

HOUSE OF ASSEMBLY.

Thursday, November 20, 1952.

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

EARLY CLOSING ACT AMENDMENT ACT.

His Excellency the Lieutenant-Governor, by message, intimated his assent to the Act.

QUESTIONS.

TENANCY OF RAILWAY HOUSES.

Mr. O'HALLORAN—Has the Minister of Railways had an opportunity to make inquiries into the matter I referred to him on Tuesday relating to the dissatisfaction which exists among British migrants who came here to work in the railways and have been provided with housing accommodation by the Railways Commissioner? It follows on the agreement they were asked to sign because of their occupation of the houses. This matter has been submitted to me for investigation by the United Trades and Labor Council as the result of a complaint by an affiliated union, the Vehicle Builders' Union.

The Hon. M. McINTOSH—I took up the matter with the Railways Commissioner, who reports as follows:—

I draw attention to the fact that a similar provision is included in the South Australian Housing Trust's Tenancy Agreement, reading as follows:—

The tenancy shall be determinable at any rent day upon the giving of one week's notice in writing by either the trust or its servants or its agents, or the tenant.

I would also point out that a similar provision has been included in previous South Australian Railway Agreements which have been used for over 10 years, without any recorded objection on the part of the tenants. The Railways Commissioner can claim a record of fair dealing, and frequently leniency, in his capacity as landlord, and employee tenants generally are well aware that a good tenant need not fear that unreasonable or punitive action will be taken under the said clause 35. Unfortunately, however, drastic action must be taken occasionally against an unsatisfactory tenant, and the literal provision of the clause may have to be invoked in such cases. I am, however, prepared to modify the clause in order to make the position quite clear, by adding the words "This clause will only be invoked in the case of flagrant misuse of the property."

POTATO MARKETING.

Mr. SHANNON—There are quantities of potatoes held in sheds in the hills as the result of good crops this season. Most of them are held by growers who have played the game with the Potato Board and have not sought "specials" to get rid of the surplus potatoes

over and above the quota set by the board for delivery to the market. They are perturbed about the plains potatoes coming on to the market. Can the Minister of Agriculture say what steps the Board will take to get rid of the surplus potatoes held in store, especially as some growers have got rid of the whole of their crop? I understand that is the case in a few instances, and sometimes when a man sees his own shed full of potatoes and his neighbours shed cleared he feels aggrieved.

The Hon. Sir GEORGE JENKINS—Yesterday the honourable member indicated that he wanted certain information on the potato position and I submitted two questions to the chairman of the Potato Board, Mr. Strickland. The first question was, "Are new plains potatoes being marketed to the exclusion of stored potatoes through the hills?" and his reply was:—

No. The consumer is the ultimate authority determining the relative proportions of old and new potatoes marketed. Last week there was a heavy inquiry for new potatoes and approximate disposals were 1,200 bags of new and 2,600 bags of old potatoes, despite the higher price of new potatoes. This week the position has been reversed and the predominant demand is for old potatoes, necessitating a duplication of quotas to hills growers. Quotas are being applied to plains growers delivering new potatoes.

The second question was, "What are the chances of hills stored potatoes being marketed?" and Mr. Strickland replied:—

Hills old potatoes will be distributed for as long as the market requires them, but no one can forecast how long that will be, as it depends on the preference of consumers. At present a retail price, 2d. per lb. lower than that for new potatoes, is assisting disposal of stored potatoes. Apart from inability to forecast for how long the public will buy a proportion of old in preference to new potatoes, no accurate estimate of hills stocks is available at this stage, chiefly due to the widespread unaccounted dispersal of many growers stocks through channels unknown to the board. It is impossible to answer this question, but it seems likely that some stocks will not find a market as table potatoes.

HOUSING TRUST HOMES AT WALLAROO.

Mr. McALEES—Some years ago the Housing Trust purchased a number of acres of land from the Wallaroo Corporation for the purpose of erecting homes. That area has practically all been built upon, but more homes are to be erected in Wallaroo and I hope that land in the heart of the town will be purchased for this purpose. Blocks are available there at a reasonable price. Will the Premier take this matter up with the Housing Trust?

The Hon. T. PLAYFORD—Yes, and I entirely agree with the honourable member that whenever possible we should consolidate building rather than spread it to the extreme limits of any town, because this is always inconvenient to the employees occupying the houses and adds to the cost of providing the necessary services and utilities to the homes. I will ask the chairman of the Housing Trust to give particular attention to the honourable member's suggestion.

TRANSPORT OF BEER TO MELBOURNE.

Mr. MOIR—Can the Minister of Railways say whether it is intended to grant road permits to enable beer to be transported from South Australia to Victoria during the brewery strike in Melbourne?

The Hon. M. McINTOSH—I am not consulted on those points. I do not know the details, but I will refer the question to the Transport Control Board and let the honourable member have a reply in writing.

BIKE RACKS AT GAWLER RAILWAY STATION.

Mr. JOHN CLARK—Since early in September material for the construction of a bike rack has been lying in the Gawler railway yard. Will the Minister see if it can be erected at an early date as it is urgently needed?

The Hon. M. McINTOSH—I am not aware of the circumstances, but I will ascertain the facts and write to the honourable member on the matter as soon as possible.

FOOT ROT IN SHEEP.

Mr. STOTT—I have received complaints about foot rot in sheep which, as the Minister knows, becomes contagious at a later stage. Some complaints reaching me now include a request that foot rot be made a notifiable disease, as tuberculosis and other diseases are in cattle. I learnt this morning that one man bought sheep which later developed foot rot. He paid £1,500 for them, but only got £300 when they were sold at the abattoirs. Will the Minister of Agriculture see if this disease can be listed as a notifiable disease and whether steps can be taken by the Chief Inspector of Stock to see that sheep infected with it are not sold?

The Hon. Sir GEORGE JENKINS—I will take the matter up with the veterinary branch of the Stock and Brands Department and ascertain the position. I know that fairly

extensive outbreaks of foot rot have occurred in some parts of the State this year where it has not been previously known.

WATER PRESSURES AND RESTRICTIONS.

Mr. PATTINSON—I have been informed that from tomorrow a mild measure of water restrictions will be imposed during some of the evening hours when people will only be able to water their gardens by means of buckets and other containers. Residents in certain parts of the Glenelg electorate would be pleased to have the opportunity of obtaining water from their hose taps if it would flow into containers. A resident of Eton Road, Somerton Park, wrote to me saying that on a really sunny day it is impossible at times to obtain even enough water from the tap to make a cup of tea or wash one's hands. Probably the mains were able to cope with the demand when there were few houses in the locality, but they cannot now carry adequate supplies because of the rapid housing development in that area. Will the Minister of Works take the matter up with the Engineer-in-Chief as a matter of urgency?

The Hon. M. McINTOSH—Yes, and I appreciate the tolerance with which the case has been presented by the honourable member. Over a period of years we have been developing Adelaide at a rate probably unprecedented in Australia, but the cost of this rapid expansion has prevented us from getting the necessary materials to enlarge our water system in the way we should like. Actually, we have reached the position where we are connecting in the metropolitan area some 9,000 new premises a year, which is almost equivalent to the population of Port Pirie. It can be seen that every year we are connecting as many houses as would constitute a city. In the last 12 months 57 miles of new mains have been laid in the metropolitan area and this has placed an immense strain on existing mains, and we cannot duplicate them or lay new mains until we get more water into the city. It would be useless to stop that work in order to give temporary relief. The only way is to adopt the system we introduced last year which, I think, proved satisfactory. The tolerance and the co-operation of the people was very good and by the regulation of supplies we got through last summer very well. This year it is not proposed to impose such heavy restrictions on the use of water. The morning period in which garden watering was limited to hoses held in the hand has been eliminated and the only period in which water cannot be used by way of a hose

for gardening will be between 5 p.m. and 7.30 p.m. It is felt that by this means the real complaints will be curtailed. Low pressure generally occurs when, for instance, a man returns home from work and his wife is busy preparing the tea and he wants a shower and a change; so we are asking the public to be tolerant and not use water for gardening purposes at that period. There will be another great advantage in that many of the industrial undertakings in Adelaide have underground storages and the curtailed restrictions for this year will enable them to be built up so that a full day's work can be undertaken. It is hoped that by doing this we will not be compelled, as we were last year, to use bore water to boost the pressure, but that will be ascertainable only after an experiment along the lines indicated. At present it is hoped that the same co-operation will be received from the general public as was received last year.

COMMONWEALTH HOSTELS LIMITED.

Mr. HUTCHENS—Yesterday in reply to my question regarding Commonwealth hostels, the Premier said:—

It has always been considered by me that the Commonwealth is not bound by State legislation where the matter comes under Commonwealth constitutional authority.

Is it not a fact that Commonwealth Hostels Limited is a private company limited by guarantee, incorporated in Victoria, and registered in South Australia as a foreign company, and that the Commonwealth Government is not a member of that company?

The Hon. T. PLAYFORD—That may be technically correct, but I think that in point of fact the Commonwealth Government is the sole shareholder in that company, so in reality it not only owns the hostels but comprises the company itself.

THEVENARD SLIPWAY.

Mr. CHRISTIAN—Has the Minister of Works a reply to the question I asked yesterday regarding the fishermen's slipway at Thevenard?

The Hon. M. McINTOSH—I have received a report from the Commissioner and General Manager of the Harbors Board, but as it is rather lengthy I will outline the main points only, and furnish the honourable member with details by letter later. Two officers of the Harbors Board visited Thevenard last week regarding the provision of a more efficient slipway for use by fishermen. The return to the present licensee was not sufficient for him to spend much money upon modernising and

improving it, so the Board will take over the interest of the licensee and expend the money thereon, and the fishermen have undertaken to pay interest at the rate of 5 per cent on this capital cost. The improvements will consist of mechanization of the winch, repairs to the cradle and ways, the supply of a fresh water service, and the supply in due course of an electric lighting service. The Harbors Board has arranged to purchase the licensee's property, and as the price quoted was reasonable, the board has come to an agreement on the subject. The whole of the arrangements were happily concluded and seem to be quite satisfactory to all concerned.

CHILDREN AND OBSCENE LITERATURE.

Mr. McKENZIE—On several occasions I have asked the Premier questions regarding the availability of obscene literature to children, and as this will be my last chance to do so, I ask him whether, in view of the quantity of such literature available for sale in this State and the fact that what children read must leave an impression on their minds, he will set up a censorship so as to give parents the chance to bring up their children in the right way?

The Hon. T. PLAYFORD—Since the honourable member last asked a question on this subject a conference has been held as the result of a request by the Premier of New South Wales. This State was represented by a senior officer of the Education Department and a senior officer of the Children's Welfare and Public Relief Department. An agreement was reached there as to the type of literature which should be permitted to be published in Australia, and this went far beyond the previous control which consisted of a prohibition on salacious literature. It widened the scope of the material to be controlled. Since that conference I have inquired and find that little, if any, of this literature is printed in South Australia. It is printed overseas, and is therefore subject to Commonwealth importation controls, or in Melbourne or Sydney. If the resolutions carried at the conference are implemented they will have the effect of immediately cutting off the supplies of literature which may be considered detrimental to children. Since the honourable member last raised his question a very important committee has been set up in South Australia consisting of interested persons, including church leaders, Education Department psychologists, and similar authorities, who are now taking a direct interest in this matter. A problem that immediately arises

when an effort is made to increase censorship as to matter other than salacious literature is to get some basis upon which the prohibition shall be made. For instance, recently one eminent authority said that one example of literature submitted to him was not at all harmful, but another equally eminent authority said that he thought it was most harmful. I will let the honourable member have a copy of the resolutions carried at the recent conference, on which I received a report only in the last day or two, and if any other members are interested I will supply them with a copy also.

Mr. O'HALLORAN—Does the Premier mean to convey that the Government can only prevent the publication of undesirable literature in this State and that it cannot prevent the distribution of such literature published elsewhere?

The Hon. T. PLAYFORD—I did not mean to imply that. The Chief Secretary has great powers to prohibit the circulation of undesirable literature, and on occasion has exercised those powers. Indeed once or twice he has prosecuted people for this offence, but much of this literature of the "Deadwood Dick" type which may be considered harmful to children would not come within the scope of his powers.

Mr. O'Halloran—That is precisely what I am referring to.

The Hon. T. PLAYFORD—State powers are confined to literature of a salacious nature. The report obtained will be examined and if further action is necessary it will be considered. I do not know how far the discretion of the Chief Secretary extends: it is a matter of legal interpretation. The best way to prevent the circulation of the literature is to stop its being printed.

PRICE CONTROL ON BISCUITS.

Mr. DUNKS—During the last few days I have received information that the price of biscuits has been de-controlled in Western Australia. As the Treasurer has said from time to time that the State controls are uniform in these matters and that when goods are in plentiful supply and there is plenty of competition their prices will be de-controlled, can he indicate whether that information is correct, for many biscuits are now coming in from other States, some from Western Australia and big quantities from Victoria? If that is correct, is it the intention of the Government to de-control the price of biscuits in this State?

The Hon. T. PLAYFORD—The price control regulations have never been completely uniform between the States. From time to time one State, for reasons of policy, will depart

from the general rule and under State law it has every right to exercise that authority. For instance, for some time Queensland has de-controlled building material and quite recently South Australia has de-controlled steel products, some States have de-controlled textiles, so there has never been complete unanimity, although it is realized that for control to be effective it is desirable to have some degree of uniformity. I do not know whether Western Australia has, in fact, de-controlled the price of biscuits, but I would not be surprised if it had because recently it de-controlled a large group of commodities, of some of which I had been officially advised, but others were entirely new, having been previously subject to control throughout the Commonwealth. I did receive an application from biscuit manufacturers in this State within the last three or four days, and it was referred to the Prices Commissioner. It came at a time when a programme was being prepared for a conference to be held next week. I have not had a report in connection with it, but I expect to get one in the course of a few days. The last time this matter came under notice I found that while a considerable number of varieties of biscuits were in plentiful supply there were one or two lines still not readily available here. Whether that is still the position I do not know, but will find out and let the honourable member know.

PUBLIC MEETINGS AT MIGRANT HOSTEL.

