

**HOUSE OF ASSEMBLY.**

Thursday, November 13, 1952.

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

**QUESTIONS.****TEROWIE HIGHER PRIMARY SCHOOL.**

Mr. O'HALLORAN—Can the Minister of Works give me any further information relating to the question I asked on Tuesday about repairs to the Terowie higher primary school?

The Hon. M. McINTOSH—The Deputy Architect-in-Chief has supplied me with a comprehensive reply. I will give the gist of it and shall be pleased to let the honourable member have the rest of the details to send away if he so desires. The work on the school and residence is estimated to cost £5,000. Although tenders were called in April, May, and July, 1951, and again in July, October, and November, 1952, there has been no response. The department is now in touch with a local contractor (Mr. R. W. Strawbridge) who has intimated that he is interested in submitting a question for the work. It is thereby hoped that it can be arranged for the more urgent and necessary work to proceed almost immediately.

**HOSPITAL BENEFIT FUNDS.**

Mr. FRANK WALSH—Concerning the Premier's announcement yesterday that Parliament would prorogue next week, can he assure me that an amendment will be introduced to the Companies Act to provide greater safeguards for those who invest their money by way of contributions to hospital benefit schemes? Would he consider an amendment to provide for a bond of £5,000 to be lodged by approved societies and for balance-sheets to be printed each financial year?

The Hon. T. PLAYFORD—I believe the Commonwealth has legislated on this matter, requiring certain insurance companies to lodge bonds. Any law the State could make would, under these circumstances, be *ultra vires* of the Commonwealth Constitution, the Commonwealth having the primary responsibility to legislate in regard to insurance companies.

**RAIL TRANSPORT: DAMAGE TO TREES.**

Mr. MACGILLIVRAY—Previously I asked the Minister of Railways a question regarding a claim for damage to trees forwarded on the railways by children from the Loveday School. I thank him for his assurance that

any loss to the children will be recompensed by the department. Will he consider whether it is advisable to continue the practice of forwarding young trees in totally-enclosed cases? It had been the practice to forward the trees with open tops and I understand there had been no previous claim for damages, but last year the department said it would not handle this type of freight unless the trees were packed in entirely closed cases. The porters who handle such cases do not then know what is inside. Such goods as bottled wine and beer and other fragile articles are now forwarded in open cases, and I believe that is most satisfactory. Will the Minister take the question up with the Railways Department to see whether it would be possible to revert to the previous practice of having young trees forwarded in open topped cases?

The Hon. M. McINTOSH—Yes. I think the honourable member will agree that a rather long time elapsed between the claim for reimbursement, which was last month, and the time when the goods were forwarded, in July. Rather than have any discussion on the matter, the Railways Commissioner said he would rescind the freight charge of £1 10s. 7d. I agree that if a case is completely closed those handling it would not know whether the goods were upside down or what position they were in. Where it is manifest what type of goods are involved, 99 per cent of the railway men are reasonable and would not do anything to damage them.

**SALT IN IRRIGATION AREAS.**

Mr. RICHES—Last week when travelling home by train my companion was a man who has spent a lifetime in the study of salt, and whose knowledge is backed by his bankers to the extent of £250,000. He told me he had discussed with men at a returned soldier club the situation in which young settlers in the Loxton area find themselves. They are much concerned about the presence of salt on their holdings and said that their vines were dying and that in some cases citrus trees, although they had not died, were not growing as they should. From the discussions he had with his fellow ex-servicemen this expert is of opinion there has been a salt movement under the surface of the soil and this should be thoroughly investigated. He is of opinion that if the indications mentioned by these settlers are correct some of the areas should not be proceeded with at present. He said that in the interests of the settlers and of the State a full investigation should be made, and if there is

any difficulty in securing the services of a person experienced in this matter he is prepared to make his services available free, although he is not anxious to do the work. He told me that the settlers in question, although they did not realize the full implications of the developments taking place, nevertheless are worried, and had waited on the Minister of Irrigation by way of a deputation. Can he say whether there is any foundation in the fears so strongly expressed by this man, and, if a deputation waited on him, can he give any information?

The Hon. C. S. HINCKS—The honourable member has raised an interesting question. Salt is the cause of one of the problems we find in our irrigation areas. In the early days it was found most difficult to get water on to the blocks, but today it is just as difficult to get the water away. In areas where there is a certain type of stratum underneath it is difficult to get the water away, and on occasions pockets form and eventually the salt finds its way to the surface; but the statement made by the honourable member's friend was a great exaggeration of the position. However, it is true that discussions have taken place, even before the Loxton settlement, on this matter. I think most settlers in irrigation areas will agree that salt problems are due in many cases to over watering and the department is endeavouring to inculcate into new settlers the necessity of careful watering. I do not think there has been any great underground movement of salt, but assure the honourable member that the problem has been given most serious consideration by the department and is being watched very carefully in the new areas. We have located one or two small pockets, and the problem there is being dealt with by the department at present.

#### TUITION OF DEAF SCHOLARS.

Mr. HUTCHENS—Some people are sending their children to schools in Victoria because they are deaf or hard of hearing as the result of their mothers contracting German measles prior to their birth. These people believe that there are no facilities for training deaf children in South Australia. How many teachers are engaged in the Education Department in giving instruction at oral schools in lip reading, etc., for deaf or hard of hearing children? How many scholars are being taught at classes for such purposes? Where are these classes operating? Will the proposed buildings for such classes at Woodville be ready for occupation by the time set down for the opening of

schools in the new year? How many scholars will it be possible to accommodate in the new year at such oral schools? Are extra teachers available to cope with that number?

The Hon. M. McINTOSH—The honourable member having been good enough to indicate that he desired this information, I had the opportunity of taking his questions up with my colleague, the Minister of Education, who told me that there are qualified teachers in the Education Department capable of giving instructions to children hard of hearing. Two expert teachers are now employed in this field. Twenty scholars are taking advantage of this tuition and plans are now in hand for the proposed buildings at Woodville. These buildings will not be ready for use at the beginning of next year, but it is expected that they will be erected during the first term. It is expected that when the buildings are completed the number of children to be accommodated will have increased to 36. Extra teachers will be available, and there is no necessity for people to send their deaf children to another State for tuition.

#### KANGAROO ISLAND TRANSPORT.

Mr. STEPHENS—Transport has been provided by the Railways and Highways Departments for settlers in various parts of the State. Will the Government supply transport by sea for settlers on Kangaroo Island who have not adequate transport facilities now? Will they be given the same opportunities as settlers on the mainland?

The Hon. T. PLAYFORD—The Government is preparing plans for additional shipping facilities for Kangaroo Island, and it has already been assured that when the facilities are provided all cargoes will be promptly lifted by the steamship company. It is not possible to give free transport to anyone, nor is it provided in other places. The charges for transport today are much lower than the actual costs in a number of instances; indeed, to such an extent that it is embarrassing the financial position of the Treasury. I am not in a position to extend further concessions, but I assure the honourable member that the provision of necessary facilities to enable adequate shipping to be available for Kangaroo Island will be expedited as much as possible.

#### PUBLIC SERVICE RECLASSIFICATION.

Mr. O'HALLORAN—In August I asked the Premier a question about the reclassification of public servants' salaries. I think he said that the matter was before the board and that

it was hoped finality would soon be reached. Has he any further information on the subject, or can he indicate when the matter will be finalized?

The Hon. T. PLAYFORD—I am sure the honourable member knows that the board is an independent tribunal upon which both the Government and the Public Service Association have representation, under an independent chairman. I am not aware of any hold-up in the consideration of this matter. The board investigates claims, but I point out that under the present system under the Public Service Act it is inevitable that at any given time there will always be many claims not dealt with because after some have been dealt with there is nothing to stop any employee from immediately lodging another claim. Frequently awards have been published, and within 10 days a large number of claims have come in, because the moment one officer gets an increase another may appeal on the ground that his work is of equal value. I am not aware of any hold-up in dealing with claims, but I will enquire of the board and advise the honourable member.

#### SEEPAGE PROBLEM AT LOXTON.

Mr. MACGILLIVRAY—Speaking from memory, the Minister of Lands was a member of the Land Settlement Committee when it was interested in the possibility of seepage arising at Loxton, and the department was asked whether the system of drainage practised at Waikerie could be adopted there. It is one of the cheapest and most effective systems in the world and consists simply of a deep bore put down on a property and connected with a series of drains. I think a departmental officer said that that system could also be adopted at Loxton. Can the Minister say whether my memory is correct in that respect and whether this deep bore system of drainage has been adopted at Loxton?

The Hon. C. S. HINCKS—The greatest care has been taken from the commencement of development at Loxton, and even before any planting was done a number of test bores were put down to ascertain the types of strata beneath the surface. Since then seepage has occurred in a few localities and bores have been put down, although not the type suggested by the honourable member but more of an experimental type. For instance, in one case where a pocket of water was discovered in a slightly cambered saucer-shaped pocket where the stratum was of a particularly heavy

type and the water could not get away, a bore was put down in the centre with a certain amount of success.

Mr. Macgillivray—Why not follow the Waikerie system?

The Hon. C. S. HINCKS—It has not been found necessary and it was never considered that in a completely new irrigation area any signs of seepage would show so early. In the particular pocket I have in mind a system of boring was used through a hard stratum into a sandy type underneath with the object of getting the water away. We will know the results of that boring very shortly, and if not satisfactory we will have to adopt the system of deep bores suggested by the honourable member.

#### WESTBOURNE PARK BUS SERVICE.

Mr. FRANK WALSH—Has the Minister of Works a reply to my question of October 28 regarding the possibility of reducing the fare on the Westbourne Park-Hyde Park Bus Service or permitting the bus to run right through to the city?

The Hon. M. McINTOSH—I have obtained the following report from the Chairman of the Municipal Tramways Trust:—

The fares from the city to Springbank Road via the alternative routes are:—

	Col. Light Gardens Tram. s. d.	Hyde Park Tram/ Westbourne Park Bus. s. d.
Adult .. ..	0 10	Tram 0 8 Bus 0 4
		1 0
Child .. ..	0 5	Tram 0 4 Bus 0 2
		0 6

On public holidays and Sundays the tram fare for adult travel is 1d. additional. The bus service is run by a licensed operator and it would not be possible to reduce the combined tram/bus fare to correspond with the Colonel Light Gardens tram fare unless the trust made up the loss to the operator. The provision of a through service, either by the trust or by a private operator, is under investigation.

