HOUSE OF ASSEMBLY.

Wednesday, September 19, 1951.

The SPEAKER (Hon. Sir Robert Nicholls) took the Chair at 2 p.m. and read prayers.

CONDITION OF WHEAT TRUCKS.

Mr. DAVIS—Employees and employers engaged in unloading wheat at Port Pirie have complained to me about the dirty nature of trucks that are used for its carriage. The trucks are used for hauling Leigh Creek coal and Broken Hill ore, and wheat is then loaded into them without their being cleaned out. Will the Minister of Railways take up the matter with the Railways Commissioner and see that the trucks are put into decent condition before use for the carriage of wheat?

The Hon. M. McINTOSH—The whole matter is wrapped up with the question of manpower, and as I have previously told the House, railway employees are already working long hours on essential work and I do not know what work could be discontinued to enable the trucks to be kept cleaner. Obviously the men cannot do two jobs at once, nor can we work them longer hours. It is not the desire of the Railways Commissioner to have dirty trucks, but we have to do first things first. If we can obtain more manpower we hope to keep the trucks in better order.

FUNDS FOR COMMUNISTS.

Mr. DUNKS—The statement has been made during the present referendum campaign that many Communist agitators had been trained in Russia, and that much of the money used by them for propaganda purposes in Australia is being supplied from Soviet funds. I have always believed that money can only be transferred by the sale of goods or by some arrangement for bank credit. Can the Treasurer say how Communists are able to get money from Russia into Australia?

The Hon. T. PLAYFORD—No; I have no direct knowledge upon the matter. It is customary, in countries where there is diplomatic representation, to extend diplomatic privileges to persons living there, but I am not sufficiently conversant with the controls at present exercised over exchange to know whether those diplomatic privileges can be abused.

STEEL SUPPLIES.

Mr. DUNNAGE—Did the Premier, on his recent visit to the United States of America make any contacts in regard to a supply of steel for the Mannum pipeline scheme, and if not, what is the position as regards steel for that undertaking?

The Hon. T. PLAYFORD—Replying to the Leader of the Opposition yesterday I stated that I had been able to get in contact with steel manufacturers in America and that, subject to the approval of the National Production Authority there, it would be possible to get steel into Australia, and that we were awaiting such approval.

IRRIGATION AREAS: SPRINKLER SYSTEM.

Mr. MACGILLIVRAY—Has the Minister of Irrigation any information to give as regards the possibility of putting settlers in the older irrigation areas on the same footing as those in newer areas as regards the use of the sprinkler system of watering?

The Hon. C. S. HINCKS—I have received the following report on the matter:—

In large community irrigation schemes, any departure from roster watering would cause considerable confusion in water distribution and, for this reason, split irrigations on individual holdings could not be recommended. Ample water is applied for plant requirements under the sprinkler system and the fact that possibly double the amount of water is used under the furrow method does not mean that the plantings can go twice as long without water. In other words, one heavy watering is not equivalent to two light irrigations in so far as the plantings are concerned. Although water is not sold to settlers by definite measurement, it is in their own interests to use as little as possible during each irrigation so as to prevent the development of seepage and salt problems. The installation of meters to measure irrigation water supplies in established areas would be a costly undertaking and quite impossible under existing conditions. Although water is sold by measurement in a number of irrigation areas in both Victoria and New South Wales, this is not the practice in such districts as Mildura, Red Cliffs and Merbein in Victoria, and Coomealla and Curlwa in New South Wales.

OFFENDERS PROBATION ACT AMENDMENT BILL.

Mr. FLETCHER, having obtained leave, introduced a Bill for an Act to amend the Offenders Probation Act, 1913-1945. Read a first time.

CONSTITUTION AND ELECTORAL ACTS AMENDMENT BILL.

Second reading.

Mr. O'HALLORAN (Frome—Leader of the Opposition)—This Bill provides for adult suffrage for the Legislative Council. Bills for this purpose have been introduced by Labor on four previous occasions—in 1941, 1942, 1943 and 1950. The first of these Bills lapsed, two passed the second reading in this

House, but because they did not secure the Constitutional majority required were deemed to have been defeated. The Bill introduced last year lapsed because insufficient time was allowed for private members' business. We desire adult suffrage for the Legislative Council in order to make it more democratic (or less undemocractic) than it is now, consistent with this House in respect of electoral qualifications, and more worthy of exercising the powers which the Constitution has conferred upon it. In introducing a similar Bill in 1942, the Hon. R. S. Richards, then Leader of the Opposition, said:—

> The ever-growing demand in all free countries today is that democracy shall be its true self and not just a mere shell which events throughout the world have proved it to be. . . . There is no logical reason why one House of Parliament should represent the people as a whole and another House represent a section of that people and yet have the power to nullify the will and decision of the people's House. There is a very obvious reason why the Legislative Council should not represent a minority of the people while it exercises so great an influence on the legislation of the State.

Recently the Victorian Parliament passed legislation providing for adult suffrage for the Legislative Council. This represents a milestone in the history of that State which we have yet to reach; but it gives hope that conservative interests in this State will concede the same reform here before they are driven to do so. Conservative interests in Victoria almost unanimously accepted the reform. It was agreed to with little or no contention in both Houses despite the fact that the Government which introduced it did not possess a majority in either House.

Opponents of adult suffrage for the Legislative Council usually rely on the following arguments:—(*a*) That there would be no difference between the two Houses (because they would be elected by the same people); (*b*) That the Council would become redundant and would ultimately be abolished; (*c*) that the advantages of a bi-cameral legislature would be lost. The objection to having the same electors for both Houses, if taken to its logical conclusion, could only be met by having each House elected by entirely different sets of electors. Under the present systems some people have two votes, one for the House of Assembly and one for the Legislative Council, whereas others have only one vote—for the House of Assembly. This is fundamentally unfair. The Senators for South Australia are elected by the same people as elect members of the House of Representatives for this State. The Assembly and the Council (like the Senate and House of Representatives) are essentially Party Houses in spite of all that is said about "reviewing" and "second thought." Any dsirable differences between the points of view of the Assembly and the Council would be preserved, even if elected by the same electors, by the wider interests represented in the larger Council districts and the overlapping terms of office of members of the Council. The possibility of the abolition of the Legislative Council (with the consequent loss of the alleged advantages of a bi-cameral system) is not a valid argument against adult suffrage for the Council. There are doubtful advantages in having two Houses and, under the existing system, which gives such great powers to the Council, the advantages, if any, are outweighed by the disadvantages.

I will refer to the position in Queensland where, in or about the year 1922, the Labor Party abolished the Legislative Council. In 1929 a Liberal Country League Government was returned with a majority in the Assembly, which was then the only House, but though it had the power and the right to make any change in the Queensland Constitution that it desired, and was in office for three years, it made no effort to restore the Legislative Council. The Liberal and Country Party, or whatever *alias* it may have at present—because its name is changed so often and one has difficulty in keeping up with it—made no suggestion at any election that if returned to power it would restore the Council. More recently we had the example of the Holland Government in New Zealand. It is a Liberal or Conservative Government; at any rate it represents a type of political philosophy which Labor does not subscribe to in that Dominion. Probably the abolition of the second House there had a considerable influence on the New Zealand electors, who recently confirmed that Government in office. Because of very fortuitous circumstances for which it is not responsible, the Government in this State does not require any special effort to confirm itself in office. That confirmation has been provided for in another section of the Constitution which I sought unsuccessfully to change last session; but I am sportsman enough to accept Parliament's decision for the time being and give the electors an opportunity to pronounce their opinion on that decision on an appropriate occasion. I am now giving members of the

Government an opportunity to follow the excellent examples set in Queensland, Victoria, and New Zealand.