Mr. FRED WALSH—Next Monday a meeting of migrants is to be held at the Gepps Cross Migrants' Hostel and is to be attended by the Member for Prospect (Mr. Whittle), the Federal Member for Sturt (Mr. Wilson), and, I believe also, one Legislative Council representative of that area has been invited.

Mr. Whittle—All of them.

Mr. FRED WALSH—The object is to ascertain migrants' ideas in connection with the establishment of kitchenettes, and if a majority favour the proposal kitchenettes will be provided and the hostel will come under the control of the South Australian Housing Trust. The present position is that meetings of a general public or political nature cannot be held at the hostel. There is a branch of the Australian Labor Party at the hostel and members who desire to hold or attend the meetings must travel to a hall almost a mile away. It may be that there is also a branch of the Liberal and Country League there. If and when the control of the Gepps Cross hostel is

taken over by the Housing Trust, will the residents at the hostel be permitted to hold meetings of a public and/or political character at the hostel?

The Hon. T. PLAYFORD—The meeting called for Monday night is to establish whether the migrants desire to change over to the system of Housing Trust control as against the present control whereby food is provided by Commonwealth Hostels Limited. The only way I know of getting some authentic view on the matter is for the persons concerned to be invited to attend. I have asked the chairman of the trust to draw up in the greatest possible detail the conditions which would apply if the trust took over. I propose to attend, not to make a speech but to attempt to answer any questions asked on conditions involving policy. This will be purely a business meeting. I should be very unhappy to take over the hostel if only a bare majority favours the proposal. If the migrants are not reasonably well satisfied that they want the change-over and that it will be of some benefit to them, then the State Government has not much interest in it. In the event of its becoming a property under the control of the Housing Trust, it will be the same as all trust areas and there will be no prohibition of any sort; in effect it will become normal trust activity in precisely the same way as emergency housing areas do. I believe that the Commonwealth Government will desire to remove all surplus buildings at present used for food services and those not directly associated with housing.

Mr. Whittle—They would not take away the recreation hall?

The Hon. T. PLAYFORD—I do not think so.

INSURANCE OF AIR FORCE TRAINEES.

Mr. MACGILLIVRAY—Earlier in the week I asked the Premier a question relating to a young man killed, as I understood, while training as a national trainee in the R.A.A.F. I have now received a letter which informs me that actually he was a member of the R.A.A.F. and not a national trainee. I further stated that on his death an insurance company with which he had been insured had repudiated payment. This letter shows that this young man had been insured with three different companies. The first company paid out the amount for which he was insured, the second pointed out that he had allowed his payments to lapse because he had been informed that in the event of his having an accident or being killed he could not claim any insurance. The letter does not say what was

the position with the third company, but evidently something has gone wrong, because it says that the particulars of this policy have been forwarded to the R.S.L. Headquarters. The letter itself came from the secretary of the Barmera sub-branch of the R.S.L. Will the Premier take up the whole question of men serving either as national trainees or as members of the R.A.A.F. as regards insurance policies? The number of accidents in the R.A.A.F. is so low in Australia that it seems that insurance companies should be able to take this particular risk, even if it means increased premiums. Will the Premier consult with the Minister of Defence, as he said he would do, and give consideration to the wider aspect of the question, as well as to this particular case?

The Hon. T. PLAYFORD—Since the honourable member's question, which was reported in the press, I have received a communication from one of the insurance companies involved in this particular matter giving an outline of the transaction so far as it is concerned. The position is that the boy enlisted as a full-time member of the R.A.A.F. whilst he had an insurance policy with the company. After being in the service for a short period he stopped paying the premiums, and the company pointed out to him that he should not allow the policy to lapse because a policy taken out before a person enlisted covered all the accidents which might occur to him whilst in the service. If a person takes out a policy whilst in the service the policy is restricted, because of the greater risk. The company wrote to the boy concerned and pointed out that if he allowed the policy to lapse he would lose a valuable concession. Notwithstanding two or three communications from the company, the policy was allowed to lapse. Later he took out another policy on the restricted basis: he had to sign his agreement to the following conditions:—

I hereby agree that subject to the revival of Policy No. ——— issued on my life and on the basis of my personal statements and application for revival dated ——— the policy shall be subject to the following conditions relating to my death resulting from war service and/or aviation.

“If the life assured—

(a) Serves outside the land boundaries of the island continent of Australia and the island of Tasmania and outside the land boundary of the North Island and South Island and Stewart Island of the Dominion of New Zealand whether as a combatant or non-combatant in any naval, military,

air or other war or auxiliary force and as the direct or indirect result of such service dies prior to his final discharge from such naval, military, air or other war or auxiliary force within six calendar months thereafter, or

- (b) engages in the service of the mercantile marine and dies prior to his discharge from such service or within six calendar months thereafter from any cause attributable directly or indirectly to the incidence of war or war-like operations outside the land boundary specified in subclause (a) hereof, or
- (c) dies as the direct or indirect result of making a flight or attempting to make a flight in an aircraft otherwise as a fare paying passenger travelling in a machine engaged in public transport service,

the liability of the Association under this policy shall be limited to—

- (i.) The amount of the annual premiums or the relative instalments thereof which shall have become due for payment together with interest thereon to the date of death at the rate of $3\frac{1}{2}$ per cent per annum compounded yearly less any charges due to the association on the policy and less any sum previously paid by the association under the policy, or
- (ii.) the amount which but for this consideration would have become payable, whichever is the lesser sum.

Other conditions too had to be agreed to before he could be insured. He allowed the normal policy to lapse and took out a special policy. I understand that a national service trainee is kept fully insured under an ordinary policy. I will check to see if that is correct.

CATHERINE HELEN SPENCE SCHOLARSHIP.

Mr. GEOFFREY CLARKE—Has the Minister of Works a reply to the question I asked on November 18 on when it is proposed again to appoint a Catherine Helen Spence scholar?

The Hon. M. McINTOSH—I took up the matter with the Minister of Education who said that as soon as the accumulated income is sufficient to grant another scholarship one will be granted. The annual income is about £112 and the amount of accumulated funds is about £400. When a scholarship will be granted depends largely on costs at a given date.

FILM MAKING IN SOUTH AUSTRALIA.

Mr. RICHES—When the Premier announced that the film “Kangaroo” was to be made in South Australia he said that he hoped it would be the start of other ventures of the same kind. When the Chief Secretary made the announcement in the Legislative Council he said:—

It will mean quite a big thing for this State as I understand there is also a suggestion to

produce other films which will cover some of the best scenery in the State, so it will be important not only from the point of view of the production of the picture, but in portraying the scenic attractions of the State to other parts of the world.

South Australia went to much trouble to make production of that film easy and the Premier placed at the disposal of the Fox Film Corporation every facility which could be reasonably given. In today’s *News* it is reported that the head of the corporation, who is in Australia on a visit and who is looking for an Australian story in order to make another film, is going to another State and does not propose to come to South Australia. I think that is shabby treatment for this State after the consideration given to the corporation. Has the matter been brought under the notice of the Premier and does he know why South Australia is being neglected? Have any negotiations taken place since the film “Kangaroo” was made here?

The Hon. T. PLAYFORD—I did not know that the head of the corporation was in Australia. There have been no negotiations, and I know of no reason why South Australia should be by-passed. The corporation received from the South Australian Government all possible co-operation and it was given all possible assistance to enable the picture to be made. Nothing but the very best conditions were extended to the corporation, and they were acknowledged as being extremely generous.

MEAT SUPPLIES.

Mr. DUNNAGE—I understand that butchers in the metropolitan area are having great difficulty in getting meat supplies. Whether there is a go-slow policy or something of the sort at the abattoirs I do not know, but there is a big supply of animals in the State waiting to be slaughtered. Can the Minister of Agriculture give any information on the matter?

The Hon. Sir GEORGE JENKINS—I will take up the matter with the Abattoirs Board. I do not know whether the overtime ban has any effect on the position, but I will get the information for the honourable member.

EXHAUST FUMES FROM DIESEL MOTOR VEHICLES.

Mr. QUIRKE—In today’s *Advertiser* it is recorded that a policeman on point duty was affected by exhaust fumes from motor vehicles. That can be easily understood, but there is another matter in regard to exhaust fumes that needs correction. The exhaust gases from a

diesel vehicle are usually spent on the offside of the vehicle, which means that they are in the path of the driver's side of approaching vehicles. A succession of diesel vehicles leaves a heavy black cloud of exhaust fumes, but it should not be difficult to eject these fumes on the near side of the vehicle. Will the Premier have this question investigated?

The Hon. T. PLAYFORD—Yes. I agree that diesel vehicles can create a public nuisance and if there is any way to overcome this it will be to the advantage not only of motorists but of pedestrians.

ALLENDALE EAST AREA SCHOOL.

Mr. FLETCHER—Last Tuesday I asked the Minister representing the Minister of Education if he could secure any information in regard to the furnishing and opening of the Allendale East area school. Has he that information now?

The Hon. M. McINTOSH—As promised, I have conferred with my colleague the Minister of Education, but there are some difficulties in making arrangements along the lines indicated by the honourable member. On the other hand, I said that his was a practical suggestion well worthy of investigation and the Minister of Education would like to have the opportunity of discussing the matter with the honourable member personally. If he will make an appointment to that end we shall both be very glad.

EYRE HIGHWAY.

Mr. CHRISTIAN—Has the Minister of Local Government any further information to give on the state of the Eyre Highway and the possibility of doing some work on it immediately? When I asked my question yesterday I omitted to state that one important passenger bus service operating on the far West Coast has been entirely suspended until repairs are effected.

The Hon. M. McINTOSH—In the very limited time available since yesterday I have obtained some information from the Commissioner of Highways. His report indicates that there are 250 miles of Eyre Highway maintained by district councils. Departmental records show that as at October 31 the following balances of main road grant funds were available to the councils who maintain sections of the Eyre Highway:—Kimba, £5,876; Le Hunte, £6,236; Streaky Bay, £5,562; and Murat Bay, £4,226. The amounts allocated and the

balances available for the Eyre Highway are as follows:—

District Council.	Allocated 1952-53. £	Balance Available. £
Kimba	3,000	not available
LeHunte	4,500	4,071
Streaky Bay	2,000	1,134
Murat Bay	3,300	1,358

If the present demands of the Eyre Highway are greater than on other roads in the respective council districts, when the funds have been expended money can be transferred from other main roads to enable the maintenance of Eyre Highway to be increased. The reconstruction of long lengths of this highway cannot be undertaken immediately, except by stopping urgent works in other parts of the State. The facts now before me, which I think are accurate, show that the councils concerned have considerable amounts of unexpended balances that can be utilized before they need call on the Commissioner of Highways for further funds. If and when all those funds are expended, consideration will be given to making available further money.

ELECTRICITY FOR ISLINGTON EMERGENCY HOMES.

Mr. STEPHENS—Some time ago the Premier said that there was a shortage of copper wire, which was hampering the activities of the Electricity Trust. I have received a letter expressing complaints on behalf of people living in the emergency Housing Trust homes at Islington. The writer states:—

We are informed by the Electricity Trust that it will be 12 months before the supply is connected and that the Housing Trust has put this area last on the priority list. From the Housing Trust we have the unofficial blessing of its officers who say, "Go your hardest, you may get the Electricity Trust of South Australia to move; we can't." Electricity is needed here urgently for (a) street lighting, (b) house lighting to reduce the present fire risk, and (c) in the hot weather for refrigeration.

These people have no electric light, but there are many women and children in the area who have to use kerosene lamps and candles. These are temporary homes and are subject to a greater fire risk than more substantial dwellings. At Christmas time they will have to purchase additional food supplies because for three or four days the stores and butcher shops will be closed, but they are without refrigeration so they will find it difficult to preserve their foodstuffs in a satisfactory condition. Has the Electricity Trust a sufficient supply of wire and other necessary materials to connect these houses with power?

The Hon. T. PLAYFORD—Two or three questions arise in connection with this matter. Speaking generally, electric cable supplies have improved, particularly of the grade usually used for house wiring; but owing to the provisions under which our loan moneys are available this year the bulk of the moneys is being provided from Commonwealth sources in monthly quotas, so we cannot accelerate our loan programme by spending the money immediately but must spread it out on a monthly basis. I will take up the question and do my utmost to see whether some alleviation can be given. The trust has extended its mains over a large area, and consequently a large demand is being made upon it in almost every district for extension, not only to new homes but also to farms which have been erected for many years but only now are coming within the scope of the trust's activities.

NORWOOD BOYS TECHNICAL SCHOOL.

Mr. MOIR—Has the Minister of Works a reply to the question I asked yesterday with regard to the new Norwood Boys Technical School?

The Hon. M. McINTOSH—Sketch plans for the whole scheme have already been prepared, and working drawings for future buildings will be drawn in anticipation when the additional proposed work to that being carried out has been referred to the Public Works Committee and it is known that funds are likely to be available. The next stage of construction at the school will be additional classrooms. Work to the total value of about £84,000 is in hand and during the last two years £67,000 of this has been expended on the erection of a workshop, classroom, science block and site works; therefore the children of Norwood cannot complain that they have not received a fair share of the loan moneys available for expenditure on schools.

SCHOOL OF MINES STAFF.

Mr. O'HALLORAN—Can the Premier say whether certain officers of the School of Mines are to be transferred to the Mines Department and, if so, will steps be taken to protect their rights with regard to long service and sick leave?

The Hon. T. PLAYFORD—Certain officers of the School of Mines, including all the staff of the Assay Branch, will be transferred to the Mines Department. Those persons have certain right as employees of the School of Mines, and a Bill will be prepared and placed before the House to enable them to retain their rights.

DECENTRALIZATION OF INDUSTRY.

Mr. McKENZIE—For years I have asked the Premier to put into effect a policy of decentralization of industries. In Victoria a Minister of Decentralization has been appointed and industries there have been sent out to country towns having enough population to maintain them. In my electorate Murray Bridge had a small industry and Mannum has one, but the latter is unbalanced. Will the Premier consider the appointment of a Minister of Decentralization?

The Hon. T. PLAYFORD—I cannot at this stage take the matter any further than I have taken it in previous replies, but I will analyse the honourable member's question to see whether it contains any further information which could lead to a revision of my previous decision.