I will ask the chairman to let me have the results of the investigation later.

#### NEW TORRENS LAKE.

Mr. HUTCHENS—A great deal of work has been carried out on the Hindmarsh Bridge, and it looks as if it is being done in preparation for something more than the widening of the bridge. As many people are wondering

whether the Government has in view some other project, can the Minister of Works say whether the city council has negotiated with his department for the purpose of establishing a second lake in the parklands between the present lake and the Hindmarsh Bridge?

The Hon. M. McINTOSH—I have no knowledge of any such suggestion by the council, and it has certainly not been made by my department. The bridge is primarily for use as such and it is a Highways Department matter. What the honourable member mentions may be merely wishful thinking. The Government does not contemplate another lake in association with the work on that bridge.

#### REPORT OF RAILWAY COMMISSION.

Mr. RICHES—Does the Premier intend to table the report of the Royal Commission on the Stirling North-Brachina railway line or otherwise make it available to members? Can he say whether negotiations with the Commonwealth Government for the payment of compensation to people in the areas affected, both employees and others, have reached any stage of finality and, if not, has he anything to report on the matter?

The Hon. T. PLAYFORD—I do not think I am in a position to table the report as requested. I have had a copy, but if my memory is correct it was supplied as a confidential document.

Mr. Riches—It has been quoted from fairly freely by Federal members.

The Hon. T. PLAYFORD—Possibly. I have no knowledge of that. I am not aware that the restraint imposed on the use of the report has been lifted, but I will inquire whether the Commonwealth Government has released it for public purposes and advise the honourable member in due course.

#### RAILWAY HOUSING.

Mr. FLETCHER—This morning I received a request from a railway employee at Mount Gambier for help to obtain a home. He has recently been transferred there from Peterborough and at present is living under shocking conditions in a leaky caravan and his furniture is stored in a leaking shed infested with rats. I understand from the Railways Department that as there are 20 before him on the waiting list he may have to wait a long time before getting a home. Can the Minister of Railways say whether there is any possibility of speeding up the supply of homes for railway employees who take jobs necessitating a transfer because they are more or less forced

by the department to go to some other part of the State or else sacrifice the promotion they receive on taking such jobs?

The Hon. M. McINTOSH—I regret the circumstances in which the railway employee seems to be placed. I believe the South Australian Railways Department provides homes for a greater percentage of its employees than any other State. We will never be in the position where each railway employee will get a home more or less as a matter of routine. I take it that the inquirer applied for a new post, which represents promotion, but it sometimes happens that promotion carries with it some disability or disappointment. If the honourable member will let me have the name of the inquirer I will see to what extent he can be given perhaps a higher priority than others, but I do not want it to be understood that we shall ever be able to provide homes for the 13,000 or 14,000 persons engaged normally in the railways.

#### ENFIELD GENERAL CEMETERY (EXCHANGE OF LAND) BILL.

The Hon. M. McINTOSH (Minister of Local Government) moved:—

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution:—That it is desirable to introduce a Bill for an Act to provide for an exchange of land between the Enfield General Cemetery Trust and the South Australian Housing Trust, and to amend the Enfield General Cemetery Act, 1944-1949, and for other purposes.

Motion carried. Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

The Hon. M. McINTOSH—I move—

That this Bill be now read a second time.

It has been introduced today so that we may proceed with it to the stage of appointing a Select Committee, which can meet and bring the matter before the House again early next week. The Enfield General Cemetery Act, 1944, provided for the establishment of the Enfield General Cemetery and constituted a trust called the Enfield General Cemetery Trust to administer the cemetery. The funds necessary for the establishment and for the expenses of the trust for the first years of its operations were, under the Act, provided by means of advances which the Minister was authorized to make to the trust. The present Bill has three purposes. Firstly, it is proposed by the Bill

to bring about an adjustment in the boundaries of the cemetery. Secondly, provision is made whereby a small area of the cemetery may be transferred to the Enfield Corporation as a reserve, and thirdly, it is proposed to increase the amount which may be advanced by the Minister to the trust. The Act of 1944 defines the area of land about 80 acres in extent which is the Enfield General Cemetery and section 21 of the Act declares that the land is to be a public cemetery. The actual area of land set apart as the cemetery is shown in a plan in the third schedule to the 1944 Act. It will be seen from this plan that the northerly part of the cemetery juts out, making the cemetery more or less an L shape. This northerly portion of the cemetery comprises about 13 acres and, as will be seen from the plan, the cemetery, as a result of this part jutting out to the north, is not a symmetrical shape.

As it happens, the South Australian Housing Trust owns land to the south and east of the cemetery and the Cemetery Trust has approached the Housing Trust with a view to the two trusts exchanging approximately equal areas of land. The proposal put was that the Housing Trust should take the land of the Cemetery Trust which projects to the north and, in exchange, the Cemetery Trust should take from the Housing Trust a strip of land along the southern and eastern boundaries of the cemetery. To bring about this exchange of land a statutory enactment is necessary, as section 21 of the Act, as before mentioned, provides that the land now vested in the Cemetery Trust is to be a public cemetery. Accordingly, clause 4 provides that the northerly part of the cemetery is to be vested in the Housing Trust and is to cease to be part of a public cemetery. It will, of course, be used by the trust in the ordinary way. Clause 3 vests in the Cemetery Trust the land of the Housing Trust along the southern and eastern boundaries of the cemetery. This land is, under the Bill, declared to be part of the cemetery. There are three roads which run through the land dealt with by clause 3. The parts of these roads with which the Bill is concerned only extend to allotment depth and finish up with a dead end on the cemetery boundary. Obviously, they will not be required as roads and clause 3 therefore closes the roads, vests the land in the Cemetery Trust and declares the land so vested to be part of the cemetery. The result of what is proposed by clauses 3 and 4 will be to make the shape of the cemetery much more suitable for its

future development as a cemetery. Another desirable result will be that the cemetery will be almost entirely bounded by public roads.

Clause 6 deals with a further matter affecting the cemetery. The land adjoining the western boundary has been developed by the Housing Trust as a large housing estate. When the land in question was subdivided by the Housing Trust, an area of land on the eastern side of the land and adjoining the cemetery was set aside as a reserve and vested in the Enfield Corporation. This land has upon it a substantial area of natural timber which it was desired to preserve. This timbered area extends into the cemetery itself and the Enfield Corporation has suggested to the Cemetery Trust that it would be desirable that the whole of the timbered area should be created a public reserve. The corporation has suggested to the Cemetery Trust that if this were done, the corporation would, in return, carry out certain road construction work on the roads abutting the cemetery and erect certain fences without cost to the Cemetery Trust. Clause 6 therefore provides that the Cemetery Trust and the corporation may, upon such terms as are agreed upon, agree to the transfer to the corporation of a part of the cemetery up to four acres in area adjoining the existing reserve. Upon transfer the area transferred will cease to be part of the cemetery and is to be held by the corporation as a reserve. Including the existing reserve, the area of natural timber is approximately 10 acres.

Clause 7 gives the Registrar-General power to make any corrections of the register book necessary to give effect to the Bill. The provisions of the Bill relating to the exchange of land, the closing of roads, and the power to create part of the cemetery a reserve have been considered by the two trusts concerned and the Enfield Corporation and all three bodies have approved of the proposals so far as they concern them. Clauses 8, 9, and 10 dealt with another matter. As has been previously referred to, the capital of the Cemetery Trust has been advanced to it by the Minister and section 23 of the Act authorizes the making of advances up to £12,000. The Act provides that payments of interest are not to be payable on the advances until June 30, 1956, but simple interest at 4 per centum is to be charged up to June 30, 1955, and then capitalized and added to the amount of the advance. From June 30, 1956, interest begins to be payable whilst the first repayments of capital are to be made on June 30, 1957.

The trust has asked that the total amount which may be advanced to it be increased by a further £8,000. The trust has pointed out that the existing limit of advances will shortly be exhausted but it is still necessary to carry out capital expenditure to the extent of approximately £9,000. The Government is of opinion that it is desirable to give the trust this extra accommodation and clause 8 therefore increase from £12,000 to £20,000 the amount which may be advanced by the Minister. It is also provided that the time for payment of interest and repayment of principal will be put forward by three years in each case so that the date upon which interest will be capitalized will be June 30, 1958, instead of June 30, 1955, with a corresponding alteration in the years in which repayments of capital are to be made. As it is a hybrid Bill under the Joint Standing Orders on Private Bills it will be necessary for it to be referred to a Select Committee after it passes its second reading.

Mr. O'HALLORAN (Leader of the Opposition)—As explained by the Minister agreement has been reached by the interested parties. I am satisfied that the Bill will meet the case. As it is to be referred to a Select Committee this is a further safeguard for Parliament and consequently I offer no objection to the second reading.

Bill read a second time and referred to a Select Committee consisting of the Hon. M. McIntosh and Messrs. Whittle, Moir, John Clark, and Hutchens; the Committee to have power to send for persons, papers, and records, and to report on Tuesday, November 18.

#### STEAM BOILERS AND ENGINEDRIVERS ACT AMENDMENT BILL.

The Hon. T. PLAYFORD (Minister of Industry and Employment), having obtained leave, introduced a Bill for an Act to amend the Steam Boilers and Enginedrivers Act, 1935.

Read a first time.

The Hon. T. PLAYFORD—I move—

That this Bill be now read a second time.

It would not have been brought down but that difficulty is being experienced at one country electricity supply station in obtaining the services of an engineer. Under the Act a person cannot be registered unless he is a British subject, although he may possess all the necessary qualifications. A thoroughly qualified person is available for this electricity station, but he is not a British subject. It seems that a small amendment should be made to the Act to loosen the present rigid conditions.

Mr. Quirke—Is there anything to prevent his becoming a British subject?

The Hon. T. PLAYFORD—Under our immigration laws migrants have first to live in the country for a certain period. I understand that this man cannot yet qualify. The Bill is not on members' files, but it is proposed only to add the following proviso:—

Provided that if an applicant for a certificate under this Act is not a British subject, but complies in other respects with the requirements prescribed by this Act for the grant of the certificate applied for, the board may, in its discretion, grant him such a certificate.

