamentary sessions. Let me disabuse their minds of that. I notice in today's *News* an editorial advocating the abolition of the Legislative Council. That newspaper does not even know that this Council exists and something will be said on that subject later. A Parliamentarian is always on deck—morning, noon and night, including Saturdays and Sundays. His time is not his own. His duty is to assist everyone where possible and he is always prepared to do that. People lose sight of the fact that because Canberra is so far away Federal members are often absent from the State. Therefore, constituents continually interview State members for advice and assistance, and this they are happy to give. Another service overlooked is that rendered by the wives of members of Parliament. They act as secretaries and make appointments, answer the telephone and attend meetings when their husbands are engaged on public duties. Honourable members have much to thank their partners for in carrying out their duties as members of Parliament.

I take the remarks of those who criticize members of Parliament for what they are worth. During my industrial career I have never opposed increases in wages, either in the courts or in Parliament. I have always fought for increased wages, improved conditions, and long service leave because I recognize that the community as a whole benefits by an improved standard of living. I believe in equal rights, and therefore agree that the women members of Parliament should receive the same as the men. I have known only of one member of Parliament who refused to accept a salary increase. At the following election he was the only member defeated, and he then applied to receive the money that he had previously refused to accept. I do not want to reiterate what the Chief Secretary said. The increases are well justified and are long overdue.

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

ADJOURNMENT.

At 4.25 p.m. the Council adjourned until Thursday, May 12, at 2.15 p.m.