The conservative majority in the Council has been able to obstruct progressive legislation submitted to it by a party to which it is antagonistic. As a general rule, the forward march has been arrested by conservatives clinging to their privileges. The abolition of the Council would involve no great loss to the community, except to the privileged class it now represents. The extension of adult suffrage to the Council will not of itself bring about its abolition. So long as conservative interests can secure a majority in that House, it cannot be abolished. No matter what interests secure majorities in either House, the second Chamber will not be abolished under a system of adult suffrage unless the people desire its abolition. However, today it does not matter what the people desire in this State. Their desires can be thwarted by the position existing in our Legislative Council, which represents only a minority. In a debate in 1942 on a Bill similar to this one and introduced by the then Leader of the Opposition, the Hon. R. S. Richards, the member for Torrens, who was then Attorney-General in a Liberal Government, said:—

If ten members of the Legislative Council are opposed to a measure, it is reasonable to suppose that a substantial number of other persons in the community are also opposed to it, and their views are entitled to consideration.

How did the honourable member at that time know that because ten members of the Legislative Council were opposed to a measure a substantial number of other people were opposed to it? The fact is that those ten members represented a minority. In any case their views are not merely considered; they prevail. In 1942 there were about 136,000 Council electors and about 386,000 Assembly electors. Ten members of the Council, if they were Liberal and Country League members, would have represented less than 68,000 electors, whereas the 19 members in the Assembly who supported the Bill represented more than 193,000 electors. Thus if those ten councillors had defeated the Bill it would have meant that a small minority of the electors of the State were being given power over the majority. The views of 68,000 Council electors may be entitled to consideration, but that is entirely different from allowing them to prevail. Mr. Jeffries continued:—

If what the Assembly desires is really desired by the people, the Legislative Council will not and cannot obstruct it ultimately.

That was supposed to be based on the deadlock provisions; but, as the Legislative Council has the last say, in the case of a double dissolution or the election of additional members of the Council, the minority of electors determining the composition of the Council could still frustrate the will of the majority of electors. The fallacy of this particular argument lies in the meaning given to the word "people." If we add the word "who elect the Legislative Council," the argument would be quite sound. The people as a whole do not elect the Council! In the final analysis we find that the people referred to by the member for Torrens were not the people as a whole. They were not the people who constitute the great democracy of this State and are entitled to fair representation in its Parliament. They were the very "best" people, those who happen to have the privilege of owning sufficient property to qualify them for enrolment as voters for the Legislative Council. Mr. Jeffries continued:—

I think it might be said that the Council could carry out its task of preventing hasty legislation, whether it was elected on adult suffrage or on a property qualification.

Surely that was a slip of the tongue, because it was an admission that the virtue of a second Chamber in preventing hasty legislation would be just as amply demonstrated by a Chamber elected on adult suffrage as by one elected on a property qualification franchise. Admitting for the moment that it is necessary to have a bi-cameral system or that the second Chamber may act as a brake on hasty legislation passed in this place, according to the member for Torrens that brake may be applied just as well by a Chamber elected on adult franchise as by a Chamber elected on property qualification. If there were any effective means whereby deadlocks between the two Houses could be resolved in favour of the people's House, the Lower House, thus permitting the will of the people to prevail, the present Constitution would not be so objectionable; but what happens if a deadlock occurs between the two Houses? There are two alternatives. The Governor may, after certain Constitutional procedure has been adopted, dissolve both Houses. Obviously, if His Excellency dissolved both Houses the result would be the maintenance of the *status quo* because the election of the two Houses would be by different groups of people. In 1942 only 136,000 had the right to vote for the Legislative Council, but 390,000 could vote for the House of Assembly. That proportion has been maintained to this

day, so with a double dissolution it is almost certain that the result of the election would be the reconstitution of the two Houses on exactly the same lines as before. The other method would be for His Excellency to order the election of two additional members for each Legislative Council district. Obviously, the constitution of the Council would not change because the same electors who elected the original Council would vote and the opinion of the Council on the measure causing the deadlock would be maintained. The maintenance of the *status quo* in the other place would mean that the opinion of the people as expressed through this House could never prevail, because once one of these two procedures has been adopted nothing more can be done. The member for Torrens continued:—

Another function of the Council is to suspend the passage of legislation where there is substantial opposition to it amongst the people. In exercising this function the Council is usually representing the rights of minorities. Under our present system of Government, the Council has the power and duty to suspend the passage of a controversial Bill until it is clear that a majority of the people, with full knowledge of what is implied in it, insist on its being passed. . . . A double dissolution could be brought about. . . . The people have the right to speak then.

The people have the right to speak through their representatives in this House, but their voice has no influence on opinions in another place. Mr. Jeffries' statement that I have just quoted was another reference to the deadlock provisions, but he committed a fallacy in using the word "people" as if it meant all the people, whereas, of course, it means only some of the people. The word "people" there meant only the very best people—those with the property necessary for Legislative Council electors. Mr. Jeffries also said:—

At one stage this House was in favour of a five-year Parliament. Later it was not, but the Legislative Council defeated the Bill, retaining five-year Parliaments. The next session, when the measure reached the Legislative Council, and it was apparent that the wish of the public was to revert to a three-year Parliament, that Chamber bowed to the wish of the people.

The same might be said about the Electricity Trust Bill. It is interesting to note how the people changed their minds on this issue. I think the original Bill to nationalize or acquire on behalf of the State the property of the Adelaide Electric Supply Company Limited was defeated in the Legislative Council in October of one year and in the following February Parliament was convened for a special session when the Bill was reintroduced and passed by the Legislative Council. I do not remember any serious manifestations of public opinion on that issue. Whatever went on behind the scenes, it seems that one of the people changed his mind, but that man, fortunately for the Government and for the State, happened to be a member of another place and furnished the Government with a majority to carry its legislation. Mr. Jeffries also said:—

If the Leader of the Opposition thinks that South Australia is not a democracy because we have not adult suffrage for the Legislative Council, what does he think of England? Is that country a democracy, seeing that the second Chamber in its Parliament consists of the House of Lords—a House not elected but dependent solely for its existence on hereditary privilege?

That was completely true at one stage of England's Constitutional history, but it is not completely true today. When it was true no less a person than Mr. Winston Churchill, who is beloved by all members supporting the Government here, speaking on the Parliament Bill in 1911, described the House of Lords as the weapon of a declining oligarchy. That was a most apt term. Since 1911 things have completely changed, but the fact is that the power of the House of Lords to frustrate the will of the Commons has been almost entirely removed and the right honourable gentleman helped to remove that power when the first Parliament Bill was before the British Parliament.

The Hon. S. W. Jeffries—The Commons always had that power.

Mr. O'HALLORAN—No. The first onslaught on the hereditary power of the Lords was launched, I think, by the Lloyd George Government in 1908. Progress towards democracy in England during the last 50 years has been in direct proportion to the reduction of the powers of the House of Lords. Today, in addition to the threat of appointing new peers they also have a provision that legislation which passes the House of Commons in each of two sessions, with an intervening period of 12 months, automatically becomes law without the consent of the House of Lords.

The Hon. S. W. Jeffries—Has there to be an intervening election?

Mr. O'HALLORAN—Not now. Under the 1908 Bill an election had to intervene. It is fallacious to compare the House of Lords with the Legislative Council because in England a Government (representing a majority in the House of Commons) has been able to overcome the opposition of the Lords by the creation of or the threat of creating additional

members. (The power of the House of Lords has been considerably reduced by recent constitutional changes.) Democracy means belief in political equality, but when only certain electors are entitled to vote for the Upper House we are not living in a democracy. We have no power to appoint members to the Legislative Council; that power is restricted to those who possess property qualifications to vote for the Council, and at no period have they numbered more than approximately one-third of the people who have the right to vote for the House of Assembly.

The Hon. S. W. Jeffries—How do you know? Registration is not compulsory.

Mr. O'HALLORAN—The honourable member must take his share of the blame for that. On a number of occasions members of the Labor Party have sought to make it compulsory, but have not had any assistance from the member for Torrens.

The Hon. S. W. Jeffries—And you won't!

Mr. O'HALLORAN—The natural desire of the member for Torrens is to restrict the franchise for the second chamber in order to protect the vested interests of this country.

The Hon. S. W. Jeffries—Oh, no!

Mr. O'HALLORAN—The time may come—and it may not be so far distant—when our free democracy will be imperilled by this fault in our Parliamentary system. People are becoming tired of having their will frustrated.

The Hon. S. W. Jeffries—When did they have it frustrated?