HOUSING IMPROVEMENT LEGISLATION.

Mr. RICHES—Has the Premier a reply to the question I asked yesterday regarding the operations of the housing improvement legislation and the procedure necessary to have it implemented in country centres?

The Hon. T. PLAYFORD—I have received the following report from the chairman of the South Australian Housing Trust:—

Part III. of the Housing Improvement Act gives to local boards of health of areas to which the Act applies various powers to require owners of sub-standard dwellings to repair or, in a proper case, to demolish them. These provisions do not contemplate the expenditure of capital by the local boards whose duties consist in the administration of the Part with a view to requiring owners of sub-standard dwellings to bring them up to a reasonable standard. Part IV. of the Act makes provision for the clearance of slum areas. These provisions are to be administered by the housing authority provided for by the Act and by proclamation the South Australian Housing Trust has been designated the housing authority. However, the purpose of the provisions is to carry out the clearance of areas of slum houses with any consequent and necessary re-planning of the areas. This would, in an appropriate case, involve the re-siting of streets and the erection of other buildings in place of those demolished. These provisions are not appropriate or intended for a case such as a single slum cottage or a group of such cottages. In such instances the powers under Part III. of the Act or under the Health Act provide the appropriate remedy. No clearance schemes have been put forward and, in view of the housing shortage and the present financial position the present is, I suggest, not the time to contemplate large scale demolitions and slum clearance. Thus, the Housing Improvement Act does not envisage the making of funds available for the purpose mentioned by the honourable member.

The Housing Improvement Act contains two Parts, and the proper course for the honourable member is to examine whether it will be necessary for his council to apply for the legislation to be extended to that area. If that were done it would give the council power to make the necessary orders in accordance with the first part of my reply.

RADIUM HILL WATER SUPPLY.

Mr. O'HALLORAN—Following on the Premier's reply to my question yesterday regarding the provision of water supplies for Radium Hill, in which he said that brackish water was to be used for certain processes there, I understand that in that area there has been difficulty, when people have overdrawn on wells, regarding sub-artesian water, causing many good wells to become entirely useless for stock purposes. Before these underground supplies, which I understand are limited, are drawn upon to a considerable extent, could not complete investigations be made as to whether or not such action will interfere with the supplies which are now needed for stock in the locality?

The Hon. T. PLAYFORD—I will refer that matter to the Director of Mines and his officers, who have made a study of water catchment areas and let the honourable member have a reply in due course.

THEBARTON BOYS TECHNICAL SCHOOL.

Mr. FRED WALSH—Has the Minister of Works a reply to the question I asked yesterday regarding the Thebarton Boys Technical School?

The Hon. M. McINTOSH—The Architect-in-Chief reports:—

I have had an inspection made of the fences at the above school. The front and eastern side fences are in good condition. The western side fence needs some repairs and these will be put in hand at an early date. At the rear of the school grounds is a picket fence which is in a bad state of repair. It is impossible to prevent pickets being removed and I feel that to renew these would be uneconomical as the fence would soon revert to disrepair. The solution of this problem would be to have a suitable cyclone type fence erected to prevent access to the grounds which are at present used as a short cut to the Thebarton Oval.

I intend to confer with the Architect-in-Chief as I consider that funds could probably be made available to him for this purpose in view of the serious instances of trespassing which have occurred there.

PORT AUGUSTA SCHOOL.

Mr. RICHES—Will the Minister of Works ask the Minister of Education to call for a

report from the Education Department on the possibility of completing the ablation and lavatory blocks at the Port Augusta School during the Christmas break? The present facilities are inadequate, particularly those for the girls and lady teachers, which are a disgrace to the town.

The Hon. M. McINTOSH—I will call for a report and advise the honourable member as early as possible.

FLOORING BOARDS.

Mr. PEARSON—In view of the improvement of the materials position in other directions, is it possible for the Director of Building Materials to vary the percentage of pinus flooring permitted in a given area, and is there any possibility of a greater proportion of the total flooring area being approved in the near future?

The Hon. T. PLAYFORD—The production of pine flooring boards is being extended as quickly as possible. Under legislation which has been accepted by both Houses the need to get priorities for materials has ended. The legislation now provides that pinus flooring shall be used only for flooring purposes. There is an overall freedom and there is no need to consult the Building Materials Director. It is for the distributors to play the game and to see that their customers get a fair share of the materials.

WOLFRAM COMPANY PROMOTER.

Mr. MOIR—Can the Premier say when the Auditor-General is likely to have available the report in connection with the company promoter I mentioned in this House, who floated wolfram companies in Western Australia, and will the Auditor-General take evidence from interested parties, as well as audit the books?

The Hon. T. PLAYFORD—I will direct an inquiry to the Auditor-General and let the honourable member have his reply.

TRAFFIC COMMITTEE

Mr. MOIR—Can the Premier say when the committee to inquire into traffic problems in the metropolitan area will be set up? There are suggestions at present from some people to have different coloured taxis in order to prevent pirating of customers, but it may be unnecessary if the committee does not approve the idea.

The Hon. T. PLAYFORD—The Government hopes to be able to set up the new Tramways Trust and the committee in the near future. Now that the heavy Parliamentary session

is ending the Government will be able to pay more attention to the matter. I promise the honourable member that it will be attended to promptly.

CONTROL OF DOGS AT WOOMERA.

Mr. RICHES—Previously representations have been made for Woomera to be proclaimed an area within the Registration of Dogs Act. There is considerable difficulty in controlling dogs at Woomera. At present the registration fee has to be paid at Port Augusta West, 130 miles away. There is a local governing body at Woomera and the Government should recognize it to the extent of entrusting it with the administration of the Dogs Act, which is a normal function of local government. I supported the representations made previously by letter to the Minister, and he said that there would be very little financial benefit accruing to the Woomera Village Board by taking over operations under the Act. I assure the Minister that the board is not looking for a financial consideration, but wants to render a service to the people in the village. Will the Minister of Local Government examine the position again and get a report from the Woomera Village Board, as well as from the police?

The Hon. M. McINTOSH—Yes.

RETURNED SERVICEMEN'S BADGES BILL.

Returned from the Legislative Council without amendment.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

POLICE REGULATION BILL.

Second reading.

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

That this Bill be now read a second time.

The object of the Bill is to consolidate and amend the statute law relating to the management of the Police Force and other matters incidental thereto. It is not proposed in this Bill to confer upon the police any additional powers as regards their dealings with the public. The Bill is concerned with the internal administration of the Police Force and does not raise any controversial questions. The present law as to the management of the

Police Force, though consolidated as recently as 1936, contains numerous provisions based on English Acts passed about 120 years ago. In recent years a number of these provisions have proved to be inadequate or unsuited to present-day conditions, and in the interests of efficient administration a new Act is urgently desirable. I will explain the provisions of the Bill in the order in which they occur.

Part I. contains the usual preliminary clauses. Part II. deals with appointments, resignations and retirements of members of the force. No change is proposed in the law relating to the appointment and status of the Commissioner, but by clause 9 a provision is inserted dealing with the question of who is to take charge of the force in the absence of the Commissioner. This question has in recent years given rise to a good deal of debate and uncertainty. It is proposed to declare that if the Commissioner is absent from duty or is performing duties outside the State, the senior superintendent of police will automatically take charge of the force unless the Governor appoints some other person to act. As regards members of the force other than the Commissioner the provisions for the appointment of commissioned officers are not altered but the provision as to the appointment of constables and sergeants has been re-drafted so as to conform with the existing practice. The practice is that the total number of constables and sergeants of the various kinds who may be appointed is approved by the Chief Secretary. Appointment of constables to the force in the first instance are made by the Commissioner himself without any further approval, but promotions of constables to any rank in the detective police or to any rank above senior constable are subject to the approval of the Chief Secretary. Clause 11 of the Bill contains provisions in conformity with this practice.

Clause 11 also contains a new provision enabling the Commissioner of Police to appoint members of the force to any rank, grade or class in an acting capacity. When such acting appointment is made the appointee will retain the substantive rank which he held before the appointment, or any higher substantive rank which may be conferred on him, while holding the acting rank. There are certain specialist positions in the Police Force which sometimes have to be given to relatively junior men and in such cases it is desirable that there should be power to make appointments without disturbing the relative seniority of the appointees in the force as a whole. Clause 11 will enable this to be done.

Clause 12 contains authority for the appointment of Police Medical Officers and clause 13 provides that in all normal cases new appointees to the Police Force will be appointed on probation for a period fixed by the Commissioner but not exceeding 12 months. Clause 14 enables the Commissioner to give notice of an intended promotion by a notice in the *Police Gazette*. When such a notice is given there will be a right of appeal to the Police Appeal Board against the intended promotion in the same way as there would be against an actual promotion. By using this provision it will be possible for the Commissioner, if he thinks fit, to have the question of who is entitled to a particular promotion determined before the promotion is actually made and thus the inconvenience which may arise when a promotion is disallowed on appeal will be avoided.

Clause 15 makes it an offence to make false statements in connection with an application for entry into the Police Force. Clause 16 makes an alteration in the law relating to the police oath. At present this oath has to be taken by a member of the force on his first appointment and also on every promotion which he receives throughout his term of office. Without in any way discounting the value of an oath, it may be pointed out that the printing of the oath forms and the taking of the oath on every occasion when members of the force are promoted involves much work and some inconvenience for which there is little justification. It is proposed, therefore, that in future a member of the force will take the oath on his first appointment and this will be sufficient to bind him to the proper performance of his duty in every office which he may hold in the force. Persons who are now in the Police Force, some of whom have already taken more than one oath will, if the clause becomes law, be required to take one more oath when they are next promoted and that will be sufficient to cover their work in every office which they may subsequently hold in the force.

In clauses 19 and 20, which deal with offences such as a relinquishing duty in the force without notice, or failing to deliver up equipment, the substantive law is not altered, but the penalties are increased slightly. Part III. of the Bill deals with the regulation, duties and discipline of the force. The general principle that the Commissioner of Police has the control and management of the members of the force, subject to the Act, is retained without alteration. In clauses 22 and 23, however, some important alterations are made in the law as to

the making of regulations, rules and orders governing the Police Force. The present provisions on this subject are unsatisfactory. Section 10 of the Act provides that the Governor may make rules, orders, and regulations for the general government of the force in certain matters and also all such other rules, orders and regulations relative to the Police Force as may be necessary for rendering members efficient for the discharge of their duties. The same section also says that the Commissioner, with the approval of the Chief Secretary, may make such other order and regulations for the general government, management and discipline of the force as he deems necessary.

Under these provisions it is difficult to say what orders and regulations the Commissioner can make, because the Governor is given a very wide power to make regulations and the authority of the Commissioner only extends to matters not entrusted to the Governor. There has been a good deal of difficulty and doubt about the validity of some of the present regulations and orders; and more satisfactory provisions on this topic are urgently needed. It is proposed by clause 22 to enable the Governor to make general regulations for the administration of the Bill and the regulation and control of the Police Force and, in particular, regulations on all the more important aspects of the control and administration of the force. These include the general set-up of the force (that is to say, the ranks, classes, grades of the members and the division of the force into groups, branches, divisions and sections), offences by members of the force and the punishment for such offences, records leave, transfers and a number of other matters. All these general regulations will be subject to the control of Parliament under section 38 of the Acts Interpretation Act.

By clause 23 the Commissioner is empowered to make or give general or special orders as to the duties of members of the force, that is to say, prescribing and allocating their duties and directing the manner in which and the time and place at which the duties are to be performed and prescribing any other matters relating to the performance of the duties. The Commissioner's orders which, of course, will be numerous and frequent, will not be subject to the Acts Interpretation Act, but they must be consistent with the Police Act and the regulations made by the Governor. If members desire to know the type of orders which will be given under this section they can be ascertained by reference to Part II. of the book of Police Regulations and Instructions from which it will

be quite clear that they are not of a kind which needs to be dealt with by Parliament. The other provisions of Part III. of the Act do not make any substantial alterations of the present law but the provisions have been re-drafted and some obsolete and over-lapping provisions have been omitted.

Part IV. of the Bill deals with the appointment of special constables. These provisions have been very considerably simplified. The present law about the appointment of special constables is very old and dates from the time when justices of the peace in the counties of England could compel ordinary citizens to act as special constables for maintaining law and order. The present Act makes service as a special constable compulsory. It is proposed to abolish all reference to compulsory service and to place the power of appointing special constables solely in the hands of the Commissioner of Police and special magistrates. The requirement that a special constable must take the police oath before acting in his office is retained, but the present penalty for failure to take the oath is abolished. Part V. contains the provisions relating to the Police Appeal Board. It clarifies the law on this subject and makes some minor changes. The term of office of future members of the board is extended from one year to two years. The present system of annual appointments makes a good deal of work, including an annual election to select the representative of the members of the force. A new provision is inserted to enable the person who received the second highest number of votes at the election to act as a member of the board during the temporary absence of the elected member. The powers of the board on an appeal are set out more specifically than at present but the basic principle that the decision of the board is to be in the form of a recommendation to the Minister is retained.

Part VI. contains miscellaneous provisions which are of a technical nature and need no special mention. From what I have said it will be clear that the Bill does not make radical changes. Its object is to facilitate administration, to clear up a long-standing difficulty about police rules and regulations, to remove some obscurities and overlapping in the present Act and to give all concerned in the administration of the police force a clearer code to work from. If members should desire any more detailed information as to any of the clauses the Government will be pleased to supply it on request.

Mr. O'HALLORAN (Leader of the Opposition)—As indicated by the Premier this Bill comes to us from another place where it was fully debated; consequently, I have had an opportunity to make myself familiar with its major clauses, and I am satisfied that in the main it is not contentious. If any major criticisms might be offered it is not with regard to what is being done, but as to the way it is being done. The Bill, containing 54 clauses, is a rather majestic piece of legislation to be introduced at this late hour of the session. Can members be expected to become conversant with it at this stage? It contains provisions to make regulations for all manner of things which could almost create a new province of law and order with regard to the service and duties of the police force. I cannot understand why these matters could not have been dealt with by amendment of the Police Act. The consolidation of that Act in 1938 represented the bringing together of Acts covering many subjects concerning law and order in this State. That was a desirable procedure, and since then any amendments considered necessary have been made to that Act; but for some unaccountable reason the Government has introduced this measure repealing many of the sections in the Police Act and re-enacting them in almost the same form. This is not the way to enable people to become familiar with the laws under which they live or to provide for the efficient administration of the police force. The more complicated the legislation governing any particular branch of our social activities the less efficient it becomes; therefore, I criticise the fact that we have this legislation before us rather than a Bill to amend the Police Act.