Mr. Davis—If he can pass the examination?

The Hon. T. PLAYFORD—Yes, and if he has all the qualifications necessary. The board will not have to grant a certificate, but may do so in its discretion.

Mr. Fletcher—Will the proviso apply to those who have been refused registration up to the present?

The Hon. T. PLAYFORD—Australian-born citizens and migrants from Great Britain are British subjects, but an ex-serviceman from America could not be until he had resided here for a certain period. He would not be able to obtain a certificate, even if he had all the necessary qualifications, and the same applies to migrants from Europe or other countries that are not British possessions.

Mr. O'HALLORAN secured the adjournment of the debate.

#### RETURNED SERVICEMEN'S BADGES BILL.

Second reading.

The Hon. T. PLAYFORD (Premier and Treasurer)—I move—

That this Bill be now read a second time.

Its object is to prohibit the unauthorized wearing and possession of returned servicemen's badges. The Bill has been introduced at the request of the Returned Soldiers' League. Some time ago the league asked the Federal Government to deal with the matter, but the Commonwealth took the view, and no doubt rightly, that it was a State matter. The league has been concerned about the number of persons who wear its badge, although they are not and never have been members. No doubt their object is to obtain some benefit, and some of them actually enter and use the club premises; but under the present law it is difficult in most cases to prove that any offence has been committed. If a person obtains any chattel, money, or valuable security by falsely pretending that he is a member of the league he can be dealt with under the Criminal Law Consolidation Act;

but in the cases that come under notice there is usually no evidence that property has actually been obtained as a result of wearing the league's badge, nor is the matter satisfactorily covered by the Police Act. The Police Act makes it an offence to impose upon a charitable institution or a private individual by any fraudulent representation with a view to obtaining money or any other benefit or advantage. In most cases where officers of the league see a person unlawfully wearing the badge there is no evidence that he has imposed upon a charitable institution or a private individual, although no doubt that is his intention in wearing the badge.

From the legal point of view the only satisfactory and effective way to deal with this matter is to make it an offence if a person to whom a league badge has never been issued wears such a badge or has it in his possession. If this were the law the present difficulties of proof would not arise and the evil could be satisfactorily checked. It is proposed, therefore, in this Bill to make it an offence for a person who is not a member of the league to wear a returned serviceman's badge or to have such a badge in his possession without lawful excuse. The penalty prescribed for a first offence is a fine of not more than £10 and for a second or subsequent offence a fine of not more than £25 or imprisonment for not more than one month. The Bill, however, will not apply to a person who has been a member of the league and has lawfully obtained a badge while he was such a member. Such a person by not paying his subscription may cease to have any right, as against the league, to retain or wear his badge, but he will not be subject to any penalty under this Bill, although the league may have some legal rights against him. The Bill is limited to persons who have never been members of the league. It may be mentioned also that the Bill applies to the wearing of both genuine league badges and to imitation badges likely to deceive.

Mr. FRED WALSH (Thebarton)—I realize that the Returned Soldiers' League asked the Federal Government to deal with this matter, but it seems to be a State matter. I am glad that the Government here is taking action and I offer no objection to the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Unauthorized use or possession of badges."

Mr. MACGILLIVRAY—Who will decide and how will they decide how "nearly similar to a returned serviceman's badge" a false badge must be before a charge is laid or a conviction made?

The Hon. T. PLAYFORD—It would be necessary for the prosecution to prove that the badge was of a type that would deceive people and that it was intended to deceive, and it would not be necessary for the person charged, to establish his innocence. I assure the honourable member that no person except one who is intentionally guilty will be convicted under this clause.

Clause passed.

Clause 4 and title passed. Bill read a third time and passed.

#### STAMP DUTIES ACT AMENDMENT BILL (No. 2).

Second reading.

The Hon. T. PLAYFORD (Premier and Treasurer)—I move—

That this Bill be now read a second time.

This Bill is one of the taxation proposals which the Government has been compelled to adopt in order to achieve a balanced budget. It increases the stamp duty on cheques from 1½d. to 2d. In four other States, namely, New South Wales, Victoria, Queensland, and Western Australia, the duty is already 2d. and in Tasmania it has recently been raised to 3d. Under the Grants Commission set-up any evidence that South Australia is not taxing to the same extent as the other States is immediately used as a reason for adjusting this State's grant, and our stamp duty rate is at present lower than that operating in other States. The increase to 2d. in this State will produce approximately £40,000 in a full year. At present there are in existence very many cheque forms printed with words indicating that a duty of 1½d. has been paid on them. When these forms are used as cheques it will be necessary to affix an adhesive stamp on each to denote the additional duty of a ½d. The Government realizes that there is some inconvenience in this, but after careful consideration it has not been able to devise any satisfactory alternative. The Bill therefore makes it necessary to affix such adhesive stamps in the circumstances mentioned. To allow time for the printing of the ½d. stamps and for the making of the other necessary arrangements it is proposed that the new rates

will operate from a day to be fixed by proclamation. From the point of view of the introduction of this legislation it is unfortunate that the banks have printed many cheque books bearing the 1½d. duty stamp imprint.

Mr. Macgillivray—It is a wonder the Government did not take that into consideration before introducing this legislation.

The Hon. T. PLAYFORD—The Government had no alternative but to introduce it, for under the Grants Commission formula, which is perfectly fair, it is inevitable that there should be some standard whereby the claimant States' needs must be measured. For a long time a stamp duty of 2d. was charged on cheques over £2, but the commercial houses said that was inconvenient; therefore, the Government at that time made the tax uniform by reducing it to 1½d.

Mr. Macgillivray—How much will it cost the Government to produce the extra ½d. stamps to be affixed to existing cheque forms?

The Hon. T. PLAYFORD—That would be an insignificant amount compared with the £40,000 increase in revenue which will ultimately result from this legislation.

Mr. O'HALLORAN secured the adjournment of the debate.

#### BUSH FIRES ACT AMENDMENT BILL.

Second reading.

The Hon. Sir GEORGE JENKINS (Minister of Agriculture)—I move—

That this Bill be now read a second time. From time to time further amendments to the Bush Fires Act become necessary and in order that suggestions from various parts of the State may be considered a Bush Fires Advisory Committee has been set up. In due course it advises the Minister in regard to them, and the amendments in this Bill mainly arise out of its recommendations. Sections 4 and 5 of the Bush Fires Act provide that stubble may not be burnt during the summer months unless the various conditions set out in the sections are complied with. These conditions are such as that four men are to be present at the fire, firebreaks must be provided, notice of the intention to burn must be given to the clerk of the council and others, and so on. The purpose of clause 2 is to provide for a relaxation of these conditions where stubble is burnt in an irrigation or drainage channel in an irrigation area. It is considered that, in these circumstances, the danger created by burning off grass in these channels is not comparable to that created elsewhere. Clause 2 therefore provides that it

is not to be a contravention of sections 4 and 5 to burn stubble in an irrigation or drainage channel on ratable land within an irrigation area, if the land around the area to be burnt is clear of all inflammable material to a width of 12ft. and if notice of the proposed burning is given to the clerk of the council. The purpose of limiting this provision to channels on ratable land is to provide that the exemption will only apply to irrigable land and will not apply to high lands to which a water supply is not given.

Various sections of the Act provide that if fires are lighted during certain periods, various conditions relating to such as hours of burning, the provision of firebreaks of various sizes and the strips in which burning is to be carried out, must be complied with. Section 11 of the Act provides a method whereby, as regards any particular council area, the burning periods or requisites as to hours or distances may be varied by notice published in the *Gazette*. The purpose of this provision is as follows. In some parts of the State conditions are such that the general rules laid down by the various sections mentioned in section 11 are not the most suitable to bring about the desired end, that is, protection from bush fires. Section 11 does not apply to the provisions of section 13, which provides that it is an offence to light a fire in the open between October 13 and May 1, except after taking the precautions set out in the section. As before mentioned, the power to vary periods given by section 11 does not apply to section 13, although it can occur that the period mentioned in that section is not the most appropriate for a particular area. Clause 3 therefore amends section 11 by including section 13 among the sections in respect of which action may be taken under section 11.

Subsection (1a) of section 13 provides that a council may by resolution published in the *Gazette* prohibit within its area or any part thereof the lighting of fires in the open during the period between October 31 and May 1 except at places specified in the resolution. If the council exercises its powers under the subsection its prohibition must apply to the period mentioned in the subsection and to no other period. Clause 4 therefore provides that the council will have power, in a resolution under the subsection, to prescribe a different period to that set out in the subsection.

Clause 5 provides that if a caravan is used for habitation purposes outside a municipality between October 31 and May 1, the person having the possession of the caravan is to be guilty of an offence if the caravan is not

equipped with an efficient fire extinguisher. The Bush Fires Advisory Committee suggests that such a precaution is desirable to prevent bush fires. Section 21 of the Act provides that if between October 31 and May 1, gunpowder or other explosive is used for the purpose of blasting any tree, wood or timber, there must be at least four men present and there must be near the place in question a charged knapsack spray. The Bush Fires Advisory Committee has suggested that this provision should apply to all blasting operations and clause 6 amends section 21 accordingly.

Subsection (6b) of section 29 of the Act requires a council to insure its fire control officers and any person who is appointed by the council as a member of the crew of a trailer pump which is the property of or under the control of the council. This obligation only applies where the fire control officer or crew member gives his services without salary or wages. The committee suggests that the obligation to insure should apply to members of the crews of all fire fighting appliances of the council as well as trailer-pump crews. Clause 7 therefore substitutes "fire fighting appliance" for "trailer pump" in the subsection. The effect will be that the obligation of the council to insure will extend to members of the crews of all fire fighting appliances who give their services voluntarily.

Mr. O'HALLORAN secured the adjournment of the debate.

#### VETERINARY SURGEONS ACT AMENDMENT BILL.

Second reading.

The Hon. Sir GEORGE JENKINS (Minister of Agriculture—I move—

That this Bill be now read a second time.