Mr. O'HALLORAN—I referred to that in my early remarks. I remind the member for Torrens of the circumstances surrounding the Electricity Trust of South Australia Act. There the people's will was frustrated for about six months. It was not a manifestation of the people's will which caused the Bill to ultimately pass, but a change of front on the part of one particular member.

The Hon. T. Playford—It would have taken a year to do that in England.

Mr. O'HALLORAN—The member for Torrens said he would never assist the Labor Party to get a proper enrolment for the Legislative Council under the present franchise.

The Hon. S. W. Jeffries—I did not say that.

Mr. O'HALLORAN—The honourable member said he would never assist us to make it compulsory.

The Hon. S. W. Jeffries—Exactly.

Mr. O'HALLORAN—If there is any way of getting proper enrolment except compulsion I have yet to learn it. It is accepted for the House of Assembly and for the Commonwealth Parliament and, I believe, for several State Parliaments.

The Hon. S. W. Jeffries—Where there is a property qualification?

Mr. O'HALLORAN—There should be no insuperable difficulties where a property qualification exists in making it compulsory and it should be simple to remove the property qualification. The honourable member also stated:—

Because the Bill now before us contains a provision for the abolition of the property qualification and the substitution of adult suffrage for the Legislative Council, the Government will have nothing to do with it.

I hope that the Government has changed its mind since then and that on this occasion it will recognize the natural justice which lies behind the claim for the passage of this Bill, and pass it so that we can test the feeling in the Legislative Council to see if it is as democratic as the member for Torrens states, and permit the will of the people to prevail. The passage just quoted indicates exactly where the L.C.L. stands on the question of Constitutional reform. It means that whatever merit there might be in adult suffrage for the Legislative Council, it would have the effect of diminishing the power and influence exercised by the minority of the people, whom the L.C.L. represents. Adult suffrage for the Legislative Council would be bad for the L.C.L. and therefore it will not concede the right to the people. If the L.C.L. wishes to perpetuate an Upper House to represent a minority in the consideration of any Bill, how does it account for the coincidence that, whatever the nature of the Bill, the minority so represented is determined by a property qualification? There is no valid reason why a person who happens to own property should enjoy any special political privilege. Because a person is the lessee of a property, he does not suddenly become endowed with great political sagacity and insight into social problems. That point is worthy of consideration. Minorities, the honourable member said, are entitled to consideration, but why should the representation of that minority be determined on a property qualification basis? Persons who possess that qualification may have a totally different point of view, different lines of political thought or different ideas of political philosophy, from others. It is true that Labor has sought to amend the Constitution to provide for minority representation in this House. Last year I introduced a Bill to establish proportional representation so that substantial minorities which

followed a particular line of political thought, or who believed in a particular form of political philosophy, would have representation in this Chamber. It would have given representation to those who believe in things, and not to those who own things, and between the two there is a substantial difference.

If the L.C.L. is really honest in its desire to ensure the wise and dispassionate review of legislation by the Legislative Council, it should confine the privilege of electing members of that place to those citizens who have qualified in some way (other than by merely owning property) for the rights and duties involved. In some of the other States there has been some such attempt to justify a restricted franchise for the Upper House, but not here. There is, of course, no valid reason why a house of review should have a restricted franchise. The majority of the people believe that all those who have a vote for the Lower House should have a vote for the Upper House. They are entitled to be admitted to as full and responsible citizenship, and are just as competent to return a government with plenary powers, as the present electors of the Upper House. A House elected on a restricted franchise tends to get out of touch with the sentiments of the people, and I mean the people, not a minority of them. Adult suffrage for both Houses would bring several advantages from an administrative point of view. At present much unnecessary work is involved in checking transfers of property, etc., and the maintenance of two separate rolls. One of the arguments advanced against compulsory enrolment for the Legislative Council was that the difficulty involved in establishing obligation to enrol was too great. But the fewer the Council electors, the better it is for the L.C.L. If the property qualification were abolished there would be no objection on the part of the L.C.L. to compulsory enrolment and, indeed, this would be accomplished concurrently with enrolment for the House of Assembly.

The Hon. S. W. Jeffries—You think there is an objection?

Mr. O'HALLORAN—I do not admit that there is one, but there may be one. The whole business of enrolment would be simpler. Compulsory voting, which has been conceded for the House of Assembly, could be applied to the Legislative Council. Compulsory enrolment and voting are prescribed for Federal elections and there is one roll for both Houses. The present basis of enrolment for the Legislative Council operates with particular harshness in respect of women. All adult women are entitled to vote for the House of Assembly, but only about one-fifth of them are entitled to be enrolled for the Legislative Council. If a man and his wife occupy the one property and the wife owns the property, her husband can enrol, but if the husband owns the property the wife is not entitled to enrol. In 1938 the Legislative Council roll contained 129,000 names, but only 37,000 of them were of women. I suggest that if figures could be obtained today, despite our population having increased, it would be found that the proportion of women enrolled is substantially the same as in 1938. It is a poor reward for the women for all they have done in the interests of the State to be told that they can have a vote for the Assembly but not for the Council which has the power to say whether or not legislation should be passed.

The Hon. M. McIntosh—Not for financial legislation.

Mr. O'HALLORAN—No doubt the Minister implies that the Council has no control over the public purse. In 1912 when the Verran Labor Government sought to establish a State sawmill and a State brickyard it put a line on the Estimates to appropriate money for the purpose, but the Bill was defeated in another place and the Government had to go to the country on that issue.

The Hon. T. Playford—What was the decision of the people?

Mr. O'HALLORAN—Unfortunately it was against the establishment of a State sawmill and a State brickyard.

The Hon. T. Playford—Therefore the Council correctly interpreted the will of the people.

Mr. O'HALLORAN—Apparently the will of the people changed because in 1915 another Labor Government with precisely the same policy was returned with an overwhelming majority. Since then the present Premier has expanded our State afforestation activities and established State sawmills, but he has not yet established State brickyards, although in that matter he has helped private enterprise. He has gone some distance in establishing a State coalfield and a State pyrites project.

The Hon. T. Playford—Has the Council held up these matters?

Mr. O'HALLORAN—If I were the Premier of South Australia and put up these proposals in exactly the same form they would not be merely held up but thrown out. Whatever the influence the Premier has over the Council, he seems to get things done, and they are things which I could not get done. The

Bill provides for adult suffrage, a joint roll for Assembly and Council elections, and for compulsory enrolment and voting for both Houses of Parliament. It commends itself to me as a democratic measure and I hope it will commend itself to a majority of members of this House. I move the second reading.

The Hon. T. PLAYFORD secured the adjournment of the debate.

NEW BUS SERVICES.

Mr. DUNKS (Mitcham)—I move—

That, in the opinion of this House, a passenger road service should be permitted to operate between the Municipal Tramways stop at Mitcham (the Torrens Arms) and Blackwood, to cater for the development that is taking place along and in the vicinity of the Belair road between Mitcham and Belair; also at Crest Alta and along and in the vicinity of the road between Belair and Blackwood and including Hawthorndene.

Earlier in the session I placed this matter on the Notice Paper as a Notice of Motion. It has now become an Order of the Day and on several occasions I postponed the discussion on it in order to ascertain the latest position and to get more facts. I have been able to do that this week, so I move this motion fortified with facts which I could not have given the House a month ago. I draw members' attention to the wording of the motion. Development in the area mentioned has been very extensive over the last 10 or 12 years. I stress the word "permitted" in the motion, because on that rests largely the substance of my argument. Section 30 of the Municipal Tramways Trust Act states:—

> The trust shall have the exclusive right—
> (*a*) to carry passengers by motor omnibus for hire or reward on any route wholly or partially within the prescribed area at separate and individual fares for each passenger of not more than 1s. 6d. for a single journey, or 3s. for a return journey.
> (*b*) to grant to any person a licence to carry passengers by motor omnibus for hire or reward on any such route as aforesaid, and at the fares or payment aforesaid.

Under section 29 "prescribed area" means the areas of the municipality of Adelaide and of the councils of groups "A" and "B" and any additional territory proclaimed by the Governor under this section. Subsection (2) of that section states:—

> The Governor may, by proclamation, add any territory to the prescribed area as existing for the time being and may revoke or vary any proclamation made under this section.