I find it difficult to understand some of the Bill's major provisions, and in this respect the strenuous week we have been through is a handicap, but, in the brief time at my disposal this morning, I have tried to make myself familiar with some of the provisions in the Bill. Clause 6 provides that the Governor may appoint a fit and proper person to be Commissioner of Police, but I find no provision enabling him to remove the Commissioner should such action become necessary. One would have thought that if the Governor had the power to appoint the Commissioner he would have been given power to remove him, and I believe that is part of the residual power belonging to the Crown; but it would have been simpler from the point of view of the man on the street and the police force if such powers had been defined in the Bill.

This morning I had my attention drawn to the Bill as introduced in another place, where it provided that the salary of the Commissioner of Police should be £2,300. This year's Estimates provided a salary of £2,050 for that officer, but now this Bill provides for a salary of £2,200, which sounds like the cry of the old showman, "You pays your money and you takes your choice." What will the Commissioner be entitled to receive? The variation between the amounts shows lack of thought on the Government's part in preparing this measure. The question of salary opens up a wider aspect, for it appears to me that the Commissioner will in future receive a higher salary than the Chief Secretary, who is also the Deputy Premier and the chief administrative officer of the police and other important public departments. I realize that this is part of the price which must be paid in these inflationary times by men who serve in public offices such as the Chief Secretary, other Ministers, and members of Parliament, and members would have been wise had they listened to me on the last adjustment in Parliamentary salaries, when I said we should seriously consider whether those salaries should not be subject to some form of automatic adjustment with the rise and fall in the value of money. Members took no notice of me then and today we have the paradoxical position where the elected head of the department who is responsible to the people and has no security of tenure receives less than one of his chief administrative officers, who has security of tenure subject to good behaviour, certain other concessions such as long service leave, and a better retiring allowance than the Chief Secretary.

Clause 11 (1) provides that the Commissioner or any other person nominated by the Governor may appoint as many sergeants and constables of as many grades as he deems necessary for the preservation of peace and order throughout the State; but subclause (2) provides that the Chief Secretary may from time to time fix a maximum number of sergeants and constables of each grade and kind respectively who may be in the police force at any one time, and the number so fixed shall not be exceeded. This represents a fairly substantial contradiction in terms. Firstly, the power is given to the Commissioner to determine how many constables he shall have and then the Chief Secretary is given the power to say that he shall not appoint more than a certain number.

The Hon. S. W. Jeffries—The power of veto.

Mr. O'HALLORAN—Yes, and that is an important power. In view of the financial

position in this State and the necessity to save money, some years ago the numbers in our police force were permitted to fall to a dangerously low level. Subclause (3) provides:—

Every appointment by the Commissioner of a member of the police force to any rank, grade or class in the detective police, or to any rank above senior constable shall be subject to the approval of the Chief Secretary.

I am not quarrelling with that, but we then come to subclause (4), which reads:—

The Commissioner may appoint any member of the police force to any rank, grade or class in acting capacity. While a person holds such an acting appointment he shall for the purpose of promotion be deemed to hold the substantive rank, grade and relative seniority which he held immediately before the appointment or such other substantive rank, grade or seniority as he may acquire while holding the appointment.

That would appear to indicate that the power is vested in the Commissioner to make appointments to certain positions, but to overlook the question of seniority. That is an important principle. I am one of those who believe that in any promotions in any branch of the public service seniority should prevail, other things being equal. But this provision also permits the Commissioner to appoint men to higher grades, and still retain them at their old low-grade pay. That seems to imply a discretion which I do not think should be permitted. I also draw the House's attention to clause 10, which is as follows:—

(1) The Governor may appoint as many qualified persons to be superintendents, inspectors, and other officers of police as he deems necessary.

(2) Every such superintendent, inspector and other officer shall receive a commission for his appointment signed by the Governor.

That is a wise provision because it deals with the appointment of senior officers, and would be an executive appointment rather than an appointment by the Commissioner. Clause 14 deals with notice of promotions and appointments. It would have been better if instead of giving the Commissioner discretionary power in the matter of publishing proposed appointments five weeks prior to their being confirmed, thus enabling those who are aggrieved to appeal to the board, we had made it mandatory for him to publish his intentions to make such appointments. There does not appear to be anything mandatory in the clause.

The Hon. T. Playford—It says "if he thinks fit."

Mr. O'HALLORAN—Yes; it would have been better had it been mandatory. That

would possibly have relieved the Commissioner of much trouble and responsibility in determining what cases he thought he should or should not publish.

Mr. Fred Walsh—Subclause (2) sets out the position.

Mr. O'HALLORAN—Exactly. It reads—

If such a notice is given any person aggrieved by the intended appointment may appeal against it to the Police Appeal Board in the same way as against an actual appointment.

The Hon. T. Playford—The answer to the previous question is that there are a large number of promotions upon which there could possibly not be any grounds of appeal, and officers would be promoted outright.

Mr. O'HALLORAN—I question whether that is a very valid excuse or reason. After all, there are not a large number of men in the police force and many of them are in one or other of three grades—constables, senior constables, or sergeants. I take it that the promotions referred to would be when a man is promoted from one grade to another, or perhaps from a sergeant to the more exalted position of inspector, so there would not be many appeals. I understand there are only about 1,800 in the whole force.

The Hon. T. Playford—No, only a little more than 1,000.

Mr. O'HALLORAN—That makes my case infinitely stronger. It would have been better had the clause provided that the Commissioner must publish his intention to make these promotions, as that would absolve him from any charge, just or otherwise, that he had shown favouritism. Big as it is and supposedly important as it is the Bill has many defects, although some good points. I think the position could have been met better by a simple amendment of the Police Act. Subject to the points I have mentioned, I think it will make for the smoother working of the force. We have, and have had for many years, an excellent police force in South Australia, from the Commissioner down. It should be the duty and responsibility of Parliament to see that everything possible is done to make its task in maintaining law and order as easy as possible. I have no alternative but to support the second reading.

The Hon. T. PLAYFORD (Premier and Treasurer)—I thank the Leader of the Opposition for his co-operation in speaking to this Bill immediately after it came before the House. It was submitted to the Legislative Council as long ago as November 5, Guy

Fawkes Day, and was closely examined by that Chamber. I frankly admit the error which appeared in the Bill when it was first placed before members and to which Mr. O'Halloran referred. It was a mistake in arithmetic in setting the Commissioner's salary at £2,300. The Leader of the Opposition was quick to seize upon the fact that it was a mistake. The amount of £2,200 which appeared in the Estimates is correct. It is an increase of £150 on the previous salary and was altered according to the cost of living increase since the previous salary was fixed.

Mr. O'Halloran—Will the Commissioner be paid that salary for the full financial year or only for the balance of the year after the passing of the Act?

The Hon. T. PLAYFORD—Speaking without checking the position, I believe he will be paid from the passing of the Act. There is no retrospective clause to provide for payment before that period. The honourable member raised a point which has concerned me for some years. At one time the Public Service Commissioner took the view that he should not increase the salary of any member of the service above the salary of the Minister controlling his department. There was the time when a Minister's salary in effect tended to hold down increases of salary in the Public Service. The position was that there would be an officer in one branch of the Chief Secretary's Department whose salary was higher than that of the Minister himself, and this officer would also be assured of pension rights, superannuation, long service leave, and other privileges. The salaries of Ministers and members of Parliament were fixed by the President of the Industrial Court and do not provide for adjustments according to the cost of living alterations. I do not believe that that should be a reason for keeping down the salary of any Government officer. The Leader of the Opposition wondered whether the position in clause 16 should not be altered to provide for the removal of an unsuitable Commissioner. When a person is appointed to a position under legislative authority there never is a reference to his removal, because section 36 of the Acts Interpretation Act provides:—

Words giving power to appoint to any office or place, or to appoint a deputy, shall be deemed to include power—

- (a) To suspend or remove any person appointed under such power.
- (b) To re-instate or re-appoint any person so suspended or removed.

(c) To appoint temporarily or permanently some other person in the stead of a person so suspended or removed. in the discretion of the person in whom the power to appoint is vested; and

(d) To appoint temporarily or permanently another person in the place of any person so appointed who is sick or absent, or is otherwise incapacitated, or when from any cause the office or place has become vacant.

There is a power to remove, suspend, remove a suspension, or appoint an acting officer whilst a suspension applies.

Mr. Teusner—That is only if another Act does not provide otherwise, as in the case of judges.

The Hon. T. PLAYFORD—Judges can be removed only by resolution of both Houses. It is highly undesirable that a judge should be under the threat of suspension by a Government which does not agree with his decisions. I think the Leader of the Opposition is wrong in his interpretation of clause 11. He pointed out the possibility of conflict between sub-clause (1) and (2). The governing words in sub-clause (1) are "Subject to this Act", and sub-clause (2) says:—

The Chief Secretary may from time to time fix the maximum number of sergeants and constables of each grade or kind respectively who may be in the police force at any one time, and the numbers so fixed shall not be exceeded. Appointments made by the Commissioner are limited by the power of the Chief Secretary. In connection with sub-clause (4), I think the Leader of the Opposition has confused the matter of rank with pay, with which the sub-clause does not deal.

Mr. O'Halloran—If a man is appointed to the position of acting inspector he draws the pay of an inspector?

The Hon. T. PLAYFORD—Yes.

Mr. O'Halloran—I think you will find he will get only the pay of the substantive rank, and that is the reason for the complaint.

The Hon. T. PLAYFORD—I am assured by the Parliamentary Draftsman that my interpretation is correct.

Mr. O'Halloran—When the matter was raised in another place Mr. Condon did not get a very firm assurance, and he asked me to raise it here.

The Hon. T. PLAYFORD—I believe that, in the Public Service, when a person is appointed to an acting position he gets the higher salary, and that is my intention in the matter. Referring to clause 14, the Leader of the Opposition desires that the Commissioner should on

all occasions issue notices of appointment. I have been informed by the Parliamentary Draftsman that the matter has been placed in its present form because from time to time there are appointments concerning which no appeal can succeed. I will ask the Chief Secretary whether it would not be convenient for the common rule to apply. I do not think there would be any difficulty. This is a useful Bill and will materially assist the administration of the police force. In South Australia we have a force second to none in the Commonwealth. The safety of our community depends upon its excellence and the way it guards us against subversive activities. The members of the force give devoted service and we have every right to be proud of our Commissioner and his senior and junior officers. Seldom does a major crime in South Australia go undetected. We have an excellent record in this direction. I have not heard a complaint that our police do not administer the law with fear or favour. That is accepted by the community, and it gives us much cause for satisfaction. Whenever a country police officer is advised of his transfer to another town the local people always ask for his services to be retained. I presume that also applies in the metropolitan area. Usually it is only when it is pointed out that the retention of the officer would mean a loss of promotion for him that the agitation ceases.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Salary of Commissioner."

The Hon. T. PLAYFORD moved to add the following subclauses:—

(3) The salary and allowance of the Commissioner shall be paid out of the general revenue of the State under authority of this Act and without other appropriation.

(4) The rate of salary fixed by this section shall include the increase provided for in the Public Officers Salaries Act, 1952.

New subclauses inserted; clause as amended passed.

Clauses 9 to 13 passed.

Clause 14—"Notice of promotions and appointments."

Mr. FRED WALSH—During the debate on the second reading the Premier said that he would have this matter investigated, but that does not convey that the suggestion of the Leader of the Opposition will be adopted. If the Commissioner's intention to appoint a member of the force to any rank or grade is not published in the *Police Gazette* there is

little likelihood of any other member becoming aware of it. Subclause (1) should be amended by substituting "shall" for "may."

The Hon. T. PLAYFORD—At present all appointments are made without giving any notice at all. It is proposed to give notice in the future, but whether it is given or not it will not affect an officer's right of appeal. Clause passed.

Clause 15 to 18 passed.

Clause 19—"Resigning without leave."

Mr. FLETCHER—Why is this clause necessary? Have officers resigned in the past without giving the Commissioner notice?

The Hon. T. PLAYFORD—Like most of the other clauses, this merely re-enacts the present provision. We have a remarkably good police force, but it is necessary to have rules governing such a large organization. Police officers hold positions of trust and they should be required to give adequate notice of their intention to resign.

Mr. FRED WALSH—Any officer who fails to obey this provision will become liable to a penalty of £50 or imprisonment for three months, but in addition he may lose whatever arrears of pay are due to him. I agree that he should be penalized, but I think the loss of pay in addition to the penalty is too harsh. Some officers may have two or three days' pay due to them, whereas others may have two or three weeks' due.

The Hon. T. PLAYFORD—There is much merit in the honourable member's remarks and I should have no objection if he moved to strike out subclause (3).

Mr. FRED WALSH moved to delete subclause (3).

Subclause (3) deleted; clause as amended passed.

Clauses 20 to 29 passed.

Clause 30—"Appointment of special constables."

Mr. WHITTLE—Does this clause in any way affect the power of councils to appoint such officers as town hall porters and district rangers as special constables?

The Hon. T. PLAYFORD—No.

Clause passed.

Clauses 31 to 37 passed.

Clause 38—"Constitution of board."

The Hon. T. PLAYFORD—I move—

After "Governor" to insert "to be the chairman."

This will give the Governor power to appoint a special magistrate as chairman of the Police Appeal Board.

Amendment carried; clause as amended passed.

Remaining clauses (39 to 54) and title passed. Bill read a third time and passed.

Later the Council intimated that it had agreed to the Assembly's amendments.

ENFIELD GENERAL CEMETERY TRUST BILL.

Returned from the Legislative Council without amendment.