For some time there has been much discussion at Agricultural Council meetings and elsewhere about permitting foreign veterinary surgeons to practise in the various States. Considerable concern has been expressed by various State Ministers of Agriculture at the difficulty in securing adequate veterinary services in the country. The main purpose of this Bill is to make amendments to the Veterinary Surgeons Act dealing with the constitution of the Veterinary Surgeons Board and the grounds upon which registration under the Act may be granted to persons who possess foreign qualifications as veterinary surgeons. As this legislation has not been before Parliament since 1938 it may be desirable to summarize what is done by the Act. It provides for the constitution of a board which is, among other

things, given the duty of hearing and determining applications for registration under the Act, which provides for the registration of several classes of persons. In the first place, a qualified person may be registered as a veterinary surgeon. Subsection (1) of section 17 deals with persons holding proper academic qualifications. This subsection provides that, subject to a person being 21 years of age and of good fame and character, he is to be entitled to registration as a veterinary surgeon if he holds a degree or diploma in veterinary surgery of the Royal College of Veterinary Surgeons or of any university in Australia or New Zealand. The subsection also provides for the registration of persons who hold degrees of other universities if the board is satisfied that the course for that degree is not lower in standard than the degree course at the University of Sydney, and that the applicant is legally qualified to practise as a veterinary surgeon in the country of the university at which he took his degree. Subsection (2) of section 17 provides for the registration as veterinary surgeons of persons who, although lacking academic qualifications, had practised during the seven years immediately preceding the commencement of the 1935 Act. Application for registration under this subsection had to be made within six months of the commencement of the Act. Thus, the position is that for a person now to become registered as a veterinary surgeon he must comply with section 17 (1) and possess the academic qualifications referred to in that subsection.

The second class of registered persons are veterinary practitioners and the law relating to them is contained in section 18. A person who practised for five years or was a qualified stock inspector, and who applied within six months after the commencement of the Act, was entitled to registration as a veterinary practitioner. It will be seen that no further registrations can be effected under this section. In 1938 an amending Act was passed which provides for the issue by the board of permits to persons whom the board is satisfied are competent to treat animals for diseases and injury. Every such permit authorizes the permit holder for reward to treat animals for disease or injury but a permit is limited to the part of the State specified in the permit. A permit holder is, of course, not expected to hold academic qualifications and the purpose of this enactment is to give some authority to treat animals to these people in localities when the services of a qualified veterinary surgeon are not available.

It should be noted that the penal sections of the Act do not prohibit an unregistered person from treating animals, but section 29 and following sections make it an offence for an unregistered person to hold himself out as being registered or to hold himself out as a veterinary surgeon or veterinary practitioner, as the case may be.

At present the following numbers of persons are registered under the Act and are entitled to practise. There are 33 veterinary surgeons registered under section 17 (1), that is, who hold proper academic qualifications. Two persons are registered under section 17 (2), whilst 18 persons are registered under section 18. In addition, there are another 22 persons who have been registered but have not paid their annual licence fee and are not practising. There are 14 persons to whom permits have been issued under section 28a in respect of the current year.

The Act is administered by the Veterinary Surgeons Board which has the duty of determining applications for registration, and in an appropriate case, of hearing proceedings for the cancellation or suspension of registration. The constitution of the board is provided for by the amending Act of 1938. This Act provides that there are to be four members of the board. The chairman is *ex-officio* the Chief Veterinary Officer, and the other three members are nominated by the Minister. One is to be a person registered under section 17 (1), that is, a veterinary surgeon holding academic qualifications, one is to be a person registered other than under section 17 (1), and one is to be a person who is familiar with stock husbandry. Thus, of the four members, only the chairman and one other member needs to possess the academic qualifications necessary for the profession, the conduct of which is, in effect, controlled by the board. Whilst it may be that these provisions for the constitution of the board were appropriate in 1938, the Government is of opinion that the board should now be reconstituted and that the time has arrived when at least a majority of the board should be properly qualified members of the profession. Clauses 2 to 6 and 10 therefore provide for a number of changes in this regard.

It is proposed that the board will, in future, consist of a chairman and four other members, all of whom are to be appointed by the Governor on the nomination of the Minister. In view of the fact that the board is called upon to decide questions relating to the qualifications of applicants for registration and, where necessary, to investigate such as

charges of unprofessional conduct against registered persons, the Government against that it is most desirable that the chairman should have legal training. It is therefore provided that the chairman is to be a special magistrate or a practitioner of the Supreme Court. Of the four remaining members, it is provided that at least three are to be persons registered under section 17 (1), that is persons holding degrees or other academic qualifications. The fourth member may or may not be such a person but this matter will be left to the discretion of the Minister. Section 11 of the Act already provides for three members to be a quorum. It follows that this provision will be appropriate for a board of five. Section 7 now provides for a term of office for members of two years. It is considered that this term is too short and clause 4 provides for a term of four years. Of the members to be first appointed, two will be appointed for two years but thereafter members will hold office for four years with some members retiring at the end of every two years. At present, no provision is made in the Act to fix members' fees and clause 6 therefore provides that the Governor may, from time to time, fix the fees on the recommendation of the chairman and members of the board.

Clause 10 provides that these provisions for the re-constitution of the board are to come into operation on a day to be fixed by proclamation. This will enable a new board to be appointed and a convenient day fixed upon which the new board can take over from the old board. As before mentioned, to be registered as a veterinary surgeon an applicant must either hold a degree or diploma of the Royal College of Veterinary Surgeons or an Australian or New Zealand university, or must hold the degree of a University outside the Commonwealth or New Zealand and must then satisfy the board that this degree course is equal in standard to that of the University of Sydney. There are a number of persons holding degrees of European universities who have sought or who may seek registration under this latter provision. The question whether a degree of, say, Vienna University, is equal in standard to that of Sydney is, of course, one of proof and one where proof is extremely difficult unless there can be produced a qualified person who is familiar with the courses of both universities.

In order to deal with these foreign applicants for registration clause 7 of the Bill sets out additional grounds for registration as a veterinary surgeon. It is provided that an applicant can be registered if he proves that, after a four year course, he has received a

degree from a university in a country outside the Commonwealth, that he is by law entitled to practise in that country, and that he has resided in the Commonwealth for at least 12 months. In addition, he is required to pass an examination conducted by the board in such subjects as the board thinks desirable. Power is given to the board to dispense with the examination in any case in which it deems it unnecessary. Provision is also made for the conduct of examinations by the board, including the power to appoint examiners. It is provided, however, that applications under the clause must be made within three years of the passing of the Bill so that, after this period, section 17 (1) will provide the only test for registration as a veterinary surgeon.

Clause 8 deals with a minor administrative matter. Section 28 provides that in every year a copy of the register of registered persons is to be published in the *Gazette*. Clause 8 provides that this published list is not to include the names of persons who have not paid their annual fees or whose registration has been cancelled or suspended. In such cases the person concerned is not entitled to hold himself out as registered and, obviously, the list published in the *Gazette* should not include his name. Section 30a of the Act makes it an offence for a person to whom a permit to treat animals has been issued, to hold himself out in any advertisement or nameplate, or in any written or printed matter as a veterinary surgeon or practitioner or as qualified to practise as such. Instances have occurred where oral representations of the kind referred to have been made and the Crown Solicitor has advised that the section does not extend to such conduct. Clause 9 therefore amends section 30a to include these oral representations. The Crown Solicitor has also pointed out that although a permit is issued for a specified area only, there is no prohibition on the permit holder treating animals outside the area so specified. Clause 9 therefore provides that a person holding such a permit is not to treat animals for reward in any part of the State outside the area specified in his permit. Honourable members will observe that anyone desiring to qualify under the Bill will have to pass a very stringent examination prescribed by men who are members of the veterinary profession in this State and who, in consequence, are unlikely to want to flood this State with foreign graduates. I am sure that they will take care to see that only properly qualified men are admitted.

Mr. FRANK WALSH secured the adjournment of the debate.

## BUILDING OPERATIONS BILL.

Consideration in Committee of the Legislative Council's amendments—

No. 1. Page 3, line 21 (clause 4)—After "dwellinghouse" insert "and any appurtenant outbuilding."

No. 2. Page 3, line 24 (clause 4)—After "dwellinghouse" insert "other than outbuildings upon land used as a grazing area, farm, orchard, vineyard, market garden, dairy farm, poultry farm, pig farm or apiary."

No. 3. Page 3, line 39 (clause 4)—After "dwellinghouse" insert "and any appurtenant outbuilding."

No. 4. Page 3, line 41 (clause 4)—Strike out "when" and insert "where."

No. 5. Page 4, line 1 (clause 4)—Strike out "dwelling" and insert "dwellinghouse."

No. 6. Page 4, line 3 (clause 4)—After "dwellinghouse" insert "other than outbuildings upon land used as a grazing area, farm, orchard, vineyard, market garden, dairy farm, poultry farm, pig farm or apiary."

No. 7. Page 4, line 8 (clause 4)—Add the following paragraph:—

IIA. The construction of any dwellinghouse where—

- (a) the total area of the dwellinghouse (including all outbuildings appurtenant to the dwellinghouse) does not exceed or, if completed, will not exceed twenty squares; and
- (b) no materials of any of the kinds mentioned in subsection (1) of section 7 are used in the construction of the dwellinghouse or any outbuilding appurtenant thereto; and
- (c) the dwellinghouse is constructed at the cost of a person upon land in which that person has a registered interest and is constructed for occupation by him as his permanent and principal place of residence; and
- (d) no cement manufactured within the State and no cement product which is manufactured in whole or in part from cement manufactured within the State is, before the twenty-eighth day of February, nineteen hundred and fifty-three, used in the construction of the dwellinghouse or any outbuilding appurtenant thereto.

No. 8. Page 4, line 32 (clause 4)—After "dwellinghouse" insert "other than outbuildings upon land used as a grazing area, farm, orchard, vineyard, market garden, dairy farm, poultry farm, pig farm or apiary."

No. 9. Page 4 (clause 4)—After paragraph v. of subclause (2) insert the following paragraph:—

- va. The carrying out of an addition to any dwellinghouse where the total of the area of the dwellinghouse (including all outbuildings appurtenant to the dwellinghouse, other than outbuildings upon land used as a grazing area, farm, orchard, vineyard, market garden, dairy farm, poultry farm, pig farm or apiary) and the area of the addition does not exceed eighteen squares and

where the person at whose cost the addition is carried out resides in the dwellinghouse.