The Hon. S. W. Jeffries—Has the Transport Control Board any power in the area mentioned in the motion?

Mr. DUNKS—The board has power outside a 10-mile radius from the General Post Office. Within that area the Tramways Trust has autonomy. It is about 40 years since the trust came into existence. Over that period it has held the right to run trams or license people to run buses into the areas mentioned in the motion but has done nothing to improve transport there.

Mr. Fred Walsh—Is there not a railway to Belair?

Mr. DUNKS—Yes. The district is supplied with tram transport as far as the Mitcham terminus. That tram leaves the Belair Road at the Torrens Arms Hotel. The Railways Department runs trains to Mitcham which continue through Sleeps Hill, Blackwood, Glenalta, Pinera and Belair, to the other hills areas. They give a good service to those parts through which they pass, but a certain section of residents in the area mentioned in the motion are deprived of both road and rail service, unless they travel a considerable distance to catch the train. There is no tram service through their area. The train service is the only one available to them, and as this is not a flat area, it is very difficult for residents such as old people or mothers with children to walk half a mile.

Mr. Fred Walsh—Some people would be required to walk as far as that even if there were a bus service.

Mr. DUNKS—I hope a bus service will go closer to the area I have referred to. Following on a deputation which I introduced to the Premier on August 9, 1948, a bus service was secured for the area. The leader of the deputation said on that occasion:—

> I am instructed to speak on behalf of the Progress Associations of Belair, Blackwood and Eden, and in particular the executive appointed by those Progress Associations to further the demand by the residents of the district for a bus service to the city. We appreciate this opportunity extended to us by the invitation of the Mitcham Corporation to present our case to you. We acknowledge the introduction made by Mr. Dunks, M.P., the member for our district, and his expression in the past of his strong support of our cause. For some years now there has been a growing and insistent demand by the residents for a bus service to provide adequate means of transport to and from the city. Repeated requests to the authorities concerned have been of no avail. The district is rapidly expanding, and now has a population exceeding 4,500.

Today the population of that area is at least 5,500—an increase of 1,000 in three years. The leader of the deputation continued:—

The attractions of living in the hills, the low cost of land, the corporation's sanction of timber-frame and cheaper standard housing, has attracted working class people with young families to the district. The expansion has meant that many houses have been built at long distances from any available means of transport. At a canvass taken of the Blackwood, Belair, Crest Alta and Wardlaw areas in March of 1946 it was shown:—

(*a*) That 46 per cent of the population lived three-quarters of a mile or more from the nearest railway station;

(*b*) Of these 20 per cent are more than 1½ miles from the nearest station;

(*c*) That in view of the long walk to the station and time of travel in the train, over 1,000 man hours per week would be saved in travelling time by the inauguration of a bus service.

Today the saving would be more like 1,400 man hours a week. In these days when there is a demand for increased production the saving of so much time would seem an advantage. Even if it enabled people to get up later in the morning and arrive home earlier in the evening it would seem worth while. The leader of the deputation continued:—

The situation at Belair is further aggravated by the distance of travel, the 14 mile post on the railways being within the 5¼ mile radius of the General Post Offict and seven miles by bus route.

Mr. Shannon—Their position is nearly as bad as that of Bridgewater residents.

Mr. DUNKS—Yes, but people at Stirling and Aldgate, for some reason which I do not know, are supplied with a bus as well as a rail service. Crest Alta is on the right-hand side of the Belair Road and at the junction of that road and the road to Blackwood, at which point Gloucester Avenue curves around to the right towards Kalyra. I am particularly interested in that section. I have been told that the last bus service which supplied that area was unreliable as to time of departure in the morning, which was inconvenient for workers.

Mr. Jeffries—How far is that point from the Overway Bridge station?

Mr. DUNKS—About half a mile. Crest Alta is one of the more thickly populated spots in this area. The leader of the deputation said that a workman, from the time he left home, could not possibly get to the city by train in less than an hour and five minutes. I think that time has now been reduced to about 42 minutes; it may be less by express.

Mr. Macgillivray—Who controls transport on those roads at present?

Mr. DUNKS—Under the Municipal Tramways Trust Act the trust has autonomy on roads within 10 miles of the G.P.O., although the Governor may revoke its power and free an area. In that case the Transport Control Board would probably come into the picture. I would not object to that; but I object to the fact that the Tramways Trust, having control over this area, has not used its power and will not allow anybody else to service the area unless he be someone selected by it. If it were known that the people of this area desire a bus service numerous applications might be received from independent operators. The leader of the deputation also said:—

We instance the case of people living at Crest Alta, one of the more thickly populated areas. A workman from the time he leaves home cannot possibly get to the city by train under an hour and five minutes, but a bus would take 20 minutes.

I think the train trip would take about 40 minutes or 42 minutes. He went on:—

From Wardlaw Vale, beyond Blackwood, another built-up area, train travel would take 55 minutes and the bus 40 minutes. This would be the extremity of the bus service. To expect working men and women and children to walk 1½ miles to and from home each day, making 2,000 trips per week, often in bad weather, is an injustice.

Mr. Frank Walsh—How long would it take to go by tram from the Torrens Arms to Adelaide?

Mr. DUNKS—The bus trip from Crest Alta to the Torrens Arms would take about 10 minutes because there would be few stops. The tram from the Torrens Arms would take 15 to 20 minutes to get to Adelaide. The trip from Crest Alta to Adelaide would therefore take about 30 minutes compared with 42 or 43 minutes by railway. We hoped, without success, to get a direct bus service from Crest Alta to the G.P.O., Adelaide. Such a trip would take only 20 minutes. The leader of the deputation continued:—

As an executive we feel it is incumbent on the authorities concerned to see that transport is provided, that it is adequate, and that it is in keeping with modern methods of travel. We appeal to you, Mr. Premier, to see that the matter is thoroughly investigated, that the urgent needs of the people are met, and that those who so far have prevented a bus service operating are instructed to give the necessary sanction. Bus proprietors are ready and anxious to operate on this route, and we expect it will not be long before they are.

A bus from Meadows runs through the district, but the operator is only allowed to

pick up passengers if he charges 1s. 6d. for a single fare or 3s. for a return fare. They are excessive amounts, so he does not get many passengers. The railways provide a good service to certain parts of the district. I have no complaints about the service to Blackwood township, although some of my constituents have. People within half a mile of the Blackwood station having no deep gullies to cross should be satisfied with the train service, but near Glenalta and Pinera, where the road crosses the railway, on the right hand side of the road going to Blackwood, there are deep gullies and those living on the other side of the gullies have a steep and difficult climb to the small railway station. A bus service in the Crest Alta area would obviate this. One of my friends at Hawthorndene supported my idea that it might be possible for a bus to start from Hawthorndene and travel around National Park and Blackwood Road without interfering with the railway because it would not come within one-quarter of a mile of the railway line at any point, but after examining this scheme yesterday and noting the few homes on that route I concluded that it would be foolish to ask the Tramways Trust to run a bus on that route or even expect private enterprise with an open go to operate there. I advocate that either a private owner be allowed to operate over the area I have suggested or that the Municipal Tramways Trust license somebody to operate. There is great development on the left hand side of the Belair Road above the Dogs' Home. This area has been surveyed and much of the land has been sold by the Co-operative Building Society of South Australia. Mr. Burnell, managing director of the society, assured me that when building conditions return to normal this area will grow quickly. He has written me the following letter:—

In reference to our telephone conversation about road transport to Belair I beg to inform you that, in my opinion, a road service should be provided. We subdivided a portion of Nunyara Estate, comprising 42 blocks, and these have all been sold. There are eight houses either completed or in course of erection and most of the purchasers of the other blocks are proposing to build at the earliest opportunity. The old Nunyara homestead is now a Methodist Youth Centre and a number of people travel to and from this centre. We have some 200 acres between the Dogs' Home and the top of the hill—that is, the junction of Belair Station and Blackwood Road—and we have instructed surveyors to prepare subdivisions of this land. All of this land is within a five-mile radius of the G.P.O.