MAINTENANCE ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

It deals with a number of matters arising under the Maintenance Act, in particular with the amount of maintenance which may be ordered against a near relative for the support of a child and the amount which may be ordered against the father of an illegitimate child for confinement expenses. As the matters are disconnected, it will be convenient to deal with them in the order in which they appear in the Bill. Clause 3 repeals and re-enacts section 25 of the principal Act. Section 25 is an evidentiary provision, enacted many years ago, placing the onus on the defendant to prove (*inter alia*) that he is not a near relative in proceedings against a near relative for recovery of relief given by the Children's Welfare and Public Relief Board to a necessitous person. In many cases the construction of the sections requires a wife to be called to give evidence against her husband while husband and wife are living together, and this is regarded as tending to aggravate already strained relationships. Clause 3 deals with the problem by making certain matters *prima facie* evidence, the usual method employed now in enactments designed to dispense with the need for calling evidence to establish a case against a defendant.

Clause 4 amends section 48 of the principal Act. Section 48 deals with the making of orders against near relatives for the maintenance of children. The section fixes a maximum of 25s. per week which can be ordered against any one person for future maintenance of a child. This maximum was fixed in 1950, prior to which the maximum was one pound. Since 1950 the fall in the value of money has rendered 25s. inadequate, and in addition there is an anomaly in that the court, in making an order for the maintenance of children in proceedings under other provisions of the Act, is not restricted by any such

maximum. The Government considers that rather than raising the maximum, the better course will be to remove it altogether, and give the court a full discretion as to the amount of maintenance. Clause 4 amends section 48 accordingly.

Clause 5 amends section 54 of the principal Act. Section 54 at present limits the amount which may be ordered against the father of an illegitimate child for confinement expenses to £15. This figure has not been altered since 1950, when it was raised from £10 to £15. Since 1950 the fall in the value of money has made £15 insufficient. Clause 5 raises the amount to £25, a figure recommended to the Government by the Children's Welfare and Public Relief Board. Clause 6 enacts new section 182a. At present it frequently happens that a child of tender years is charged with being destitute or neglected, and is remanded to an institution on account of the illness of a parent or for some other reason. If a further remand is necessary, the law requires that the child must be present before the court during the hearing of the application. No purpose is served by bringing the child to court for a further remand and some inconvenience is caused. The new section dispenses with the need for the presence of the child. The amendments effected by the Bill are desirable and are mostly occasioned by the altered value of money, one being of an administrative nature.

Mr. O'HALLORAN (Leader of the Opposition)—This Bill has come to us from another place. Earlier in the day I had an opportunity to peruse the report of the debate there and to consider the various clauses. The Premier said that one of the most important amendments deals with the matter of evidence. Section 25 of the original Act provided that the onus of proof was on the defendant in maintenance cases, and new section 25 still maintains that the onus is on him, but it alters the position so that the allegation in the complaint is *prima facie* evidence that the defendant is a near relative and can maintain the person on whose behalf the maintenance claim is made. It simplifies the evidentiary procedure. Members are familiar with my rooted objection to the principle of this type of evidentiary provision, because it is contrary to the long accepted principle of British justice, but I admit, as the result of experience, that there are some cases where we have to forego our stand on this principle. The next important matter is that of maintenance payments. Since

1950 25s. has been the maximum amount. In the new legislation a discretion is given to the court to fix the amount and in these days of changing values that is a wise provision. The court will be cognizant of all the facts and will act accordingly. The increase in the confinement expenses against the father of an illegitimate child is to be raised from the £15 fixed in 1950 to £25, and that is worthy of sympathetic consideration. There is also a provision that avoids the hardship of a child being brought to a court when it is not necessary following the remand of a case. Generally speaking, this is a good Bill and I support the second reading.

Mr. PATTINSON (Glenslg)—During this session members have dealt with Bills which have in the main been associated directly or indirectly with rising costs of living. Only this week we engaged in a lengthy debate on the rising costs of dying. Now we have a small Bill dealing with the absorbing topic of rising costs of living. The Bill deals especially with the matter of confinement expenses and the maintenance of illegitimate children. To most members these are matters of only abstract interest. Although it is a small Bill it is important and it gives a striking illustration of the rise in the costs of living. In 1950 the maintenance rate was increased from £1 to 25s. and now within the space of two years it has been decided to allow the court to fix the amount. I agree with this. I have always felt that the fixed limit was wrong, and too low. Clause 5 is a further indication of rapid rising hospital expenses. Up to 1950 the amount of confinement expense allowed under section 54 was £10. In 1950 it was raised to £15. Two years later it has been considered necessary to raise it to £25, and that is not excessive. I have been approached by the Women's Justices Association, which has the support of the National Council of Women and other women's organizations, about the constitution of the court which hears the numerous applications under the Maintenance Act. Section 66 of the principal Act deals with the various claims which may be made. It states:—

Any married woman—

- (a) whose husband during the preceding six months has been guilty of—
- (i.) cruelty to her or any of her children, or
 - (ii.) persistent indecent behaviour before her children, or
 - (iii.) adultery, or
 - (iv.) desertion, or
 - (v.) wilful neglect to provide reasonable maintenance for her or any of her children, or

(b) whose husband is a person who is by reason of habitual intemperate drinking of intoxicating liquor at times dangerous to himself or others or incapable of managing himself or his affairs

If any of these offences have been committed the wife is entitled to make application for an order of the court for maintenance. Section 67 of the principal Act reads:—

All courts of summary jurisdiction which include a special magistrate and two justices of the peace shall have jurisdiction under this Division, but no order shall be made under this Division unless a special magistrate and two justices join in the hearing of the application and the making of the order.

In 1941 that section was repealed and it is now provided that a court shall be constituted of a special magistrate and two justices following an application in writing by the complainant. The average woman subjected to these sufferings and indignities does not know that she has the right to apply to have a court constituted of a magistrate and two justices. The women's organizations consider there are numerous cases where it is highly desirable that one of the justices should be a woman. Usually the woman has to apply long before the matter reaches a magistrate. The complaint of the women's organizations is that nobody in authority ever tells the women that they have the right to ask for the court to be so constituted. If the Bill had been brought down in this place instead of being introduced in another place, and we had ample time to deal with the matter, I would have moved what I consider to be suitable amendments. As this is the last day of the session any amendments accepted here would have had to be dealt with in another place, so I will not move any. Would the Attorney-General consider requesting the Children's Welfare and Public Relief Department and the Police Commissioner to consider some system whereby women lodging complaints about husbands, and invoking the assistance of the court where the husband has committed one or more of the offences, can be told that they have the right to have the court constituted by a magistrate and two justices? Not one woman in a hundred making a complaint knows that she has power to demand that the court be constituted by a magistrate and two justices. Many extremely competent women justices would be prepared to hear appropriate cases. In putting my suggestion to the Government I am not in any way reflecting upon the ability and experience of the various magistrates who hear these complaints, but there are many cases in which

it would be desirable to have a woman on the bench because much of the evidence can only be really understood and appreciated by a woman, whereas a man, however well versed in the law, may not regard it as very important.

Mr. STEPHENS—Is a majority verdict sufficient?

Mr. PATTINSON—Yes, provided it is a majority verdict of the magistrate and one of the justices. Until 1941 the three had to concur, and I understand that difficulty was often experienced in obtaining a decision, but that has been overcome. However, Parliament also stipulated that in the absence of any demand in writing at the time of lodging the complaint the court shall be constituted by a magistrate. The only instance in which a woman justice sits on the bench with a magistrate is in adoption cases, but it is far more important for women to sit on the bench in certain other cases.

Mr. STEPHENS—Supposing justices sat on the bench without a magistrate?

Mr. PATTINSON—There might be difficulties then. That may be one of the reasons that prompted the Government to introduce the 1941 amendment, but in trying to overcome the difficulty it went too far. Women's organizations are concerned at the surreptitious manner in which the provision of the Act is administered. As far as I can gather from these organizations no-one is ever told by the department that she has the right to have the case heard by a magistrate and two justices.

Mr. MOIR (Norwood)—Parliament has failed dismally in its efforts to do justice to persons who bear illegitimate children. I have repeatedly said in the House that an illegitimate child should have the right to take the father's name whereas in fact, even though the father may be known, the child still has to carry the mother's name. When the child is married the marriage certificate is endorsed "Father unknown." That is a grave injustice to an illegitimate child, considering that we make the father pay for the child's maintenance. When I brought this matter up previously the House was told, "Perhaps the father is a married man," but what difference does that make? The poor woman is not married and why should she have to carry a burden through life? The child should be able to take the father's name and have it endorsed on the marriage licence, with no disgrace attached to it. It is up to the Government to face up to its obligations and include an appropriate provision in the Bill. I suppose it is too late

to do anything now, in the dying hours of the session, but if I am fortunate enough to be returned next year I will endeavour to have such an amendment carried.

Bill read a second time and taken through its remaining stages.

SOUTH AUSTRALIAN HOUSING TRUST ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

STEAM BOILERS AND ENGINEDRIVERS ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

CORONERS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 13. Page 1343.)

Mr. TEUSNER (Angas)—When I obtained leave last Thursday to continue my remarks I was referring to the great antiquity of the office of coroner and pointing out that his functions originally were fiscal but by the middle ages had become mainly inquisitorial. It was his duty to inquire into violent and unnatural deaths. Many observances and laws that were survivals of more barbarous times relating to coronial enquiries continued until fairly recent times. For instance, in the case of a verdict of *felo-de-se*, or suicide, the personal estate was forfeited to the Crown. At one time it was incumbent on the coroner to order that the body be interred in the highway with a stake driven through it. This practice was discontinued in England by Act No. 4 of King George IV. Following on the passing of that legislation the remains were allowed to be interred in a church yard, but no Christian rites of burial were permitted, and the burial had to take place between 9 p.m. and midnight. Because of the great hardships caused by the verdict of *felo-de-se* many juries returned a verdict of temporary insanity which was frequently not warranted by the evidence but which obviated the great hardships suffered in many cases by the families of persons who had committed suicide.

The law relating to the powers of coroners in this State dates back to 1850 when an Act was passed dealing with the general duties of coroners. In 1861 an amendment was passed which gave power to coroners to hold inquests in the case of bush fires, which apparently were prevalent a century ago. A further important amendment was passed in 1871 abolishing the verdict of *felo-de-se* or suicide. It provided

that there should be no forfeiture to the Crown of personal estate of the *felo-de-se* and it also repealed the old barbarous law that persons who committed suicide should be denied the right of Christian burial, as the bodies of such persons had been buried at a cross-road with a stake through them. An Act of 1884 fixed the remuneration to be paid to medical witnesses, and further amendments of 1889 and 1907 repealed the earlier legislation, defined afresh the powers and duties of coroners and fixed the procedure by which those duties were to be performed. The existing legislation, passed in 1935, repealed the legislation I have previously mentioned.

To understand the amendments contained in the Bill it might be desirable to refer to the procedure under the existing legislation. Section 28 provides that it is the duty of a person discovering a corpse or having knowledge of the occurrence of a sudden, violent or unnatural death to notify the police thereof. Then, pursuant to section 10, the coroner has jurisdiction to inquire whether death occurred and the manner and cause thereof, provided the death has occurred within the State. The Bill extends that jurisdiction to allow him to hold an inquiry where the death occurs outside the State. Section 10 of the Act also gives the coroner jurisdiction to inquire into the cause and origin of any fire under certain circumstances mentioned in this section. If a coroner deems an inquest unnecessary he is required under section 11 to notify the Attorney-General accordingly. Where he deems an inquest necessary the coroner examines on oath persons who can give relevant evidence, and he is obliged under section 19 to give his finding and certify in writing, firstly, who the deceased was; secondly, how, when and where the deceased died; and thirdly, if the deceased came by his death by murder or manslaughter or negligent driving of a motor vehicle, the name of the person or persons guilty of that offence.

In the case of an inquest into a fire the coroner is obliged by section 20 to state the cause and origin of the fire and also the name of the person guilty of any offence relating to it which is punishable in the Supreme Court. If the coroner's inquisition charges any person with the commission of any offence, the coroner has the power and duty to commit that person for trial under section 22. Section 18 provides that the coroner is not bound to observe the rules of procedure and evidence applicable to proceedings before a court of law.

Mr. STEPHENS—How are coroners in country districts appointed?

Mr. TEUSNER—Under the Act every justice of the peace in South Australia is a coroner, but the Act also provides for the appointment of a City Coroner. The Bill contains a number of amendments, one or two of which are important in relation to the Act of 1935. At present the jurisdiction of a coroner is limited to an inquiry into the violent or unnatural death of a person within the State, and clause 3 extends that jurisdiction to enable the coroner to conduct an inquiry into the death of a person within the State, the death of a person ordinarily resident within the State who has died outside it, and the death of a person whose corpse is within the State but who died outside the State.

Clause 7 is important for it removes from the coroner what is known as his criminal jurisdiction. In the case of a preliminary inquiry before a magistrate certain rules of evidence must be observed which are not necessarily observed in the case of a coronial inquiry. For instance, in an inquiry by a magistrate it is his duty to ascertain whether there is sufficient evidence to commit the defendant for trial, and in arriving at his decision, the magistrate is obliged to observe the strict rules of law and evidence. Strict proof is required, and if a *prima facie* case has been made out the magistrate may, at such a preliminary hearing, commit the defendant for trial, whereas under section 18 of the Coroners' Act in the case of a coronial inquiry the rules of evidence and procedure are not required to be observed. Under subsection (2) of section 18 a coroner is not bound to observe the rules of procedure and evidence applicable in a court of law, and no witness shall be compelled to give an answer which may incriminate him or tend to incriminate him of any felony, misdemeanour, or offence. Under the existing legislation the coroner is also obliged, if he is able from the evidence before him, to decide who is guilty if the offence is murder, manslaughter, or causing death by the negligent driving of a motor vehicle. Section 22 gives him power to commit such a person for trial. There is a considerable difference between proceedings as they are conducted in a court of law and a coronial inquiry. A person is brought before a magistrate knowing beforehand the offence with which he is charged, and, if committed for trial, he is able to defend himself in due course in the Supreme Court, knowing in advance the charge made against him. This is

not so in the case of a coronial inquiry. Furthermore, at such an inquiry, as stated before, rules of evidence are not observed, and it is possible for a coroner to come to a certain conclusion as to guilt which may be based upon evidence which would not be admissible in a court of law and which may be hearsay or other inadmissible evidence. The person who appears before a coroner has no notice of any charge which may be laid against him. He can appear as a witness and give evidence at a coronial inquiry and when the proceedings are completed may find himself declared the guilty party and committed for trial.