No. 10. Page 4, line 47 (clause 4)—Strike out “of” and insert “after.”

No. 11. Page 8 (clause 7)—After paragraph (f) of subsection (2) insert the following paragraph:—

(g) if any materials described in subsection (1) hereof are used in compliance with the provisions of any proclamation made under subsection (2a) of this section.

No. 12. Page 8, lines 18 to 20 (clause 7)—Leave out subclause (2).

No. 13. Page 8 (clause 7)—After subclause (2) insert the following subclause:—

(2a) The Governor may by proclamation declare that it shall not be a contravention of this section if any materials of any kind described in subsection (1) hereof are used for any purpose specified in the proclamation and in accordance with any conditions specified in the proclamation. Any such proclamation shall have effect notwithstanding that the provisions of the proclamation relate to matters provided for in subsection (2) of this section.

No. 14. Page 8, lines 22 to 23 (clause 7)—Leave out “or of any regulation made under this section.”

Amendment No. 1.

The Hon. T. PLAYFORD (Premier and Treasurer)—This is a drafting amendment only. Paragraph I. of subclause (2) of clause 4 provides that a dwellinghouse may be constructed without permit where the area, including outbuildings, does not exceed 18 squares. The purpose of the amendment is to make it clear that this provision authorizes the construction of appurtenant outbuildings in addition to the house. I move that the amendment be accepted.

Amendment agreed to.

Amendment No. 2.

The Hon. T. PLAYFORD—This is also a drafting amendment. Paragraph IV. of subclause (2) of clause 4 authorizes the building, without permit, of outbuildings on agricultural properties without regard to size or cost. The purpose of the amendment is to make it plain that where a house is built without permit on a farm or other agricultural property, the area to which the house may be built shall be 18 squares exclusive of outbuildings.

Amendment agreed to.

Amendment No. 3.

The Hon. T. PLAYFORD—This is another drafting amendment similar to amendment No. 1. I suggest that it be accepted.

Amendment agreed to.

Amendment No. 4.

The Hon. T. PLAYFORD—This is only a drafting amendment which merely substitutes “where” for “when.”

Amendment agreed to.

Amendment No. 5.

The Hon. T. PLAYFORD—This is merely a drafting amendment, which I suggest be accepted.

Amendment agreed to.

Amendment No. 6.

The Hon. T. PLAYFORD—This amendment is similar to amendment No. 2 and I suggest that it be accepted.

Amendment agreed to.

Amendment No. 7.

The Hon. T. PLAYFORD—The effect of this amendment is to provide that a person may build a house without a permit up to 20 squares if—(a) the house is built on the land of the person in question and is for his principal and permanent place of residence; (b) none of the materials mentioned in clause 7 (1) are used, that is, burnt building bricks, Australian galvanized iron or piping, or pinus flooring; and (c) no South Australian cement is used before February 28, 1953, the day on which, under clause 5, control over South Australian cement will come to an end. Thus, a house of 20 squares, instead of 18 squares, may be built so long as the scarce materials mentioned are not used. This amendment was accepted by the Government in the Legislative Council and I suggest that it be agreed to. However, I suggest that the following amendment, which is of a drafting nature, be made to the Council’s amendment—

After “dwellinghouse” in the first line insert “and any appurtenant outbuilding.”

This amendment is similar to that made by amendment No. 1. A further necessary and consequential amendment should be made to clause 4, as follows—

In clause 4, page 4, line 11, strike our “or,” and after “ii.” insert “or iia.”

This is a drafting amendment only.

Mr. CHRISTIAN—Are we in order in amending clauses in the Bill? Should not our amendment be an amendment of the Legislative Council’s amendment of this clause?

The CHAIRMAN—It is only a consequential amendment.

Mr. CHRISTIAN—Yes, but I think we should pass an amendment of the Legislative Council’s amendment.

The CHAIRMAN—The position is that we have agreed to an amendment which now

requires this consequential amendment to put it in order. This Committee has the power to do that.

Amendments carried; amendment No. 7, as amended, agreed to.

Amendment No. 8.

The Hon. T. PLAYFORD—This amendment is similar to amendment No. 2. It is only a drafting amendment and I move that it be agreed to.

Amendment agreed to.

Amendment No. 9.

The Hon. T. PLAYFORD—The effect of this amendment is to provide that where a person resides in an existing dwellinghouse, he may make additions to the house so long as the total area (together with outbuildings) does not exceed 18 squares. This provision is in accord with the existing policy of clause 4 which authorizes non-permit house building up to 18 squares. I move that it be accepted.

Amendment agreed to.

Amendment No. 10.

The Hon. T. PLAYFORD—This is merely a verbal drafting amendment which substitutes the word "after" for "of". I move that it be accepted.

Amendment agreed to.

Amendment No. 11.

The Hon. T. PLAYFORD—Amendment No. 13 should also be considered with this amendment. The amendments proposed by Amendments Nos. 11 and 13 provide that the Governor may, by proclamation, declare further purposes for which materials may be used without permit. The purpose of the amendments is to enable a proclamation to be made relaxing the restrictions imposed by the clause in respect of any of the materials in question, if circumstances justify such a course. It may happen, for example, that supplies of Australian galvanized iron become freely available in which case it will be desirable to relax or be unnecessary to continue the species of rationing provided for by clause 7. If this should happen, it would then be competent for a proclamation to be made extending the purposes for which Australian iron could be used without permit or, if thought fit, removing all the restrictions on its use, which are imposed by clause 7. I move that the amendment be agreed to.

Amendment agreed to.

Amendment No. 12.

The Hon. T. PLAYFORD—Clause 7 provides for certain restrictions on the use of bricks, Australian galvanized iron and piping and pinus flooring. A subclause of clause 7 pro-

vided that the Governor could make regulations imposing restrictions on the use of any building material and this subclause has been deleted by the Legislative Council. Under existing conditions it would be very unlikely that any circumstances would arise making it desirable to exercise this regulation-making power. I move that it be agreed to.

Mr. FRANK WALSH—Can the Premier indicate whether people who have been supplied with a building permit will be guaranteed a supply of red bricks before other people have the right to use them?

The Hon. T. PLAYFORD—All building materials will be freed from sale restrictions by this legislation, but even under the present Act there has never been any guarantee that certain persons will get the materials they require, though it has undoubtedly been much easier for some to get them as a result of our controlling the use of building materials by the permit system.

Amendment agreed to.

Amendment No. 13.

The Hon. T. PLAYFORD—I have already explained the position in regard to amendment No. 13 and I move that it be agreed to.

Amendment agreed to.

Amendment No. 14.

The Hon. T. PLAYFORD—This amendment is consequential upon amendment No. 12, and as No. 12 has been accepted, I move that this one be agreed to.

Amendment agreed to.

Later the Legislative Council intimated it had agreed to the amendment and consequential amendments made by the House of Assembly to the Legislative Council's amendment No. 7 without amendment.

#### CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 1. Page 729.)

Mr. HUTCHENS (Hindmarsh)—This Bill is one of major importance, and after examining it I offer no objection to it. The Premier delivered his second reading speech on October 1, and as the report was not then on members' files the debate has been adjourned until today, and I wish to express my appreciation to the Government for giving members an opportunity to read that report. I have read and considered it carefully and find that the provisions relating to the more provocative matters referred to in the report have not been included

in the Bill. No doubt the Government has carefully considered the report and deems it unwise to include certain of its conclusions in the Bill. I am pleased that the Government did not seek to implement the recommendation contained in paragraph 31, for otherwise some honourable citizen might have risked a charge of consorting.

Clause 3 is a desirable provision which gives to a jury that does not consider a person guilty of manslaughter after he has killed somebody as a result of negligent driving but considers him guilty of careless, reckless, or dangerous driving, the power to convict him of the lesser offence, whereas under existing law a jury trying a person charged with manslaughter under similar circumstances but having a doubt as to his guilt on that charge must return a verdict of not guilty. The clause enables a fine of up to £100 or imprisonment of not more than six months to be imposed.

Clause 5 is similar to clause 3 and gives the court power to convict of careless driving a person who faces a charge of causing bodily harm. It has been found that where a person is charged with having caused bodily injury through careless driving and the jury is not satisfied that he is guilty of the offence charged but is satisfied that he drove without due care or attention or in a manner dangerous to the public, he must be acquitted, whereas under this clause the jury will be able to find him guilty of the lesser count. The law requires much tightening up in regard to certain offences by motor vehicle drivers, and with the increasing number of motor vehicles on the road today greater care is needed in this regard. I live on a highway which is extensively used and I find that, particularly after certain sporting events, some drivers act very foolishly, causing risks not only to themselves but to other road users. I am convinced the only way to stop these acts of foolishness is to impose heavier penalties, and I support the clause. I have no fault to find with clauses 6 and 7. Clause 6 provides that in summary proceedings the court may punish a person found guilty of assault or battery by the imposition of a fine not exceeding £100 or imprisonment for any term not exceeding six months, and in view of the falling value of money since the existing provision became law and the necessity to discipline offenders the increased penalty is necessary.

In introducing the Bill the Premier properly emphasized the importance of clauses 8 and 9, which effect necessary changes in the law relating to carnal knowledge and indecent assault. Under clause 8 it will be a defence

to a person charged with either carnal knowledge or indecent assault in respect of a girl under 17 years of age if the defendant is able to prove that on reasonable grounds he believed the girl was over the age of 17 years, but this will not be a defence in relation to indecent interference. I believe this will give rise to a position where the more serious offender will be charged with the lesser offence so as to deprive him of the defence otherwise open to him, as was the case when the anomaly existed between carnal knowledge and indecent assault charges. I understood from the Minister's second reading speech that the amendment was introduced to prevent a person being charged introduced to prevent a person being charged with the lesser offence. I understand that on being committed on the more serious offence the defence becomes available to the defendant. I am glad that the new clause has been inserted as I believe it will have certain advantages. Can the Minister say whether in the past magistrates were allowed to amend a charge when it was made and if so how many such amendments have been made? Was it mandatory on the presiding magistrate to consider, when a man was charged with a lesser offence, whether he should be committed on the greater charge?