It is almost unbelievable that a district with such beautiful views is only five miles from the G.P.O. Places such as Magill are probably eight miles from Adelaide. Mr. Burnell's letter continues:—

I consider that the rail services are inadequate for this area and unless a road service is provided progress in this locality will be retarded. I trust that you will be successful in obtaining a satisfactory service.

The two areas I have mentioned are very worthy of consideration. The first is Crest Alta and the locality on the other side of the deep gullies between there and the railway line, and the second is the land on the left-hand side of Belair Road between the Dogs' Home and the junction at the top of the hill at Belair. I have suggested the methods by which a service could be implemented and I would prefer that the Government ask the Governor to revoke the proclamation so that the area I have mentioned would be outside the jurisdiction of the Tramways Trust. If that were not possible the trust could licence on operator. If this were done, I think the trust should allow the people in the area to select the licensee. There are three progress associations in the district, but I think the only one that would be interested in this matter is the Belair Progress Association. If it could select the bus proprietor I think there would be a better selection.

Mr. Whittle—Is any bus proprietor prepared to give a service?

Mr. DUNKS—I do not know, but the deputation that waited on the Premier in 1948 assured him there were numerous proprietors interested in the proposition. If an operator gave a good service I believe it would be a payable proposition if he were allowed to come into the General Post Office. He might be in difficulties if he were allowed to come only as far as the Torrens Arms because there his passengers would have to board a tram probably loaded with passengers from Upper Mitcham. If the bus were allowed to come into Adelaide he could be prevented from picking up passengers after the Torrens Arms. The trip to Adelaide would take no longer than 15 to 20 minutes. If my two suggestions are not acceptable to the Government the Act could be amended. Even a private member could prepare and bring down the necessary Bill. I have tried unsuccessfully in other directions to get a bus service, but I hope that the Government will see some merit in my suggestion and grant my request.

The Hon. M. McINTOSH secured the adjournment of the debate.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL (No. 1).

Adjourned debate on second reading.

(Continued from August 29. Poge 477.)

The Hon. T. PLAYFORD (Gumeracha—Premier and Treasurer)—I oppose the Bill which is the most far-reaching of the several Workmen's Compensation Bills that have been introduced in recent years. It makes such drastic changes in the law that I feel that it cannot be supported. I have previously informed the House that the Government approaches the question of compensation to injured workmen and their dependants in a most sympathetic spirit. Our policy is that the compensation should be as generous as is reasonably practicable, having regard to the interests of all persons concerned. But in determining what is fair and just in this matter the basic nature of the payments should be looked at. Workmen's compensation is payable irrespective of whether the employer is in any way to blame for the injury. It is payable even if the accident is entirely due to the negligence of the workman. If an employer has been negligent and a workman has been injured thereby the employer is liable by law, quite apart from the Workmen's Compensation Acts, for the full loss caused to the workman; and if the workman dies the employer is liable for the loss caused to his dependants.

Mr. O'Halloran—The loss is still assessed by the court.

The Hon. T. PLAYFORD—Compensation is computed on the basis of whether the workman has been negligent or contributed towards the accident.

Mr. O'Halloran—You would not say that contributory negligence is a strong argument?

The Hon. T. PLAYFORD—No. Workmen's compensation legislation was never designed to place upon an employer the same degree of liability that applies where he was to blame for the accident. In working out the policy to be applied in workmen's compensation, therefore, we should ask, "What provision should justly and fairly be made to meet the usual kind of case where nobody is to blame for the workman's injury or where the workman himself is responsible?" The Government has its own policy worked out on this question. It has approached the problem in a liberal spirit and will shortly submit a Bill to the House. I compliment the Leader of the Opposition on his able and clear explanation of the Bill, which goes much further than any other legislation of its kind.

Mr. O'Halloran—It was intended that it should.

The Hon. T. PLAYFORD—I accept that. I have made fairly extensive investigations into the Workmen's Compensation Acts of other States and New Zealand, where a Labor Government was in office for a considerable time. Mr. O'Halloran appears to have aggregated all the best things from various parts of the world together, brushing them up with his own imagination to present an ideal measure to the House.

Mr. O'Halloran—I think I broke entirely new ground.

The Hon. T. PLAYFORD—Exactly. However, the honourable member has borrowed a few ideas from sundry places.

Mr. O'Halloran—The fact that the Bill is more generous than other measures doesn't destroy its merits.

The Hon. T. PLAYFORD—I do not wish to insinuate that we have to be governed by what other States have done. I have never suggested that we must blindly follow decisions made elsewhere. We have a duty to do the fair thing on the merits of every case. The Bill provides that compensation shall be payable to all employees, irrespective of salary. It will, for example, apply to the apprentice whose wage is still below the basic wage, to tradesmen and other workers with their margins above the basic wage and to managers and managing directors whose salaries may run into thousands of pounds a year. Then, having brought all employees within the ambit of the Bill, Mr. O'Halloran proposes that the compensation shall in all cases be based upon their full earnings. In the case of death compensation will be on three years' earnings, notwithstanding how high they may be. In the case of total incapacity the proposal apparently is to pay full weekly earnings, irrespective of amount, for the first six months and then a further three years' earnings by way of final settlement of the claim.

A further provision is that the employer is to be liable for compensation in certain prescribed circumstances when the employee is not actually at work, for example, during temporary absences in normal working hours, while the workman is travelling between pick-up places, or between his home and his work, when he is travelling to or from a trade school, whether between his home and the school or

between his place of work and the school, or when he is travelling to obtain a medical certificate, treatment for his injury or payments for his injury. These alterations may sound simple, but they are extraordinary increases in benefits. As far as I know no such combination of benefits has been introduced in any other country. There is no limit on the maximum earnings of persons entitled to benefits; there is no ascertainable limit on the payments for death or incapacity or the amount of the weekly payments. It is doubtful whether anybody could fix the insurance premiums which would have to be paid to cover the employer's liability for compensation on such an uncertain scale. The largest amounts of compensation now being paid are, I think, those in respect of the weekly payments during incapacity; and it is a general rule in workmen's compensation legislation to fix a definite limit on such weekly amounts so that the risk will be insurable. And with only minor restricted exceptions, the States and countries which have passed workmen's compensation legislation all fix the classes of workers who are covered by reference to a maximum amount of earnings, and fix definite maximum amounts for the compensation payable on death or incapacity. It would be most unwise for us to adopt any other principle.

The provision that compensation is to be payable in cases where a workman is injured on journeys to and from his place of work is, I am aware, gradually being adopted in other States, but I suggest that it is wrong in principle. The workman is a free agent on these journeys. The employer has no more control over what is done on them than he has over the workman while he is in his home. If the workman is to receive compensation for injuries of this kind, I suggest it is a matter which should be provided for under social services legislation, and not as part of workmen's compensation.

Another feature of the Bill may be mentioned. In the past compensation has been payable for accidents "arising out of and in the course of the workman's employment." These words have been interpreted by the courts in a number of cases and their meaning has been clearly worked out and the rules applicable in cases of doubt have been laid down. The courts have been sympathetic with the workman in laying down these rules. I stress that the law is now reasonably clear as to the meaning of the present Act on this point. Mr. O'Halloran desires to alter it. It is a small alteration, but one which would throw doubt on all the existing decisions. He proposes to change the word "and" in the expression "arising out of and in the course of" the employment to "or." I do not profess to know exactly what results would ultimately be held by the courts to follow from this amendment, but I know it would cause a lot of unnecessary doubt and confusion.

Mr. O'Halloran—Why?

The Hon. T. PLAYFORD—I have said that the words in the Act have been noted in the consideration of cases, and their meaning has been interpreted by the judiciary. The proposed amendment would alter the position and would throw into the melting pot all previous decisions. Another point which should be considered now is whether it is wise to pass such legislation as this at a time when there is a vital need to restrain increases in prices. There is no doubt that the Bill will add to costs and prices. That would, of course, not be an answer to it if the Bill were essential to prevent hardship and injustice. But the existing law supplemented by the Government's own proposals will provide a liberal scale of compensation, but with substantially less inflationary effect than this Bill. When the Government's proposals come before the House I am sure the honourable member will not criticize them. They do not deal with workmen's compensation in the way he has dealt with it. He proposes structural alterations in the law, whereas the Government's proposals are designed to adjust the existing law in the light of the altered cost of living and wages position.