In England in 1936 a very important committee set up under the chairmanship of Lord Wright, and on which were included very eminent legal men, including the Director of Public Prosecutions, brought in a report and made certain recommendations relating to coronial inquiries. The most outstanding recommendation was embodied in these words: "The power of coroners to commit for trial is not in accord with modern administration of the coronial law." Bearing in mind that this committee consisted of men well versed in the law of the land and that it made an extensive inquiry into the functions and duties of coroners, I think one can accept its recommendations, although I must add that nothing has been done in England following upon this investigation. The City Coroner, Mr. Cleland, whose experience extends over many years, has made similar recommendations. I feel that we can accept these recommendations. If given effect to they would, in my opinion, greatly improve the law relating to coroners and obviate some of the hardships and difficulties at present experienced. I have much pleasure in supporting the second reading.

Mr. PATTINSON (Glenelg)—I listened with attention to Mr. Teusner and I heartily congratulate him on the excellence of his speech, both from the point of view of the historical survey of the office of coroner and the critical analysis he made of the Bill. I am sure that if no-one else gained considerably from it, I did. No serious opposition to this measure has been expressed, but it has been wrongly described as being of special interest to the legal profession. In my opinion it is of far-reaching importance to the public.

A coroner has jurisdiction to inquire into the manner and cause of the death of any person if he has reasonable cause to suspect that such person has within this State died a violent or unnatural death, or has died a sudden death

of which the cause is unknown. He also has jurisdiction to inquire into the cause of any fire whereby the life of any man or beast has been lost or endangered or whereby land, chattels or other valuable effects have been destroyed, damaged or endangered. He also has the duty to decide in the case of a death, (1) how, when and where the deceased came by his death, and (2) if he came by his death by murder or manslaughter or negligent driving of a motor vehicle, the persons, if any, found to have been guilty of that offence. In the case of a fire he has to decide (1) the cause and origin of the fire, and (2) the persons (if any) found to have been guilty of having committed any serious offence in connection with the fire. He can charge any person with the commission of any of these offences and can commit such person for trial.

The principal purpose of this Bill is to take away the criminal jurisdiction of the coroner and his right to commit a person for trial and to limit his coronial inquiry to how, when and where the deceased came to his death or a fire occurred. The Bill is based on some of the recommendations of a highly qualified committee appointed by the British Government in 1935 but which recommendations have not yet been the subject of any legislative enactment either in England or elsewhere. It is also based on some of the recent recommendations of the City Coroner (Mr. Cleland) and the Crown law advisers. These provisions are somewhat revolutionary; they break new ground; but there is much to commend them. It is open to question whether the practice and procedure of a coroner's court is appropriate for a criminal investigation and whether a Police Court is not the proper tribunal for the preliminary hearing or investigation. A magistrate is bound by the strict rules of evidence and procedure and the accused knows the full case which is made against him and has ample opportunity of putting forward his defence. At common law, it was illegal to publish the evidence given before a coroner's court in cases in which any person might be committed for trial on a charge of murder or manslaughter, and the Court of King's Bench would formerly grant an information against the publisher of a newspaper containing a statement of such evidence, although the statement was correct and the publisher not actuated by malice, on the ground that such evidence was *ex parte* and that the publication of it might tend to prejudice the trial of any person committed by the coroner on the charge inquired into at

the inquest. As long ago as 1818 the law was stated in a leading case that "It is highly criminal to publish before such trial an account of what has passed at the inquest before the coroner."

Changes in the law of evidence made in modern times appear to have overlooked the fact that the rules as to what is evidence before a coroner differ from what is evidence before courts of law. This difference has grown in importance by reason of the publicity given to reports of coronial proceedings. To the lay coronial mind anything is evidence, whether hearsay or even opinions other than expert opinions. In England the office is confined to barristers and solicitors and medical practitioners of proved experience and standing. The barristers and solicitors holding such office outnumber the medical practitioners by 10 to one. The curious position in South Australia is that any justice of the peace can act as a coroner. Any one of them can be called upon by the local policeman to act as coroner in an important coronial inquiry. It is one of the minor mysteries of life to me how on earth some of these persons are appointed justices of the peace whilst the nominations of other talented, competent and highly recommended persons are rejected. I have never yet been able to understand that since I came into the House about the year 1930, and I am now no nearer a solution of the mysterious process which goes on in the appointment of some persons as justices and the rejection of others. I have the greatest respect for the office of justice of the peace, but not such a high degree of respect for some of the occupants of that office. Some of them are not even competent enough to witness a document correctly.

Sitting suspended from 6 to 7.30 p.m.

Mr. PATTINSON—The City Coroner is a distinguished member of a distinguished legal family. He also has a wide knowledge of medical jurisprudence. He adorns his office and renders an extremely important service to the public. In addition to carefully sifting the evidence in a particular inquiry he makes recommendations of a general character and important nature to prevent the repetition of fatalities and misadventures. But I regret to state that I cannot speak in anything like the same terms of praise for some of the country coroners before whom I have appeared intermittently over a long period of years. Under the existing Act the Governor may appoint a City Coroner and his deputy and also a coroner for any town or district distant more than 10

miles from Adelaide. I think that greater supervision should be exercised by the Government in the appointment of coroners outside the metropolitan area. Where possible country magistrates should hold coronial inquiries. Where it is impossible for them to do so the Government should appoint only those justices of the peace of proved competence and experience to do so. Here and elsewhere the irresponsibility of some coroners (other than the City Coroner) has been the subject matter of wide comment. Many are ill equipped for their tasks.

One coroner is appointed for the city to act within a radius of 10 miles. Any justice of the peace can be a coroner and if a death or a major fire occurs in a country area the local police can call willy-nilly on one of the numerous justices to act as a coroner. In my view it is an unfortunate and in some cases a dangerous procedure, because many of them are ill equipped for their tasks. They often deal with subject matters not properly before them. They can make aspersions on the conduct and character of persons who have no opportunity of adequately defending themselves. They can allow the taking and publishing of evidence of a private and intimate character which can serve no useful purpose, but which cause unnecessary distress and suffering. I support those provisions of the Bill which remove criminal jurisdiction from the coroner's court. However, I do not agree with suggestions made by some of my honourable and learned friends in another place that interested persons should be denied the opportunity of eliciting from witnesses at an inquest facts which have a bearing on civil liability, but which may not be strictly relevant to the issues before the coroner.

In my opinion criticisms of this practice have been greatly exaggerated. One of the useful purposes of an inquest into the death of a person is that it enables interested parties to settle costly legal proceedings which, but for the inquest, would have gone to trial. I have good reason to believe that the City Coroner shares that opinion. I am not without experience of serious and major traffic cases involving death and grievous bodily injury. Insurance companies, primarily in their own interest, but also in the interests of the general body of motorists who pay annual and increasingly high insurance premiums, feel obliged to resist proceedings until a proper case has been made out. The result is a long delay for claimants before a Supreme Court

trial and then a lengthy and costly trial. An inquest ensures the collection and preservation of all obtainable evidence and enables a fairly proper assessment of respective liability to be made without recourse to litigation. I know of scores of prospective cases which have been settled without litigation as a result of facts elicited at a coronial inquiry. The wider experience of senior counsel confirm me in my opinion.

It has been suggested to me by a high authority that the jurisdiction of the coroner might even be extended to inquiries concerning serious bodily injuries sustained by any person if there is reason to suspect that such cause was the negligent or wrongful act of any other person. In my opinion there is considerable merit in this suggestion. As the coroner has jurisdiction to inquire into the origin of a fire where the life of a man or beast has been only endangered or where chattels have only been endangered it can well be argued that he should have jurisdiction to inquire into, say, a serious collision between vehicles where numerous people were badly injured, but where none were killed or had died up to the time of the inquest. I do not propose to move any amendment in this direction, but merely put forward the suggestion for serious consideration in the future.

I do not attach any importance to arguments that any extension of, say, the coroner's powers would involve him in additional work, if any useful public service is rendered thereby. I consider that various comments and suggestions made by Mr. Cleland from time to time arising out of coronial inquiries have been of immense benefit to the general public. They certainly have been of benefit to me as chairman of the State Traffic Committee. If I am here next year I shall endeavour to have incorporated into the statute law suggestions made by him for reliable and scientific tests of the impairment of mental and physical faculties by excessive indulgence in alcoholic liquor, to quote just one example.

From time to time Mr. Cleland has made an important suggestion in the interests of both parties so that the accused person cannot be improperly convicted of driving a motor vehicle under the influence of liquor. A scientific test would resolve any doubt. Various types of tests have been approved by the American Bar Association, the American Medical Association, the Federal Investigation Bureau, the National Safety Council and the association of police chiefs, and other bodies. It is the law in the

majority of the American States, and in Sweden and many other European countries it has been accepted.

Mr. Fred Walsh—It is time we got away from our method.

Mr. PATTINSON—I agree. The test under our Roads Traffic Act is uncertain and unreliable, and in some cases it places a serious hardship on the accused person, and places a stigma on him, which cannot be remedied whatever may be the verdict. The time is long overdue when we should copy some of the older and more enlightened countries on this matter. The City Coroner was the first person to publicly raise the matter in South Australia. He did it following an inquest into a fatality where there was a suggestion that one of the interested parties was driving under the influence. Sir Stanton Hicks, a well informed man, who has made a close study of the subject here and in other parts of the world, has given most informative evidence on the subject. Next Tuesday in the Adelaide Town Hall he is giving a public lecture under the auspices of the National Safety Council. Without knowing what he will say, I feel confident that he will confirm the positive opinion of the City Coroner, and the opinion which I have expressed publicly on numerous occasions, and which I expressed at great length recently in an article in the *Mail*. The view that the widening of the jurisdiction of the City Coroner will involve him in more work is no reasonable excuse because the Government should be prepared to pay for the services of a competent man and for the upkeep of the department. It is one of the functions of the Government to see that the office is carried on in a proper way.

Clause 3 (b) provides that where the coroner has reasonable cause to suspect that any person ordinarily resident within the State has died outside the State a violent or unnatural death or a sudden death of which the cause is unknown, he shall have power to inquire whether the death has occurred and the manner and cause of the death wherever the body may be or even if no body is found, or even apparently if other coroners in other places are contemporaneously holding inquiries into the same suspected death. I suppose this extension of power is either necessary or desirable, but I hope it will not be availed of too extensively. In South Australia it is not necessary for the coroner to view the body of a dead person before he holds an inquest. He does not have to satisfy himself by visual evidence that

a person is dead, whereas in other parts of the world and other States of Australia he has to view the body before holding an inquest.

Mr. Pearson—Would he be competent to judge whether a person is dead?

Mr. PATTINSON—I think he would, and I remember that one magistrate who was acting as a coroner had to go to the morgue and view two corpses. They were entirely unclad and he thought it was most indecent, but he had no difficulty in deciding that those two people were dead. Under this Bill the coroner does not have to see any body or know whether the person is dead, and if a South Australian resident is suspected of having died in, say, Queensland, our coroner may be holding an inquest while some other coroner could be contemporaneously holding an inquest into the suspected death of a person whose body had not been located.

In New South Wales it was held in recent times that by the common law rules imported into that colony at its inception the viewing of the body by the coroner was essential even where death and identity were clearly established. But as to what was a body, that is, how much of the body must be viewed and whether it was sufficient that there was a part of the body and, if so, how much, appears not to have been the subject of any reported decision until *ex parte Brady; re Oram*, known as the shark arm case. In that case the legality of an inquest was challenged upon an application for prohibition. The coroner had commenced an inquest concerning the death of one James Smith. No body identified as that of James Smith had been found but an arm had been produced to the coroner and the arm was identified by tattoo marks as that of James Smith. There was evidence that the arm had been cut from a dead body, and the coroner swore that he was satisfied that the James Smith whose arm it was was dead.

Upon this evidence, Halse Rogers, J., held that there was no proper basis for the inquest. "The whole matter," his Honour said, "reduces itself . . . to the question, 'Is an arm a body or corpus?' or 'How much of a body may be called a body.'" Now I am clearly of opinion that in ordinary parlance no-one would dream of speaking of an arm as a body, and I am equally clear that the respondent can give no assistance by referring to the original Latin term. I am of opinion that the limb which has been viewed in this case cannot be called a body. Were I to hold otherwise, it would follow that each leg was

a body, and likewise a severed head, and consequently if the various parts were found lying within the jurisdiction of different coroners, there might be so many separate inquests. I am not concerned to decide whether a trunk without head or limbs might be called a body or corpus, but I am constrained to the opinion that any separate member cannot be so termed." Therefore, while I do not object to this view and the far-reaching clause enabling numerous coroners scattered throughout Australia to hold inquests contemporaneously without seeing a body or an arm or a leg and not knowing whether the person is dead or alive, I wonder what could happen if there was a kind of spontaneous combustion on the part of various coroners throughout Australia at the one time. Therefore, I hope there will be some reasonable check on exploratory inquests into the probability of the deaths of South Australian residents who, for a variety of reasons, may want to disappear from this State.

I do not profess to understand some of the provisions of clause 7 of the Bill and, like the Leader of the Opposition, I could not obtain much enlightenment from the Treasurer's explanation of it, nor from reading the reports of the debates of another place. Clause 7, as I understand it, provides in effect if after the commencement of an inquest into a death or fire the coroner is informed that any person has been charged with an offence in which the question whether the accused caused the death or fire is in issue he shall adjourn the inquest. After the conclusion of the court proceedings the coroner can resume the inquest and give a decision or finding, but he cannot give any finding inconsistent with the determination of the court. The court can consist of examining justices, so we may have the curious position of our very able, learned and experienced City Coroner opening an inquiry into the death of a person, but if proceedings are brought before two examining justices of the peace the Coroner must desist from continuing his inquiry. That provision may make sense to most people, but it does not make sense to me. After the examining justices have made their determinations the coroner can resume his inquiry, but he cannot make any finding inconsistent with their determination. What reason could prompt a coroner to resume his inquiry after being obliged to adjourn it, and what good purpose could he serve by resuming it if he were bound in advance not to make any determination inconsistent with that of the court? This is exploratory legislation which has not been

enacted, as far as I know, in any part of the British Commonwealth. I agree with it in the main, but I hope it is not too experimental. I hope that in an endeavour to do some good we are not going to place too much restraint on an able and experienced man who may be bound by the decision of persons far inferior to him in status and ability.