The clause covering the offence of indecent interference with children and females is of advantage. I have heard of many cases where unfortunate unintended people have been charged with this offence. I think there would be few school teachers who have not run the risk of being charged in this way. I understand that at present a male person has only to lay his hands on a female, particularly around the waist, to be charged with indecent assault. I am glad that under the clause well-intentioned, but foolish people will not run that risk now, but will be able to explain their position without having a stigma placed upon them. Whenever a person is charged with such an offence a stigma always remains, however innocent he may be. In the past, when females have been summoned to give evidence in the court in connection with charges against male persons who have pleaded guilty, the females, sometimes of tender years, have been called upon to repeat their evidence many times. I understand the Bill does not make that necessary on the plea of guilty by the accused. The provision in clause 10 is desirable. It sets out a limited time in which a charge for a sexual offence may be laid. We have all heard of the past being raked

up against a man when it should have been forgotten long ago. Often it is done after a man has settled down to married life, and it causes disharmony between the man and his wife. Clause 11 should assist in deciding whether a person charged has no desire or is unable to discipline himself in sexual matters. It provides that a medical practitioner may seek the assistance of a social worker, a psychologist, or a probation officer to determine whether it is possible for that person to control himself. Sexual offenders are not people who are lawbreakers in the general sense, but because of a weakness, following on encouragement sometimes, commit an offence, and it is helpful if they can be retained in an institution and segregated from other people, thus giving them an opportunity to re-establish themselves. I offer no objection to the Bill, but I would like some information on the points I have raised.

Bill read a second time.

In Committee.

Clauses 1 to 8 passed.

Clause 9—"Power to take plea of guilty without evidence."

Mr. HUTCHENS—Following on my remarks in the second reading stage, can the Minister give me any information as to a person being charged with a lesser offence?

Clause passed.

Remaining clauses (9 to 12) and title passed.  
Bill read a third time and passed.

#### CORONERS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 14. Page 908.)

Mr. O'HALLORAN (Leader of the Opposition)—This Bill, although important, is not contentious. The proposed reforms can be accepted without much debate. The main provision relieves the coroner of criminal jurisdiction and it confines the purpose of his inquiry to determining how, when, and where a death occurred. I understand that the Bill has been drafted as a result of inquiries and recommendations by authorities of high standing both in South Australia and the Old Country. A considerable amount of discretion is allowed a coroner and the extension of it in regard to holding or resuming an inquest, as provided in the Bill, is reasonable. However, it would have been helpful to members if they had been told what might constitute a sufficient cause, for example, for resuming an inquest after criminal proceedings have been completed. After criminal proceedings are instituted against a person responsible for the

death of another, it is proposed that the coroner must adjourn the inquest until such time as the criminal proceedings have been disposed of. When that does happen it seems to me that the matter has been sufficiently aired and determined, and I can see no valuable reason in the coroner resuming the inquest at that stage. Of course, there may be a valid or good reason why it should be resumed, but it is not apparent to me. It frequently happens, after an accident in which some culpable negligence is apparent, that the coroner holds an inquiry and commits the person responsible for the negligence for trial. Where it is a serious offence and the person is then tried in the Supreme Court, perhaps for manslaughter, it is obvious that the defence is prejudiced to some extent as a result of the original coronial inquiry. The main objective of the Bill is to prevent that from occurring in future and that is very desirable. A number of other matters of a machinery nature are dealt with in the Bill, but do not contain any objectionable features.

Yesterday the House dealt with a Bill to amend the electoral law, and I was chided by the Premier for alleged bad drafting. He said that good drafting necessitated that amendments to legislation should be contained in the legislation they sought to amend. Therefore, I am amazed to find in this amendment of the Coroner's Act a clause providing for an amendment to the Criminal Law Consolidation Act. I can visualize considerable confusion occurring as a result. If a person wishes to ascertain the criminal law he will naturally consult the statute relating to that law. He could not be blamed if he did not realize that it was also necessary to consult the Coroner's Act. This is made all the worse because this afternoon the Bill which immediately preceded the Coroners Act Amendment Bill was none other than one to amend the Criminal Law Consolidation Act. And this comes from the Government headed by the Premier, who chided me yesterday about bad drafting. I offer no opposition to the passing of the Bill.

Mr. TEUSNER (Angas)—I support the Bill. I consider that where legislation is introduced to amend other legislation in respect of a matter of antiquity some scrutiny should be given to it. The office of coroner is one of great antiquity, and there is no satisfactory account of its origin, but a medieval writer, Sir Nathaniel Bacon, states in his treatise *Of Government*:—

It is evident he (the coroner) was an officer in Alfred's time, for that King put a judge to

death for sentencing one to suffer death upon the coroner's record without allowing the delinquent liberty of traverse.

History records that there was also the right to elect a coroner for London in the time of King Henry I. Also, Magna Charta, 1215, refers to certain curtailments in the duties of the office of coroner by the provision—

That no sheriff, constable, escheator, coroner, nor any of our bailiffs shall hold pleas of our Crown.

The primary task of the mediaeval coroner was to keep a record of the pleas of the Crown, so that Royal dues should not be overlooked. From the earliest times, however, one of the coroner's most important duties was to inquire into unnatural deaths. A violent death might bring revenue to the Crown in many ways. The hundred was liable to a fine if a dead body was found and the deceased could not be shown to be English. Whatever caused a death was forfeit to the Crown as a deodand. The chattels of those who were convicted of a felony, such as murder or manslaughter or who committed suicide, were likewise forfeited. In those days the coroner performed many duties connected with the fiscal rights of the Crown, but gradually, with changing conditions, the holding of inquests on unnatural deaths became his chief function. As I wish to place certain other information before the House and look into several other aspects of the Bill, I ask leave to continue my remarks.

Leave granted; debate adjourned.

#### TRANSFER OF LAND: TOWN OF LOXTON.

The Hon. C. S. HINCKS (Minister of Lands)—I move—

That it is desirable that the governing body of the Loxton Club Hotel transfer the fee simple of allotments 52 and 53, town of Loxton, containing 2 roods 21 perches, to the Minister of Education, who in return will transfer the fee simple of two portions of allotment 41, town of Loxton, containing 3 roods 28 perches, to the governing body of the Loxton Club Hotel.

The proposal provides for the governing body of the Loxton Club Hotel to transfer the fee simple of allotments 52 and 53, town of Loxton, containing 2 roods, 21 perches to the Minister of Education, who in return will transfer the fee simple of two portions of allotment 41, town of Loxton, containing 3 roods, 28 perches, to the governing body of the Loxton Club Hotel. The hotel authorities desire to obtain separate titles for each of the two portions of allotment 41 as an agreement

has been entered into by them with the congregation of St. Peters Lutheran Church by which the church is to purchase the fee simple of the western portion containing 27 perches.

From the Education Department's standpoint, the exchange appears desirable as following transfer and the closing of portion of Mayfield Street, under the Roads (Opening and Closing) Act, a compact playing ground of suitable dimensions will become available for the greatly increased number of school children. The question of exchange has been fully investigated by the Land Board and the board, in a report submitted, states that it is considered that the governing body of the hotel should pay the sum of £141 to equalize such exchange. The board values the fee simple of allotments 52 and 53 together, at £303 and of the two portions of allotment 41, at £444. The governing body of the Loxton Club Hotel has agreed to pay the sum of £141 and to resell the portion of allotment 41 to the congregation of St. Peters Lutheran Church for £81, which is the same rate of purchase price as it is paying.

Mr. O'HALLORAN (Leader of the Opposition)—I am satisfied that this transaction is eminently desirable and offer no objection to it.

Motion carried.

#### TRAVELLING STOCK RESERVE: HUNDRED OF RIDLEY.

The Hon. C. S. HINCKS (Minister of Lands)—I move—

That it is desirable that the travelling stock reserve extending from the north-eastern corner of section 180, hundred of Ridley, to the southern-most point of section 118, in that hundred, containing 1,610 acres, approximately as shown on plan laid before Parliament on June 25, 1952, be resumed in terms of section 136 of the Pastoral Act, 1936-1950, for the purpose of being dealt with as Crown lands.

The district council of Marne states that this portion of the reserve is a harbour for rabbits and the council has spent a considerable amount of money endeavouring to eradicate vermin, but owing to the dense bushy scrub on this route it is an almost impossible task to cope with vermin. The council is of opinion that the stock route is useless for travelling stock because it grows no feed and because of the dense undergrowth. A proposal to deal with this travelling stock reserve was previously laid before Parliament in 1907, 1910 and 1926, but was not approved by both Houses. In view of recent reports by the departmental inspector and the Soil Conservation Adviser of

the Department of Agriculture, there appears to be no reason why the resumption should not now be agreed to. The reports show that working from the south-west end it was found that the soils were mainly red sand with limestone outcrops or shell limestone. For the first three miles there were no sandhills and the country on this area would be unlikely to drift if cleared. The remaining seven miles consist of limestone and sandy flats in between fairly high sand ridges. Along part of the western edge of the scrub sand has blown in from the clear areas and formed fairly high dunes in the scrub. Looking at the area from the point of view of section 12A of the Soil Conservation Act, it is estimated that clearing restrictions would apply to approximately a quarter of the total area.

The Pastoral Board states that this reserve is not used or required for the purposes for which it was dedicated and can see no reason why it should be retained as a travelling stock reserve and recommends that it be resumed with a view to inclusion in the adjoining holdings. It is considered that if this procedure were adopted more effective control over the rabbits would be exercised. The Stockowners' Association has advised the department that there is no objection to the land being resumed.

Mr. O'HALLORAN (Leader of the Opposition)—Normally I do not view with favour the resumption of travelling stock reserves for the purpose of being dealt with as Crown lands, but after making inquiries into the land the subject of the Minister's proposal I am satisfied that resumption is in the best interests of all concerned. I hold the same view in regard to the next motion on the Notice Paper, which I assume the Minister will move shortly.

Motion carried.