Mr. O'Halloran—The uncharitable person would say that it is a tinkering approach.

The Hon. T. PLAYFORD—I am sure the honourable member will agree that the Government's proposals are constructive and will meet the present-day position. My Bill will not go so far as this measure, but the honourable member will find that he and I are together on a number of matters. The Government is not unconscious of the need to meet the altered circumstances today, and its Bill will to a large extent if not completely, meet the criticism of the present scale of compensation payments. For the reasons I have given I oppose the Bill.

Mr. DAVIS (Port Pirie)—I am surprised that the Premier opposes the Bill. I thought that after he had read Mr. O'Halloran's explanation he would have supported it. The Premier said it was a far-reaching measure, but I do not think it goes far enough, because other matters could have been

included to give workmen greater benefits. It provides compensation for the widow and children when the husband is killed whilst at work. The Premier criticized the proposal to pay as compensation the equivalent of three years' earnings, but that applies only where a young family is left. He indicated that he had much sympathy with workmen's compensation, but he is not showing it when he opposes the measure. He said that under the Bill there was no limit on the people who would be entitled to compensation, and he referred to directors and managers, but they would not claim workmen's compensation. Our proposal provides benefits only for workers. In the Commonwealth there must be thousands of workmen who do not come under workmen's compensation provisions. In my district there are about 1,800 men who do not come under the Act because they receive a greater wage than that set out in the legislation. The Act was passed when wages were much lower. It must not be forgotten that although wages are now higher the increase in the cost of living has made the purchasing power of the workmen no greater. That is one reason why the wages limit should be increased.

The Premier said that compensation should not be paid to a workman if he is injured whilst going to and from work, but I think he is entitled to it. It has been said that such an accident should be covered by social service legislation. It is covered now, but only £2 a week can be paid to a man and his wife, and that is insufficient. The Bill provides also for compensation being paid to a man injured whilst going to and from where he is picked up to go to his place of employment. Many Government employees are taken a considerable distance to their work. Under agreements workmen travel some of the distance in their own time and the remainder in the employer's time. I think that after they have finished their day's work they should be covered until they reach their homes. Many jobs are in the back country and this necessitates the men being conveyed to their homes in a vehicle owned by the employer. I think that whilst they are travelling in this way they are still on the job and should be covered by the Act. The Premier also dealt with the limits of compensation and said that if this Bill were accepted insurance companies would not know their liabilities, but I point out that under the present Act they do not know their liabilities. Whether workmen receive full wages or only two-thirds, a company does not know its potential liability. If the Premier is opposed to this Bill and intends to introduce legislation of his own, I point out that it would be unfair to leave any body of men in industry uncovered with regard to workmen's compensation. The Premier also said that often injury is caused by the negligence of the employee; but if an employer can prove that the employee was responsible he would be relieved of any responsibility. I know of many more cases in which injury has been caused by the employer's negligence than by the employee's.

Mr. Teusner—If injury is due to the employer's negligence he has a liability under common law.

Mr. DAVIS—That is so, but once action is taken under the Employer's Liability Act workmen's compensation cannot be claimed.

Mr. Teusner—A greater sum would probably be obtained under the common law.

Mr. DAVIS—If the workman were lucky. It is very difficult to prove that an employer is liable. Very few cases are won under the Employers' Liability Act and union officials are loth to act under it. Waterside workers are not covered with regard to workmen's compensation while travelling between pick-ups. Under their present set-up they have to present themselves at a pick-up point on mornings after days on which they have not worked. If there is no work for them to do they are paid attendance money. They should be covered when travelling to the pick-up point and also until they reach their homes. To all intents and purposes they are employed on the day on which they are paid attendance money, and are in the same position as persons presenting themselves for employment in any other industry.

No payment can compensate the wife and children of a worker who meets with a fatal accident or is totally incapacitated. Surely they should be provided for in their time of need. I have known many cases in which the husband has been taken and the family left in poverty. Certainly improvements have been made from time to time in the provisions of the Act, but full provision should be made for the dependants of such a worker. The Premier objected to the payment of the full wage, but I say that the worker is entitled to that. If a workman meets with an accident in the street he is entitled to the same compensation as he would receive if he were injured during the course of his employment. While

a worker is laid aside he will have to meet various expenses which he would not have to meet whilst working. I support the second reading.

Mr. PATTINSON secured the adjournment of the debate.

BETTING CONTROL BOARD RULE: MINIMUM BET.

Adjourned debate on the motion of Mr. Tapping—

That paragraph II. of the amendments of rules of the Betting Control Board made under the Lottery and Gaming Act, 1936-1949, on November 30, 1950, and laid on the table of this House on June 27, 1951, be disallowed.

(Continued from September 5. Page 544.)

Mr. DUNKS (Mitcham)—I listened with rapt attention to previous speakers. It was suggested that certain speakers knew nothing about the subject and that they had not confined themselves to the motion. The only point under discussion is whether there should be a minimum of one shilling or of two shillings in betting on the flat.

The SPEAKER—That is correct.

Mr. DUNKS—I oppose the motion, firstly because this regulation has been promulgated by the Betting Control Board, a body having authority over racing which should know the true position, and secondly, because the Joint Committee on Subordinate Legislation has examined the regulation and is perfectly satisfied with it. The member for Prospect gave reasons for the committee's decisions. Some peculiar things were said during the debate. I regret that some members feel bound to make personal remarks about others who disagree with their views. When the member for Prospect said he did not know much about racing his remark was construed to mean that he knew nothing about it at all.

Mr. Davis—He admitted that.

Mr. DUNKS—He did not. He said he did not know very much about it. I made a slight interjection in a friendly way while the member for Port Pirie was speaking, and, although his reply is not recorded in *Hansard,* I made a note of what he said—"The member for Mitcham wouldn't know the back end from the front end of a horse." That statement is absurd. Not only do I know the back and front ends of a horse, but I know an ass when I see one: I was brought up in the bush. When I was about six years old I had a horse of my own. As a lad I drove a baker's cart for my father, and I do not remember putting the front end of the horse into the shafts first. Two or three years ago I joined a riding club. Riding clubs do not usually allow a man to go out with them unless he knows something about horses. One afternoon I surprised the member for Eyre, who saw me out riding with the club. People who do not know anything about horses do not usually join riding clubs. Therefore I am probably not so ignorant about horses as the member for Port Pirie suggested. When I was a young man I lived in Victoria and betting was legal in that State. Like most young men I liked going to the races and thought, as many people do today, that at the races you should have a bet; that here was the road to prosperity and that if I listened to the stable boy and the trainer I would get on well. I was one of those people referred to by the member for Port Pirie as "the unforunate workers" who go to the races to have a bet and enjoy themselves. I soon realized that racing was a mug's game and that I could not make a fortune that way. I decided that the bookmaker riding around in his smart buggy and smoking a cigar had the best end of the stick and that he would not get any more of my money. The honourable member said that I could bet in thousands today if I wished to, but I do not know how he got that information. If I had continued to bet as an "unfortunate worker" I would still be in the rank and file today. The racing game has been referred to as the sport of kings. Mr. Davis said it was the sport of the unfortunate worker. If an unfortunate worker continues to bet he will be an unfortunate worker for the rest of his life. He could spend his time and money in much more profitable avenues.

Mr. Pattinson—If everyone followed your advice the Treasurer could not balance his Budget.

Mr. DUNKS—People would have more money and not give so much away to the bookmaker. I go to the races occasionally because I love horses. Horses have horse sense, and if men had more of it they would not be on the flat on Saturday afternoons placing bets of 2s. for their enjoyment. I sometimes walk across the flat and if the people there are enjoying themselves their facial expressions when they lose do not portray it to me. Even people with plenty of money look miserable if their horses are not winning. Women with children should not be at the racecourse, and they only enjoy

themselves when they win. Ninety-nine times out of a hundred they lose and are miserable. Surely a minimum bet of 2s. is reasonable when we consider the decline in the value of money over the last 10 or 15 years. The bookmaker himself must be happy that the minimum has been increased because the small sum of 1s. would be a nuisance to him. The member for Port Pirie spoke about the difficulty of placing two bets on a race because of the long queues. The higher we make the minimum the less difficulty there would be in placing bets. The regulation complained of is perfectly in order. If I thought there was anything in the racing game I would be at the races frequently making my 2s. bets with the bookmaker or the totalizator, but I have found a much easier and more legitimate way of making money. If we all formed ourselves into a limited company and put our money on the totalizator we would lose 12½ per cent, but the totalizator cannot manipulate the odds. On the other hand, the bookmaker knows how to lay the odds profitably. If we bet as a group with the bookmakers they would probably get 20 per cent of our money.