Mr. Pearson—What is the meaning of paragraph (a) of subsection (1) of new section 20a?

Mr. PATTINSON—I have not the faintest idea, nor do I understand what the next paragraph means, but subsection (3) is the one that has been giving me most concern. I doubt the wisdom of drafting it in such wide terms.

New section 20a (3) states:—

An inquisition shall not contain any finding inconsistent with the determination of any matter by the result of criminal proceedings. "Criminal proceedings" has been defined as including preliminary proceedings before a magistrate.

Mr. Quirke—Are you clear as to the meaning of that subsection?

Mr. PATTINSON—No, nor do I think that anyone else in the State is clear on it for no precedent is to be found for it. The legislation could be given a trial and reviewed again next session. Had members more time to deal with the legislation I would move the insertion of the following new section after proposed new section 25b:—

Where an inquest has been held and it appears to the coroner that further information or evidence relevant to the subject matter of that inquest is or may be available, he may re-open that inquest or hold another one.

I approve of the clauses which empower the coroner to avoid the necessity of taking depositions in some cases. Although clauses 8 and 9 were amended in another place I do not consider the perfect solution has been found, and I am sure it would have been preferable had Parliament extended the regulation-making power of the Governor so that a proper code of rules of procedure in coronial courts could have been laid down. These could be altered from time to time if parts of them were found unsatisfactory, but I do not think it is wise or proper to include procedural provisions in an Act of Parliament, which is not amended on the average more than once a year. The Supreme Court make its own rules and regulations which may be amended or repealed by the executive from time to time; and I regret that something along that line has not been done in this case. I support the second reading, but

I trust that Parliament will be given the opportunity next year of re-considering any weaknesses which may be discovered in the practical application of this legislation, which is exploratory and experimental even though it may prove to be beneficial to the community at large.

Mr. SHANNON (Onkaparinga)—I appreciate the lucid explanation of this Bill given by the member for Glenelg, who mentioned the major issues which will arise as a result of its passing. A conflict must occur between coronial inquiries and court proceedings, and it appears to me unwise to set up, as is proposed in the Bill, a justices court which will be able to over-ride and set aside, at least temporarily, the coronial inquiry. That is a retrograde step, and I do not say that in a spirit of depreciation of our justices. The lay mind is unable to deal with the abstruse problems which arise in such cases and Parliament should be loth to put such a wide power in the hands of a layman, for it would be possible for a guilty party to be acquitted of a serious crime such as murder and arson by a court inferior in its jurisdiction and ability to adjudicate. The superior court may meanwhile have been held up and estopped from taking action against the guilty party. Proposed new section 20 (3) (a) should be entirely deleted, and the coroner when resuming his hearing, if he decides to resume it after the court hearing, should, if he believes it is warranted, order a re-trial in the Supreme Court. He should be allowed to refer the case to a court of full jurisdiction where it will be thoroughly tried and the accused person given justice. If any crime has been committed the guilty party should not be able to avoid its consequences merely because his case has been heard before people not competent to deal with it. The coroner should be able to order a re-trial if there is any doubt as to a person's innocence. Many cases arise from coronial inquiries which elicit certain evidence which otherwise would have remained unknown to the authorities. Clause 7 should not be passed without amendment merely because of the lateness of the session, for things as important as this should not be permitted to go by the board for that reason. I leave for consideration by the member for Glenelg the question of whether country coroners should have the power to order a re-trial.

Recently in my electorate a child aged 12 died suddenly and the doctor could not give a certificate of death because he could not ascertain the cause. Eventually the body was

removed by order of the local coroner to the institute on North Terrace for a complete pathological examination as a result of which the cause of death was ultimately ascertained to be an obscure complaint. The matter was cleared up so as to leave no doubt as to the cause of death and no-one could be possibly blamed for it. After the examination the unfortunate parents, who were perfectly innocent in the matter and still suffering the loss of their child, were told to provide for the removal of the body back to their home in the hills for burial. That seemed to be unjust and a harrowing experience. Where the coroner deems it advisable to have a body removed for examination, as he has power to do under this legislation, that body should be returned to the place from which it was taken. That appears to be only common justice, as it would leave the relatives of the deceased entirely out of the picture in handling the case for the body would be returned to the local hospital where the undertaker would take charge of it. Country coroners can order the local doctor to make an autopsy and give evidence as to the cause of death. In most country towns facilities do not exist for this type of work. There is no such thing as a mortuary. Where there is a coronial district there should be a mortuary and it would not be expensive to provide one. It does not need to be an elaborate building with elaborate fittings. The Government should consider the advisability of providing these mortuaries, although there is no need to have them dotted all round the country. Under this legislation it is proposed to do things totally different from what we have known in this field previously. I was pleased to have Mr. Pattinson's warning on the matter, and it is one that we should heed and watch with interest.

Mr. STOTT (Ridley)—I am not happy about this Bill being introduced at this late hour of the session, and I should like it to lapse so that we could obtain more information about it. It is very wide in its application. There are one or two doubts about the principles of British justice in widening the scope of the coroner's jurisdiction. I oppose the Bill because I do not feel competent to give a considered judgment on it. Even Mr. Pattinson with his legal training is doubtful about what some of the clauses mean. If he with his great legal knowledge is doubtful how can I with my limited experience be expected to know their effect? I certainly am not going to try to find out at this late hour of the session, and I oppose the Bill on this ground.

Mr. PEARSON (Flinders)—I hesitate to make a contribution to this debate because it is essentially a Bill of a legal character and I think it is sound policy for members to stick to things they know something about. In his explanation Mr. Pattinson frequently mentioned bodies and so on, and therefore it seems a most proper discussion for the dying hours of the session. I do not intend to examine the clauses in detail, but find myself obliged to say a word on behalf of a group of people in the community who render valuable public service in an entirely honorary capacity. Mr. Pattinson said that many justices of the peace were incapable of rendering the service for which they were appointed, that some were incapable of signing documents, and they were subject to undue direction by the police. On a previous occasion he said that these people were inclined to pre-judge cases. I would have no objection to these comments if they were not applied in the wide and general sense in which the honourable member applied them. As a body, justices of the peace are not incapable nor inclined to improper judgments, nor subject to undue pleadings and possible attempts at direction by the police. I have the greatest respect and admiration for a number of these people who have served in our local courts for a long period. As the Leader of the Opposition once said, they have brought a wealth of commonsense and local knowledge into their judgments. A justice of the peace is not intended to have a legal mind.

Mr. Pattinson—He was never intended to be a coroner.

Mr. PEARSON—That was the whole burden of the honourable member's complaint. Although the law may frequently be an ass, sound commonsense is rarely known to fail. They do not attempt to dispense the law, but I believe that within their jurisdiction they dispense a very sound degree of justice. Mr. Pattinson said that in the event of a fatality the police call in any coroner, and he used the term "willy nilly." With that I disagree, and I think the remarks should be subject to qualification. In my electorate are three or four justices of the peace whose services as coroners are regularly relied upon by the police in their local town. They have rendered long service. One of these estimable gentlemen has inquired into numerous fatalities and I have never heard his findings questioned. I join issue with those legal gentlemen who adopt a superior attitude of mind towards these estimable people. I give full points for the services rendered by this large body of public spirited

citizens who get nothing out of it and who are often called upon to perform a wide range of duties. I make this comment on their behalf.

There are some rather queer incongruities in this legislation which are apparent even to my lay mind. The House is indebted to the member for Glenelg for his searching analysis of the legislation in the time at his disposal. One wide incongruity I see is that coroners in the country comprise justices of the peace inexperienced in matters of the law, whereas in the metropolitan area we have a very estimable, well-trained and widely experienced gentleman in the City Coroner. I admit that there is a wide disparity between the ability of these two authorities from the point of view of law, but, as the honourable member suggested, they each have similar powers within their own area. The legislation seeks to limit the range of findings coroners may arrive at and it prevents them from committing for trial—in other words, impugning by inference—the reputation of certain people before in fact they have been brought to trial. In a British community we must agree that it is improper for any person to be indicted before proper evidence has been obtained against him. On the other hand, we have the anomalous position that the city coroner, who is a trained man, must, under certain circumstances, discontinue his inquiries until such time as a decision is reached by a local court or justices court. He is bound subsequently not to bring in a finding not in conformity with the finding of the court. Beyond that point I do not want to go. The legislation is deemed experimental and I do not know that this is the place where we should lightly agree to such legislation. We are in duty bound to err on the side of caution and if there are any serious doubts about the legislation I do not know that it is proper to put it into operation. We should not experiment in legislation where the reputations of citizens are concerned. I would like the Minister to enlighten me and other members on some of the points raised.

Mr. QUIRKE (Stanley)—It is seldom that a measure comes before this House on which I find myself unable to make up my mind. One of the advantages of a House like this is that it comprises representatives from all spheres of life and it is seldom that a member cannot advise on the subject matter in a Bill. This is a legal matter and I for one looked for aid from those members trained legally. I am not competent to make a complete adjudication on

the subject matter of the Bill. I listened to Mr. Pattinson and I think the House can congratulate him on his effort. He is always worth listening to on legal matters. In answer to a direct question he said he was not sure about this legislation. I have a specialized knowledge in some directions and on some occasions, after voicing my opinion, the House has given recognition to my knowledge of a subject. In one or two instances the legislation passed has been a reflex of the opinions I have expressed. Tonight we are called upon to vote on this Bill. I do not feel competent to do that, but I do not want to give a silent vote. The Bill has passed another place. Mr. Pattinson said he looked for enlightenment from that place.

Mr. Pattinson—Only on one or two aspects.

Mr. QUIRKE—Yes, but they are important aspects. Because the Bill has passed through a searching examination in another place I shall vote for the second reading, but I am not happy in doing so. I will still throw the responsibility on to those members, like Mr. Pattinson, to say what they think should be done. It is said that this is experimental legislation and we will have it for 12 months. It can be good, bad or indifferent. I would be prepared to take the responsibility of giving advice on a subject about which I know something, but the responsibility in connection with this Bill rests on the shoulders of members with legal training. I will follow their recommendations. I support the second reading and will listen with interest to recommendations made by legally trained members. I assume that they would not pass something about which they were not fully satisfied.

Bill read a second time and taken through Committee.

On the motion for the third reading—

Mr. STOTT (Ridley)—I oppose the third reading. In the second reading debate I said that I did not have sufficient information on the Bill. It gives justices the powers of coroners. I have not had the opportunity to get legal information. I thought some of the legal members in this place would raise important matters in Committee, but they did nothing.

Mr. QUIRKE (Stanley)—I also oppose the third reading. It was impossible for a member without legal training to properly assess the Bill. I do not apologise for my lack of legal training, but when members with legal train-

ing express doubts as to the effective working of a Bill I must accept their views. There was no attempt in Committee to get further information.

Bill read a third time and passed.

BUILDING OPERATIONS BILL.

The Legislative Council intimated that it had agreed to the amendments recommended by the Lieutenant-Governor.

HOMES ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

PUBLIC SERVICE ACT AMENDMENT BILL.

The Hon. T. PLAYFORD (Premier and Treasurer), having obtained leave, introduced a Bill for an Act to amend the Public Service Act, 1936-1952.

Read a first time.

The Hon. T. PLAYFORD—I move—

That this Bill be now read a second time.

It deals with a matter that was raised by way of question by the Leader of the Opposition this afternoon. It effects only a small amendment to the Public Service Act so as to give to the officers of the School of Mines, who have been transferred to the Mines Department, certain privileges of continuity of service. Section 14 of the Public Service Act Amendment Act, 1950, repealed section 76 of the principal Act and inserted the following section in lieu thereof:—

Where a person becomes an employee of the Government of the State and his service as such employee is continuous with service as an employee of the Commonwealth or of any other State the continuous service of that person under the Commonwealth or that other State shall for the purposes of leave of absence under sections 74 and 75 of this Act and to the extent directed by the Commissioner be regarded as service in the employment of the Government of the State.

The Bill will extend this privilege of continuity of service to employees of the council of the School of Mines and Industries. The Public Service Commissioner will then be able to decide what leave of absence they are entitled to after taking into account their service with the School of Mines.

Mr. O'HALLORAN (Leader of the Opposition)—I support the second reading because the Bill purports to provide a principle which

I suggested, by question, earlier in the day in relation to the transfer of certain officers from the School of Mines to the Public Service. I do not think the Bill makes the position as clear as it should be, and in Committee I intend to move an amendment to clarify the position. It seems that the question of leave is subject to the approval of the Public Service Commissioner. Any officer of the School of Mines who transfers to the Public Service should be entitled to any leave which has accrued to him during his service with the School of Mines, and which has not been taken.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed

Clause 3—"Transferred officers."

Mr. O'HALLORAN—I move to insert a new subparagraph as follows:—

(c) by inserting after the word "commissioner" in the eighth line the words "taking into account the length of his service under the Commonwealth or the said other State or the said council and the amount of leave taken by him during the period of such service."

If we are to recognize the service of officers of the School of Mines as service in the Government we should put it beyond doubt that they are entitled to any leave that has accrued to them during their employment with the School of Mines.

The Hon. T. PLAYFORD—I accept the amendment.

Amendment carried; clause as amended passed.

Title passed. Bill read a third time and passed.

Later the Bill was returned from the Legislative Council without amendment.

LAND TAX ACT AMENDMENT BILL.

Consideration in Committee of the Legislative Council's amendments:—

No. 1. Clause 4—After "owned" insert "or occupied without payment."

No. 2. Clause 6—After "used" in new section 12a (1) (a) insert "or has been acquired for the purpose of being used and is intended to be used."

No. 3. Clause 6—After "used" in new section 12a (1) (c) insert "or has been acquired for the purpose of being used and is intended to be used."

Amendment No. 1.