#### TRAVELLING STOCK RESERVE: HUNDREDS OF HAY AND SKURRAY.

The Hon. C. S. HINCKS (Minister of Lands) I move—

That it is desirable that the Travelling Stock Reserve comprising sections 12, 17, 27, 28, 29, 30, 31, 32, and 33, hundred of Hay; and sections 52, 53, 54, 55, and 82, hundred of Skurray, containing an area of 1,114 acres as shown on plan laid before Parliament on the 25th June, 1952, be resumed in terms of section 136 of the Pastoral Act, 1936-1950, for the purpose of being dealt with as Crown lands.

Following an inquiry to lease portion of the area, investigations were made by the department to ascertain whether the area was still required. Reports from the Pastoral Board and the district inspector indicate that the stock

route has outlived its usefulness and is not now required for the purpose for which it was dedicated and it was considered it should be offered to persons holding adjoining lands. These persons are using the land as it passes through their respective properties. There is a 3-chain road adjoining the stock route and it is felt it will be sufficient to meet the requirements of the limited number of stock travelling over the route. The Stockowners Association has advised the department that there is no objection to the land being resumed.

Motion carried.

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

Consideration in Committee of Legislative Council's amendments:—

No. 1. Page 1—After clause 3, insert new clause 3a as follows:—

3a. Amendment of principal Act, section 6—Exemptions from Act.—Subsection (1) of section 6 of the principal Act is amended so as to read as follows:—

(1) The provision of this Act shall not apply with respect to any lease of premises under which lease the lessor is—

(a) the Government of the Commonwealth or the State or any instrumentality of any such Government;

(b) any municipal council, or district council; or

(c) the trust.

No. 2. Page 2—Leave out clause 6.

No. 3. Page 4, line 5 (clause 12)—Before "whether" insert "not being a lease and".

In Committee.

Amendment No. 1—

The Hon. T. PLAYFORD (Premier and Treasurer)—Subsection (1) of section 6 of the Landlord and Tenant (Control of Rents) Act provides that the Act is not to apply to premises let by the Government, any council, or the Housing Trust. A deficiency in this provision has recently come to the notice of the Government. In the irrigation areas, township blocks are leased to lessees under Crown lease. In the case in question, the Crown lessee has erected shops in his block which, in turn, he has let to shop tenants. The point has been taken that, as the premises are let by the Government under the Crown lease, the premises come within the exemption given by section 6 and that the tenants of the shops have no rights under the Act. The intention of subsection (1) of section 6 was to exempt from the Act transactions to which the Crown or a council was a party and it is obvious that this exemption should not extend to further lettings by the person holding from the Crown or a council.

Accordingly new clause 3a, inserted by the Legislative Council re-drafts subsection (1) to make it clear that the exemption applies only to leases where the lessor is the Crown or a council. I move that the amendment be agreed to.

Amendment agreed to.

Amendment No. 2—

The Hon. T. PLAYFORD—This amendment deletes clause 6. The purpose of clause 6 was to substitute the words “reasonably needed” for the word “required” in paragraph (r) of subsection (6) of section 42 of the principal Act. Subsection 6 of section 42 of the Act sets out the grounds upon which a lessor may give notice to quit to his lessee. Paragraph (r) reads as follows—

That the premises were let as a shop or business premises and have been converted by the lessee, without the consent of the lessor either express or implied, from a shop or business premises into a dwellinghouse and the premises are required by the lessor for re-conversion to a shop or business premises. In the other paragraphs in subsection (6) the word “needed” has by various amendments of the principal Act been substituted for “required” and the purpose of clause 6 was to bring about uniformity in this matter. However, the view of the Legislative Council was that as paragraph (r) only operates where the tenant has altered the character of the premises let without the consent of the landlord, there should be no relaxation of the law in favour of the tenant as would be the case if the clause were passed.

Amendment agreed to.

Progress reported: Committee to sit again.

#### ADVANCES TO SETTLERS ACT AMENDMENT BILL.

In Committee.

Clause 5—“Advances for erection of dwellinghouses,” to which Mr. Stott had moved the following amendment—

Clause 5, page 2, lines 36 to 38—Leave out paragraph (b) and insert in lieu thereof:—

(b) by leaving out the words “one thousand” in the second line of subsection (2) thereof and inserting in lieu thereof the words “two thousand four hundred.”

The Hon. T. PLAYFORD (Premier and Treasurer)—The Committee has already discussed this matter at great length and I do not think any further information is required. I oppose the amendment.

Amendment negatived; clause passed.

Remaining clauses and title passed. Bill read a third time and passed.

#### PHARMACY ACT AMENDMENT BILL.

Second reading.

The Hon. T. PLAYFORD (Premier and Treasurer)—I move—

That this Bill be now read a second time. Its object is to provide for the registration as pharmaceutical chemists of persons with foreign pharmaceutical qualifications. The position at present is that where a person has obtained such qualifications outside South Australia, the Pharmacy Board can only register him if he obtained the qualifications from the Pharmaceutical Society of Great Britain, or from a college or board of pharmacy recognized under the regulations. This means, in practice, that migrants coming to this State with non-British qualifications as chemists, the class of persons which this Bill is designed to assist, cannot be registered, as only a limited number of colleges or boards of pharmacy, all of which are in the British Commonwealth, are recognized under the regulations. It would not be desirable to extend the number of recognized bodies without reciprocity, which could often not be achieved, nor would it be desirable to recognize colleges or boards which required a lower standard than that obtaining in this State. In addition, the registration would be unconditional, so that there would be no way of ensuring that an applicant had a sufficient knowledge of English, of British pharmaceutical practice or of forensic pharmacy in this State.

Following a resolution passed by the Federal Council of Pharmaceutical Societies of Australia in May, 1951, the principle adopted in the Bill has been to enable the board to deal with each case on its merits. The board is empowered to register a person with foreign qualification who has undergone an examination in English, and such further training as the board considers necessary in the light of his qualifications.

The details of the Bill are as follows. Clause 3 amends section 22 of the principal Act to provide that a person with foreign qualifications is entitled to registration after he has satisfied the board that he has an adequate knowledge of English, has passed such examinations as the board directs, and has served in a chemist's business for such period as the board directs. Clause 4 contains amendments consequential on Clause 3. Clauses 5 and 6 make consequential amendments respecting the forms of statutory declaration to be used on applications for registration.

Mr. HUTCHENS secured the adjournment of the debate.

SUCCESSION DUTIES ACT AMENDMENT  
BILL.

Second reading.

The Hon. T. PLAYFORD (Premier and Treasurer)—I move:—

That this Bill be now read a second time. Its main purpose is to increase the rate of succession duties in pursuance of the Government's policy of maintaining a balanced budget. At the same time the Government has taken the opportunity of introducing a smoother progression in the rates of duty, and of giving additional concessions to widows and children succeeding to small estates. The Government is advised that the present South Australian duties are considerably less severe in their incidence than those of the eastern States. This State has been subject to an adverse adjustment to the extent of £150,000 in its grant from the Commonwealth Grants Commission because our rate of succession duty is lower than that paid in the eastern States. In the other States the rate of duty depends on the total value of the estate of the deceased, whereas the rate of duty under our Act depends on the value of the individual shares of the deceased's property taken by the various beneficiaries. In order to raise the severity of our rates to the average of the eastern States an increase of approximately 20 per cent is necessary. This is based on the rates obtaining when the Grants Commission last took evidence here. Since then I have learned that at least one other State had made an upward adjustment of rates. I think, even with our increased rates South Australia will still be below the Australian average. If our duties are maintained at low rates relatively to the eastern States it is to be expected that the Grants Commission, in accordance with its usual practice, will reduce our grant accordingly. The Government therefore feels obliged to seek increases in these duties. The increases proposed vary according to the relationship between the deceased person and the person deriving property from him. As members know there are at present three scales of succession duty. The first applies to property taken by a widow, widower, descendant, or ancestor of the deceased. The duties in this scale vary from  $1\frac{1}{2}$  per cent to 20 per cent of the value of the property, with a provision for half rates where the person succeeding to the property is the widow or a child under 21 of the deceased and the estate does not exceed £3,000.

The second scale is that applicable to property passing to collateral relatives (*e.g.*,

brothers, sisters, nephews and nieces of the deceased) and these rates vary from 1 per cent to 25 per cent. The third scale is that applicable to property passing to strangers in blood, and the rates in this scale vary from 10 per cent to 25 per cent. In lieu of these three scales four new ones are proposed in the Bill.

The first is applicable to widows, and children under 21. Under this scale property not exceeding £2,800 is entirely exempt. On property above £2,800 and below £15,000 the duties are slightly lower than those proposed on property passing to widowers, ancestors and descendants; and on property above £15,000 the rates are the same as those proposed in respect of property passing to such persons. The second new scale prescribes the duties on property passing to widowers, ancestors and descendants. They vary from 5 per cent to 25 per cent of the value of the property, and are from 20 per cent to 25 per cent higher than the present rates. The third scale sets out the duties on property passing to collateral relations. The duties proposed are from 5 per cent to 30 per cent of the value of the property, and are from 25 per cent to 30 per cent higher than those now being charged. The fourth scale is that applicable where property passes to strangers in blood. These duties are from 10 per cent to 30 per cent of the value of the property, and are from 35 per cent to 40 per cent higher than the present rates.

Looking at the matter as a whole the result of the new rates will be to make the average severity of our duties about the same as that of the eastern States, though widows and lineal relatives are, on the whole, more liberally treated. The new scales have been devised so as to secure a smooth progression in the amount of duties as the value of the property goes higher. Under the existing system large increases in duty occur at certain points in the scale, *e.g.*, a stranger in blood pays 10 per cent on £4,999 and 15 per cent on £5,000 so that an extra £1 in the value of the property makes a difference of £250 in the amount of duty. This is avoided in the proposed new scales.

In the Bill the same scales of duty will apply both to property taken under wills and intestacies and to other dutiable gifts and benefits. In the present Act there are separate scales but for some years there has been no difference between the rates of duty on the various classes of successions and gifts so the opportunity has now been taken to combine the scales.