Mr. Davis—Have you heard of a bookmaker going bankrupt?

Mr. DUNKS—Has the honourable member ever heard of a small punter making a fortune? The average man or woman in ordinary circumstances does not get much enjoyment by going to the races and losing his money. I would be prepared to make the minimum bet higher still to try to convince people that they should keep away from the races and spend their leisure moments in a better way. I should have thought people representing the workers would be most anxious to advise them of the foolishness of betting on race horses. They should encourage those on low wages to be thrifty and save their money to buy homes instead of letting the bookmakers amass fortunes to build big houses. They should tell the people to enjoy themselves in a sensible way.

Mr. Fred Walseh—What would you suggest?

Mr. DUNKS—If they have purchased a home they could stay at home on Saturday afternoons to improve it so that it would become a valuable asset. If they do not own a home they could cultivate their gardens, thereby cutting down housekeeping costs. I am sure that people do not enjoy themselves by losing money at the races.

Mr. Stephens—You have a one-track mind.

Mr. DUNKS—I am thankful to have a mind at all, because not everybody has that. I support the regulation which has been laid on the table. After all the shouting and the tumult has died the House will be perfectly satisfied that we have done the right thing in defeating the motion.

The Hon. T. PLAYFORD secured the adjournment of the debate.

LOANS TO PRODUCERS ACT AMENDMENT BILL.

Read a third time and passed.

HOMES ACT AMENDMENT BILL.

Read a third time and passed.

BUSINESS AGENTS ACT AMENDMENT BILL.

Read a third time and passed.

SWINE COMPENSATION ACT AMENDMENT BILL.

Read a third time and passed.

TRESPASSING ON LAND BILL.

In Committee.

(Continued from September 18. Page 576.)

Clause 3—"Areas where Act applies."

Mr. HAWKER—I take it that the same areas that have been proclaimed under the 1928 Act will be proclaimed under this Bill?

The Hon. M. McINTOSH (Minister of Works)—The Minister of Agriculture, who is in charge of the Bill, is absent today through indisposition and I cannot give the information sought. However, the Bill will not be taken beyond the third reading stage, when the honourable member will have an opportunity of speaking on it again.

Mr. O'HALLORAN (Leader of the Opposition)—I understand that the only proclamation issued was in 1937. The member for Burra has just informed me that the areas proclaimed are:—(1) That portion of South Australia east of St. Vincent Gulf and within a range of 50 miles of the General Post Office, Adelaide; (2) the Port Pirie district council area; and (3) the Kanyaka district council district. Apparently they are the only areas proclaimed.

Clause passed.

Clause 4—"Interpretation."

Mr. O'HALLORAN—I move to delete "or cattle" in paragraph (*b*). The Bill's provisions will then conform to those in the 1928 Act, which provide that it shall be an offence to enter on enclosed land where a notice has been exhibited stating that sheep are grazing thereon. The Bill provides that it shall be unnecessary to exhibit a notice to the effect that sheep and cattle are grazing in a paddock, and it will constitute an offence if a person trespasses on the property. It is not necessary to widen the ambit to include cattle. Not much harm would be done to cattle by mushroomers; in fact, cattle grazing in a paddock would have a deterrent effect upon mushroomers entering it. I do not think any grave results would accrue as regards the Port Pirie and Kanyaka council districts. The Kanyaka area consists of very broad acres and I cannot understand why a proclamation was issued bringing it under the Act.

Mr. HAWKER—I do not entirely agree with the Leader of the Opposition, as nobody should be permitted to wander about on land without the owner's permission. The New South Wales and Queensland legislation on trespassing has much wider application than the Bill. Section 4 of the New South Wales Enclosed Lands Protection Act of 1901 states:—

Any person who, without lawful excuse, enters into the enclosed lands of any other person, without the consent of the owner or occupier thereof, or the person in charge of the same, shall be liable to a penalty not exceeding £5, and the proof of such lawful excuse shall be upon the defendant in any such case.

The definition of "enclosed land" is:—

Any lands, either public or private, enclosed or surrounded with any fence, wall, or other erection . . .

The Queensland provision, which goes back to 1854, has practically the same words in it. It would be best to strike out paragraph (*b*), and I desire to move in that direction.

Mr. O'Halloran's amendment temporarily withdrawn.

Mr. HAWKER—I move—

To delete "and" from paragraph (*a*), and all the words in paragraph (*b*), namely, "has sheep or cattle grazing thereon."

Then it would be trespassing whether sheep or cattle were grazing on the land or not.

The Hon. M. McINTOSH—I oppose the amendment. The Minister of Agriculture and others interested in the drafting of the Bill consider it has been drafted in the best way. The Leader of the Opposition wants the clause to apply only to land where sheep are grazing, and wants the reference to cattle deleted, but protection should be given where there are valuable cattle. Standing crops can also be damaged by people collecting mushrooms. The clause is a reasonable compromise and should be accepted.

Mr. McLACHLAN—The area most affected by the Bill will be that within 50 miles of Adelaide, and that includes the paddocks at the abattoirs where cattle are held by stock firms. They are mostly northern cattle which have seldom seen a white man, and if a man tried to walk through a paddock amongst them they would stampede and break through the fence, and then there would be the possibility of their infecting other cattle with pleuropneumonia if they were suffering from it. I think that is why cattle have been included in the clause.

Mr. MOIR—I am opposed to any alteration to the clause. I pick up milk in areas close to the city and dairymen have complained about cows and sheep being disturbed by people looking for mushrooms. Only last Wednesday the Municipal Association was told of instances in which people used rifles in paddocks close to the city. We should provide reasonable protection for property owners, including dairymen, even though they do not have large holdings like pastoral men.

Mr. MICHAEL—I hope the clause will not be altered, except by the acceptance of Mr. Shannon's proposed amendment to include land containing a cultivated crop. I do not support the proposals put forward by Mr. O'Halloran and Mr. Hawker. The Bill deals with trespassers in general, not only with mushroomers. The Bill should cover people who enter other people's land to do spotlight shooting. Most of the areas that will be covered by the measure are owned by dairymen, and the people who trespass on their land can do much harm to stock, particularly cows in heavy milk.

Mr. FLETCHER—I support the clause as drafted. The herds of many dairymen are afraid of strangers, and at milking time they get upset. No animal is more nervous than a heifer two or three years old. Untold damage may be done by trespassers on property where such stock or cows heavy with calves are grazing.

Mr. BROOKMAN—I support the amendment. By specifying the types of stock the clause is confusing and does not completely deal with the problem. Other stock such as blood horses and pigs may be seriously affected by being disturbed by trespassers. Geese, turkeys and other poultry may also be affected. All that

is required is that people shall ask permission before entering private property. They should not be allowed to wander over it without lawful reason.

Mr. FRED WALSH—I oppose the amendment. The Minister and other speakers in the second reading debate referred to mushroomers, and that gave me the impression that the object of the Bill was to prevent people, whose sole object was to collect mushrooms, from wandering through paddocks in which stock was grazing. However the amendment seeks to include all property. The Minister said the Government had been approached by the Adelaide Plains Landowners' Protection Association, which had pointed out the damage done by trespassers at lambing time. He seemed concerned only with the effect of mushroomers' activities on lambing ewes. Members exaggerate when they say that germs are carried from one paddock to another and infect stock.

Mr. MACGILLIVRAY—I did not speak on the second reading because I felt that I had very little to add to the arguments of other speakers, but by interjection I suggested that the Bill could be improved by the deletion of paragraph (*b*) of subclause (1). This is a straightout question of preventing trespassing. The suggestion of the member for Thebarton that this protection be limited to the lambing season would mean that the landowner would be deprived of it for the rest of the year. I know a man who bought a property at Salisbury and had to sell it because of the activities of trespassers. During a backward year he had to feed the sheep, and the ewes took it for granted that every person entering the paddock did so to feed them. When a person entered the paddock they deserted their lambs and made a bee-line for him. He sought police protection and several fines of about £1 were imposed, but the trouble was not overcome. Why should not the market gardener or orchardist be protected? The New South Wales Act simply states that any land which is enclosed shall be subject to the law of trespass, and no qualification is made. It is unlikely that the Government will, under clause 3, proclaim an area if it does not need protection. I support the amendment.

Mr. HEASLIP—I support the amendment. Protection should not be limited to paddocks in which sheep or cattle are grazing at the time of trespass. There are other stock which are just as valuable and may be harmed by trespassers just as easily as sheep or cattle. Trespassers going through wheat crops coming to a head could easily damage them, but the farmer would have no redress under the Bill. There is also no protection for growers of peas or flax. A landowner could not grow these crops and have sheep or cattle grazing in the same paddocks. By deleting subclause (*b*) we would improve the Bill and give the necessary protection to landholders. The member for Thebarton said it is not intended to extend protection to landholders, but it is, as the title of the Bill suggests.

The Hon. M. McINTOSH—I was not aware that after a conference with the member for Onkaparinga the Minister of Agriculture had approved of his amendment, which would widen the scope of the Bill and meet some of the wishes of the members for Chaffey and Rocky River. Previously the Government was not prepared to go that far.

Mr. O'HALLORAN—I suppose the Minister's explanation will result in the amendment being carried, but it will be opposed by this side of the House. I do not see much need for the member for Burra to insist on his amendment, which would bring about an impossible position, particularly if areas where there are large holdings are proclaimed. The member for Alexandra said it is necessary to get only the consent of the landholder to enter property, but in some of the holdings in the Kanyaka district one might search all day to find the homestead.

Mr. Heaslip—Do you think those areas will be proclaimed?

Mr. O'HALLORAN—One has been proclaimed already. If we accept the amendment of the member for Burra other areas will be proclaimed and before long the whole State would be proclaimed. People living in populous centres have no access to land in their own right and are entitled to some consideration. Most of them observe the property rights of others. I hope the amendment will not be accepted.

Mr. McLACHLAN—I do not support the amendment of the member for Burra because it is too far-reaching. I agree with the Leader of the Opposition that we have some obligations to our citizens. Sometimes people in the South-East advertise that people must not enter their swamps in order to shoot ducks. Those affected are tempted to say, "If we cannot go on these properties to shoot ducks we will not help the landowners to fight bush fires." The amendment could have the effect of antagonizing people. Landholders should show

some tolerance to others. The great majority of people would not disturb cattle or sheep. The member for Thebarton referred to the risk of cattle picking up germs. I assure him there is no small risk, because these are the conditions that must be observed in respect to all cattle removed from the Metropolitan Abattoirs sale yards:—

(1) They must be held at the place specified on the permit and, excepting for the purpose of return to the Metropolitan Abattoirs for resale or slaughter are not to be removed therefrom to any other locality without the permission in writing of the Chief Inspector of Stock, Adelaide, or an Inspector of Stock.

(2) They must be kept effectively isolated from all other cattle during the whole of the time they are held. (In this connection, the presence of any cattle in any paddock or yard immediately adjoining the premises where the cattle are being held will not be considered to be "effective isolation." There must be a buffer zone of at least 20ft. separating them from any other cattle.)

Mr. SHANNON—I do not share the Leader of the Opposition's fears about proclaiming further areas. I agree with the member for Victoria that we must consider those who do not enjoy the opportunity of getting into the country frequently. I cannot see any harm in allowing them to stroll across properties.

Mr. Heaslip—Under the Bill they only have to seek permission.

Mr. SHANNON—There are occasions when it is impossible to find a person to give permission. My proposed amendment merely sets out to protect growing crops. It may be a little too far-reaching, even in the settled areas where the demand for this legislation first arose.

Mr. O'Halloran—Apparently the people primarily concerned did not ask for this amendment.

Mr. SHANNON—That is so. I join with members who feel there is some merit in giving people who live in confined areas in the city an opportunity to get into the fresh air of the country. We should not put hindrances in their way. This explains my change of attitude on the matter now before the Committee.

Mr. STOTT—The amendments before the Committee alter the scope of the Bill. If a landholder has a crop growing on 100 acres in the corner of a paddock of 500 acres, does the definition of "enclosed field" cover the whole of the paddock? Can the Minister explain the interpretation clause?

The Hon. M. McINTOSH—I understand that it means the whole of the land enclosed by a fence.

Mr. GOLDNEY—The Bill will fill a long-felt want and its scope could be widened. It is not only a matter of occasional trespassing as in certain areas there is trespassing throughout the year.

Mr. QUIRKE—Does paragraph (*a*) mean that if no sheep or cattle are grazing on a property a person can walk over it?

The Hon. M. McIntosh—Yes.

Mr. QUIRKE—Then there will be no protection for landowners. There could be lambing ewes on a 15 acre paddock and 500 people with dogs could walk over the adjoining paddock that has no sheep on it. What protection would a wire fence afford in that case? The Bill gives protection to owners only where sheep or cattle are grazing in a paddock.

Mr. PATTINSON—As I understand the law, trespass is entry by one person on to the land of another without lawful excuse. Trespass is actionable in a court under common law and in actual practice courts will award only nominal damages to an aggrieved owner or occupier unless he can prove that a trespasser has caused damage or has been guilty of some wrongful conduct, such as wilful trespass, with the intention of insulting the owner or occupier or disregarding his legal rights. The law has always provided a remedy to an aggrieved owner or occupier of land against trespass, but the measure of damages is somewhat limited. Mushroomers or other persons could go on land where there are lambing ewes, and if they had miscarriages it would be difficult to prove that any damage suffered by the owner resulted through the trespass a day or so earlier by an unauthorized person. In 1928 Parliament decided to give a special measure of relief to landowners engaged in sheep breeding and the Trespassing on Land Act dealt only with trespass on land on which sheep were grazing. It was difficult in many cases, however, to establish the identity of the person suspected. It would be a pity if we widened the scope beyond all measure and I think that the common law provisions are sufficiently good to give protection to the average person. The Bill will not take away any common law rights. Clause 10 states:—

This Act shall not restrict or take away any liability of any person under any other enactment or at common law.

All the Bill seeks to do is to provide an expeditious method of dealing with trespassers without the necessity of proving special damages.

Mr. HAWKER—Producers should have some protection and should be able to ask persons who do not know how to behave to leave their property. The original committee which discussed the Bill considered there should be much wider powers for landowners, not to actually prohibit reputable persons from entering their land, but to have some control over those who are allowed entry upon it. Section 86 of the Police Act provides that a person shall be deemed a rogue and vagabond within the meaning of the Act, and shall be liable to imprisonment for any period not exceeding six months, who is in any enclosed yard, garden or area for any unlawful purposes or without lawful excuse. In introducing the Bill the Minister said that this provision had not been used in connection with broad acres, but had in connection with gardens and yards. We have had no evidence of landholders refusing reputable people permission to enter their land for innocent purposes

Mr. Hawker's amendment negatived.

Mr. O'HALLORAN—I again move to delete "or cattle" from paragraph (*a*). I have already explained the amendment.

Progress reported; Committee to sit again.

INDUSTRIAL AND PROVIDENT SOCIETIES ACT AMENDMENT BILL.

The Hon. T. PLAYFORD, having obtained leave, introduced a Bill for an Act to amend the Industrial and Provident Societies Act, 1923-1935. Read a first time.

PRICES ACT AMENDMENT BILL.

The Hon. T. PLAYFORD, having obtained leave, introduced a Bill for an Act to amend the Prices Act, 1948-1950. Read a first time.

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

The Hon. T. PLAYFORD obtained leave to introduce a Bill for an Act to amend the Workmen's Compensation Act, 1932-1950.

ADJOURNMENT.

At 5.53 p.m. the House adjourned until Thursday, September 20, at 2 p.m.