The other amendments, with one exception, are consequential or minor amendments not

affecting the policy of the Act. The amendment in clause 10, however, may be separately mentioned. Under section 51 of the principal Act interest on unpaid duty is chargeable as from the expiration of three months after the duty first became chargeable, unless the amount of duty was not assessed within that period. The Commissioner has no power to postpone the day from which interest runs, either on the ground of hardship or any other ground, unless there was a delay in assessment. Cases often occur in which the persons concerned facilitate an early assessment, but owing to illness or other difficulties a delay in payment occurs. It is desirable that there should be some power to relax the requirements as to payment of interest in such cases. It has also been pointed out that it is often not possible, particularly in the larger estates, to do all the work necessary for the assessment and payment of duty in so short a period as three months. An amendment is therefore included in the Bill so that interest will run only from the expiration of six months after the duty first became chargeable, and so that the Commissioner shall have power to postpone the day from which interest runs if reasonable cause exists for doing so.

Mr. Quirke—Is there any reason why it should be 6 per cent?

The Hon. T. PLAYFORD—I have been rather anxious to keep interest rates down. The rate has been fixed rather high because it has been recognized that if the normal rate applied it would go on and on. I think the concession is one keenly desired by many people, particularly those who administer estates.

Mr. O'HALLORAN secured the adjournment of the debate.

#### HOMES ACT AMENDMENT BILL.

Second reading.

The Hon. T. PLAYFORD (Premier and Treasurer)—I move—

That this Bill be now read a second time.

I deplore the fact that it is necessary to submit this Bill to honourable members. The Homes Act, 1941-1951, enables prospective purchasers of homes to be assisted by providing that the Treasurer may guarantee a mortgage loan made by one of the institutions referred to in the Act. Section 7 of the Act provides, among other things, that a guarantee is not to be given by the Treasurer if the interest charged on the loan in respect of any period during which the guarantee is in effect exceeds 4½ per centum in a case where the interest is

paid not later than 14 days after it becomes due, or 5 per centum where the interest is not so paid. In common with other interest rates, the interest rates on mortgage loans have increased and it is necessary that the rates set out in section 7 should be revised.

To give some idea of the trend in interest rates, I might mention that three semi-governmental loans recently issued in New South Wales, Queensland and Victoria and guaranteed by the respective Governments were all heavily under-subscribed, despite the fact that interest was quoted at £4 15s. per cent. I was informed that the underwriters in Queensland had been left with about £350,000 in a loan of £750,000. The New South Wales loan of £2,500,000 was under-written to the extent of £1,000,000. I understand that the underwriters could not get subscriptions even for that amount and probably at the most only 25 to 30 per cent of the total was subscribed. If we are to get institutions to lend money under the Homes Act it is necessary that we consider the interest rates fixed by Parliament some years ago.

Mr. O'Halloran—Would it have any effect on mortgages previously negotiated?

The Hon. T. PLAYFORD—I understand not. It is therefore proposed by clause 2 to provide that the maximum interest on a guaranteed mortgage loan is to be 5 per centum where the interest is paid within 14 days of the due date and 5½ per centum where the interest is not paid within that time.

These rates, namely, 5 per centum and 5½ per centum, are similar to the rates originally enacted in section 7 of the Homes Act. In 1947, when rates of interest on mortgage loans were appreciably less than the present rates, section 7 was amended to provide for maximum interest rates of 4½ per centum and 5 per centum. The effect of the Bill, therefore, is to restore the legislation, as regards this matter to the form in which it was first enacted. This legislation provides one of the chief avenues for financing homes, particularly for workers and persons on small incomes. In recent months the number of houses purchased each week under this legislation has risen very sharply, and today I believe it is the chief method, apart from the Housing Trust, of homes being financed. I can assure members that it is very important legislation and necessary to maintain our housing programme and our policy of home ownership.

Mr. O'HALLORAN secured the adjournment of the debate.

## LICENSING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 12. Page 1289.)

Mr. QUIRKE (Stanley)—I am opposed to this Bill in its entirety; and in my opinion some of the amendments proposed are even worse than the Bill itself. I am not one of those who think that no reform is necessary in the industry concerned. On the contrary much reform is required. One of the first reforms necessary is a complete overhaul of the Licensing Act. During the debate we have been told of harrowing scenes at certain hotels in the metropolitan area. I have never seen them, though I do not doubt that some other members may have, but if they occur this measure will not stop them. All that is proposed by the Bill is to prevent children from seeing them, but that is not a satisfactory solution for present conditions. Overcrowded conditions in hotels, or lack of adequate facilities, are the main cause of objectionable scenes.

Mr. Fred Walsh—But they are exceptional.

Mr. QUIRKE—Yes, and that is my point. Therefore, it is not necessary to pass such stringent legislation as this. The provisions of the Act should give all the necessary power to eliminate such objectionable conditions. The Bill prohibits the sale of liquor in any part of hotel premises, except in approved parts such as the bar, dining room, and approved public lounges. This would undoubtedly preclude the licensee from having a drink with a friend in his own office unless the office was among those areas approved. If only the drinking bars and the lounges were approved the conditions in country hotels on market days and others when many people were in the town would be chaotic. Will it be possible, under the Bill, for a person to provide a drink to his friends in his own room? I do not think it will. The whole of the premises of a country hotel would have to be approved, but that is not envisaged in the Bill. This measure goes too far. No new hotels have been built in South Australia for many years, although some have been remodelled and a few alterations have been carried out in others. Under the Bill a tremendous amount of rebuilding or alterations would be required, but that is not desirable at present.

By section 176 licensees must prohibit children from being in the bar rooms, but the amendment extends that prohibition to lounges. This is the most objectionable piece of legislation that has been brought before the House for some time. My wife and I may desire to

have a drink of ale in a hotel, but we may have two of our children, aged 5 and 10 years, with us. We shall be debarred from having them in our company while we have a drink, but parents are responsible for the wellbeing of their children and I object to any legislation interfering with that parental responsibility. Will children be permitted to be present with their parents at a cafe in the city which has a licence to serve wine with meals? Will those children be permitted to accompany their parents there but not permitted to accompany them in a hotel? It is an infringement of personal liberty if parents are not able to have their children with them while having a glass of ale. The Act will not allow me to take my children under 16 into a drinking bar, but under the conditions of our licensing code I do not disagree with that, because conditions in bars are often objectionable. The very conditions make them objectionable, and because those conditions were objectionable there grew up a policy on the part of hotelkeepers to provide other facilities for people so as to relieve them of the necessity of going into the public front bar. Lounges were opened so that patrons could avoid the prohibition placed upon their entry with their children into the public bar, but now that prohibition is to be extended to the lounge where the desirable conditions were created. If I have an alcoholic drink in my own home, which I have at various times during the day in association with my family, surely that is comparable with my wife and myself taking our children into an hotel lounge under proper conditions; but this Bill prevents my wife and myself taking our children into an hotel lounge while we have a drink and it is suggested that a special room be provided where the children may be parked. That is all nonsense and I would not support that proposal for one moment. There is nothing objectionable in a child under 16 years of age seeing other people consume a glass of ale in good surroundings and, if there be objectionable conditions, let the Licensing Court clean them up. We should not impose an embargo on everybody because of a few exceptional cases.

I have children ranging in age from 26 to 4 years, and each of them has had an alcoholic drink before he was 4 years of age. I claim that is the right thing to do, for if they are permitted to taste it while they are young they may prefer lemonade, but they know the taste of alcohol and there is not much trouble with children reared under those

conditions. If we approach the problem in that way and not by the hole and corner method proposed in the Bill more good will be done, and we will have more sober and temperate people. I advocate sobriety and temperance but not prohibition in relation to alcoholic drink. I have heard the argument advanced that alcoholic drink is a poison, but so is caffeine and tea taken in excess. Oxalic acid in rhubarb can be a poison when too much of it is absorbed into the system, but no prohibition is to be placed on that. It is said that because opium is a narcotic it should be prohibited, but the whole question is one of degree. If a child is given one shilling to spend on harmless crackers that is all right, but a parent who gives that same child a box of gelignite and a dozen detonators could be charged with murder. These arguments are spurious for there is nothing wrong with drink taken in moderation. I want to get it out of the minds of people that there is anything wrong with alcoholic drink so long as temperance and sobriety are maintained.

There are people—and I am one of them—who do not disagree with people who want to remain entirely abstemious. Let them be that way and drink lemonade, ginger ale, peppermint, or any other soft drink they desire. They may drink milk until they are blown up like a skim milk calf, and I would let them do it for this is a free country; but if my wife and I wish to have a glass of ale or wine and to take our children into an hotel lounge while we have it, I demand that right. This Bill, however, says, "No, you can't do that!" Because it says that, if for no other reason, I oppose it in its entirety and trust the House will reject it. I cannot speak on the amendments at this stage, but I indicate here that they contain the same objectionable features as the Bill in that they are a prohibition on the liberty of the individual. As members of the British Commonwealth we have a name for people in other parts of the world who impose all sorts of prohibitions, but in England, the home of freedom, such prohibitions are not imposed. Australia is a young country and in its early

days there were wild and woolly conditions, as is proved by the early history of New South Wales and other parts. Following a period of complete licence there came a reactionary tendency to prohibit. I like to think that we have reached the turning point and that we are going back to a sane outlook on all subjects. There has been a tendency for our young people to break away from many of the old codes, and I do not disagree with that. I do not agree that young people should disgrace themselves by riotous behaviour, but do we help them in the best possible way in their ordinary associations with their fellow men and women or do we hedge them round with restrictions and prohibitions against which, because they are young people in a young country with all their lives before them, they are apt to kick. When people kick against restriction we get extremes, and this Bill is an extreme piece of legislation that should not be enforced. How could a hotel keeper tell in these days whether a person is 15½ or 16½ years of age? Would it be necessary for each child to carry around his neck something like a commonage disc giving details of his birth? Under the Bill the responsibility is on the hotel keeper. Under present law he cannot sell liquor to any person under 21 years of age. A child of 16 years can be in the lounge with his parents, but not one 15 years and 9 months. I know many young people about 14, 15 and 16 and if their age can be guessed within a few years it is a very good effort. If this Bill gets into Committee, and I hope it does not, I will point out how ridiculous is the new clause to be moved by the Premier. My remarks on it will be interesting to members, but at this stage I cannot give them. I oppose the Bill in its entirety and hope that the second reading will not be carried. It places a prohibition on the individual liberty and individual choice of parents.

Mr. FRED WALSH secured the adjournment of the debate.

#### ADJOURNMENT.

At 5.54 p.m. the House adjourned until Tuesday, November 18, at 2 p.m.