The Hon. T. PLAYFORD (Premier and Treasurer)—The Council's amendments extend the scope of the exemptions slightly, but they

are in harmony with the principles previously approved by this House. The first amendment deals with the total exemption granted on land used for educational institutions. Under the Bill as introduced the exemption only applied where the land was owned by the person or association carrying on the educational institution. It has been pointed out to the Government that in some cases land owned by other persons is made available free of charge to the persons carrying on a school. It is desirable that the exemption should apply in these cases also and the amendment to clause 4 is for this purpose. I move that the amendment be agreed to.

Amendment agreed to.

Amendment No. 2.

The Hon. T. PLAYFORD—This amendment deals with partially exempt land. By virtue of clause 6 certain lands used for charitable or religious purposes are exempted from the increase in the land tax but as the clause now stands the land must be actually used for the charitable or religious purpose. In some cases it appears that land has been bought by churches for the extension of their religious work but is not yet actually used for that purpose. It is proposed in the amendments to clause 6 to allow the exemption where the Commissioner is satisfied that the land has been acquired for the purpose of being used, and is intended to be used, for one of the charitable or religious purposes mentioned in the clause. I move that this amendment be agreed to.

Mr. STOTT—It seems that this amendment is consequential on amendment No. 1. If so, I cannot see any objection to it, but I was wondering whether it went a little too far. Could people hold land not really for charitable or religious purposes but obtain exemptions from paying land tax?

The Hon. T. PLAYFORD—In the Bill certain concessions are provided for land used for charitable or religious purposes. A number of religious organizations have purchased land upon which they intend to build churches or which they propose to use for religious work. Because building materials have not been available, or a permit has not been secured, or they have not had the necessary finance to carry out programmes, the land has not been used for religious purposes although the intention is to use it for such purposes. These amendments extend the concessions granted on such land

to land intended to be used for such purposes, provided the Commissioner is satisfied that that is the purpose.

Amendment agreed to.

Amendment No. 3.

The Hon. T. PLAYFORD—I move that amendment No. 3 be agreed to. It is of precisely the same nature as the previous amendment.

Amendment agreed to.

PROHIBITED AREAS (APPLICATION OF STATE LAWS) BILL.

Adjourned debate on second reading.

(Continued from November 19. Page 1490.)

Mr. O'HALLORAN (Leader of the Opposition)—This is not an extensive Bill but it is nevertheless of considerable importance, being introduced, as I understand it, to resolve certain doubts as to whether property within South Australia is really subject to State laws when it is used for the purposes of the Commonwealth. There are certain areas in this State used by the Commonwealth Government where security measures are desirable and are provided, for instance, at the two long-range weapons establishments. There is also the prospect that certain limited areas may be declared prohibited areas under the Uranium Mining Act and the security measures associated therewith. It is desirable that the ordinary laws with which the public must conform, such as the Road Traffic, Police, and Lottery and Gaming Acts, should apply to persons working or residing in those areas, and the Bill declares those areas, for the purpose of those pieces of legislation, to be public places and those who are within their borders to be members of the public. I see no objection to the Bill and consequently support it.

Bill read a second time and taken through its remaining stages.

SUCCESSION DUTIES ACT AMENDMENT BILL.

Returned from the Legislative Council with suggested amendments:—

No. 1. Page 5, line 21 (clause 12)—After "disposition" insert "(a)."

No. 2. Page 5, lines 21 and 22 (clause 12)—Leave out "religious or public scientific or public educational purposes" and insert "the purpose of the advancement of religion, science or education."

No. 3. Page 5, line 23 (clause 12)—After "or" (first occurring) insert "(b)."

No. 4. Page 5, line 23 (clause 12)—Leave out "public" (first occurring).

No. 5. Page 5, line 23 (clause 12)—After "hospital" insert "which the Treasurer is satisfied is not carried on for the purpose of profit to individuals."

No. 6. Page 5, line 23 (clause 12)—After "or" (second occurring) insert "(c) to a."

No. 7. Page 5, line 23 (clause 12)—Leave out "public" (second occurring).

No. 8. Page 5, line 24 (clause 12)—Leave out "public."

Consideration in Committee.

The Hon. T. PLAYFORD (Premier and Treasurer)—I ask the House to agree to the suggested amendments. The amendments moved by the Leader of the Opposition in this House provided for a flat rate of 10 per cent on certain bequests to charitable and religious institutions, but it has now been ascertained that by using the word "public" in its context that provision may be difficult to interpret, therefore it is proposed to delete the words "religious or public scientific or public educational purposes" and insert "the purpose of the advancement of religion, science and education." The Leader of the Opposition has been consulted in this matter and agrees to the amendments.

Mr. O'HALLORAN—I was consulted before these amendments were moved by the Minister in another place, and after seeing the re-draft I was perfectly satisfied that it would be a smoother and more effective way of achieving my object that the original amendment, which was largely based on the language of the Victorian statute; consequently, I support the amendments.

Mr. STOTT—I would have thought that most benevolent societies and charitable institutions were public.

Mr. O'Halloran—Under this provision no worth-while charitable or benevolent institution will be excluded.

Mr. STOTT—I accept that, and as the Treasurer will be responsible for policing the provision, I agree to the amendments.

Amendments agreed to.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

Returned from the Legislative Council with the following amendment—

After clause 11 insert new clause 11a as follows:—

11a. Enactment of section 355b of principal Act—Protection of ramps.—The following section is enacted and inserted in the principal Act after section 355a thereof:—

355b. (1) If any ramp is erected on any public street or road pursuant to section 355a or section 375 and if the council is of opinion that in order to prevent damage to the ramp

it is proper so to do, the council may cause to be erected in the vicinity of the ramp notices stating that vehicles exceeding the weight specified therein or that vehicles of any kind specified therein shall not be driven across the ramp.

(2) One such notice shall be placed so that it is clearly visible to traffic approaching the ramp from each direction. Every such notice shall consist of letters not less than one inch in height clearly and legibly painted or printed on a white background.

(3) If any person drives any vehicle across any ramp in contravention of any such notice he shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

(4) The council shall not be liable for any damage occasioned by the driving of a vehicle across any ramp in contravention of any such notice.

Consideration in Committee.

The Hon. M. McINTOSH (Minister of Local Government)—The Legislative Council's amendment inserts a new clause in the Bill dealing with ramps erected in fences across streets. Section 355a of the Local Government Act authorizes a council to erect ramps in fences across public streets or roads. Section 375 of the Act provides that a district council may lease a public road in which event the person to whom the road is leased must, in certain cases, place a ramp in any fence erected across the road. These ramps serve the convenience of the travelling public as the alternative to driving over a ramp would be to open and shut a gate. It has occurred, however, that very heavy vehicles are driven over ramps and have damaged them. This has two possible effects. In the first place, the ramp itself is damaged with the consequent expense involved in its repair and in the second place, as the ramp has been placed on the road either by or with the authority of the council, the council could possibly be liable in damages to the driver of the vehicle in question if the vehicle suffers damage. The new clause accordingly provides that, where a ramp is constructed in a road, the council may set up notices near the ramp prohibiting the use of the ramp by vehicles over a specified weight or of a specified kind. If the ramp is used contrary to the notice, the driver is to be guilty of an offence. It is also provided that in such a case the council is not liable for damages to the vehicle. Thus, the effect of the clause is to empower the council to require these heavy vehicles to use the gate which, under section 375, must also be provided, and not to use the ramp. I move that the amendment be agreed to.

Amendment agreed to.

COMPANIES ACT AMENDMENT BILL.

Returned from the Legislative Council with an amendment—to delete clause 6.

Consideration in Committee.

Mr. GEOFFREY CLARKE (Burnside)—When the matter was discussed here I said I would not press for the acceptance of the clause, of which I was not the sponsor. The Treasurer said he would ask the House to accept it provisionally and have it examined in another place. As a result, the clause has been deleted and I raise no objection. I move that the amendment be agreed to.

Amendment agreed to.

STATUTE LAW REVISION BILL.

The Hon. T. PLAYFORD, having obtained leave, introduced a Bill for an Act to revise the statute law and for other purposes. Read a first time.

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

That this Bill be now read a second time.

The Bill is of considerable significance in two respects. Firstly, it is a very unusual measure in that it repeals a number of enactments. This is rather a new procedure in the legislation of any Parliament. Secondly, it has another unusual feature in that it simplifies the meaning of the end of the last war as far as this State is concerned. It proposes to amend a number of Acts and to repeal some others. Though the amendments are of a technical or legal nature, they are of some importance in connection with the administration of the Acts affected. Most of them deal with the period of operation of war-time provisions, and questions are now frequently arising as to whether, as a matter of law, the war has or has not ended. During the war a number of Acts were passed containing provisions which were to operate "during the war" or "until the end of the war" or "until the Commonwealth made a proclamation fixing the date of the end of the war." When these provisions were enacted it was assumed that the war of 1939-1945 would come to an end in much the same way as the 1914-1918 war. In that war peace treaties were concluded between the belligerent nations within a relatively short time after hostilities ceased and the Commonwealth Government subsequently issued a proclamation declaring that Australia was no longer at war. But in the war of 1939-1945 the position was entirely different. Peace treaties between all the belligerent nations have not yet been concluded and the Commonwealth has not issued

and does not intend to issue a proclamation declaring that the last war has ended. It follows that we cannot rely on any Commonwealth proclamation to indicate the date of the end of the war for the purpose of State legislation. It is necessary, therefore, that the State should take the matter into its own hands. For this purpose the Bill amends several Acts in which reference is made to the end of the war by providing that in each case the State Governor may issue a proclamation fixing the date which shall be regarded as the end of the war for the purposes of the particular Act.

The proposed amendments to the Wrongs Act do not alter the policy of the Act but are for the purpose of making a definition clause more adequately cover the ground which it is intended to cover and for removing a provision which overlaps with other provisions and is unnecessary. The Acts proposed to be repealed, which are set out in the first schedule to the Bill, are five war-time measures which have all either expired by lapse of time or become obsolete by change of circumstances. In view of the difficulties which are arising in connection with the determination of the end of the war it is desirable that this Bill should be passed during the present session. The first schedule lists the Acts that are repealed and the second shows those that are amended and how they are amended. The Bill is of some legal importance because it is necessary to give effect to provisions in other Acts that have been passed for some time on the presumption that war would be officially declared ended by a Commonwealth proclamation.

Mr. O'HALLORAN (Leader of the Opposition)—This Bill does two things, and I am happy to support both of them. I do not think I have ever approached an amending Bill with so much pleasure. Some of my legal friends may hold a different view, but, from the standpoint of the member who must have some kind of a working knowledge of the Statutes, anything that reduces the number of Statutes is most acceptable. A substantial reduction is made in the number of Acts, and amendments are made to other Acts, and this reduces considerably the obligation on members to be cognizant of all the matters mentioned in all the Statutes. Whatever people in other parts of the world might think of the international situation, and regardless of the fact that Uncle Joe may be glaring at us from behind the Iron Curtain, we believe in peace, and we say so in our legislation. We are abolishing Acts, and sections of Acts, that were implemented during the last war in order to meet exigencies born

of the war. Whether this is the way it should be done I do not feel confident to determine. I do not know whether it should be done by the State or by the Commonwealth. However, we are competent to amend our own law. Apparently amongst all this rejoicing a small section has crept into the second schedule making an amendment to the Wrongs Act of 1936-51. It amends section 27a. at the end of subsection (2) by adding the words "and in a case where the claim arises out of the death of a person a fault of the deceased shall be deemed to be a fault of the claimant," and repeals subsection (5). It seems that the section was included in the Wrongs Act last year, so the matter could have nothing to do with the war.

Mr. Pattinson—It might have been wrongly placed in the Wrongs Act.

Mr. O'HALLORAN—Yes, whether wrongly or rightly included I assume that the position is being rectified in this Bill, to which I offer no objection.

Mr. PATTINSON (Glenelg)—I join with the Leader of the Opposition in expressing pleasure at the introduction of this Bill. It is a Bill after my own heart. In my experience I have never known such a simple Bill to repeal so many Acts in so small a space. I do not profess to understand its intricacies, and I am sure the Premier does not understand them, but I can see the effect. This small Bill of three clauses repeals cumbersome Acts which I never understood whilst they were the law. Many years ago a person far wiser than I, namely, Thomas Carlyle, said, "The only Acts of Parliament which are entitled to commendation are those by which previous Acts are repealed." That was a sweeping statement, but there was considerable merit in the contention. I congratulate the Premier on his foresight and sagacity in introducing this Bill, for I am sure it was his own conception to bring this measure down in the dying hours of this Parliament to give the public some hope and confidence that we are at last starting to carve out of the Statute Book some of the unnecessary and cumbersome Acts with which it has been cluttered up for so many years. Since I was first a member of Parliament I have often wondered how much better off the residents of this State would be without many of the Acts that we pass year in and year out and without many of the Acts passed by the Commonwealth and other States. If one studies the records of this Parliament he will find that every year we pass with monotonous regularity

more Acts than there are sitting days. Boy scouts try to do at least one good deed every day, and apparently Parliament thinks it should pass at least one Act for every sitting day of the session.

I often wonder where we are heading in pursuing this mania or obsession for passing legislation. I have a great respect for the common law of England under which Great Britain developed in all its splendour, for it gives a clear and unequivocal exposition of the law by learned judges handed down by precedent, and I should be much happier if we did not rashly rush through so many over-riding provisions by passing many futile Bills from time to time. It is absolutely impossible for me, as a busy practising lawyer, to keep up to date with the immense volume of legislation that keeps pouring into my office from the Law Book Company, Butterworth's and other publishers. I get many books, pamphlets and periodicals of laws, rules and regulations from every Parliament in the Commonwealth and other law-making authorities. All our Parliaments seem to be able to turn out Acts with great rapidity. I should like to see the Parliamentary Draftsman bring in on the opening day of a session not a small Bill repealing about a dozen Acts, but a man-sized Bill to wipe out half the Acts cluttering up our Statute Book. He did a marvellous job about 20 years ago in consolidating the Statute law of this State. However, he did not go quite as far as I had hoped, though he put our laws in some reasonable degree of intelligible order so one could fairly easily ascertain the law on any subject. The Government should give him whatever assistance he required to consolidate our legislation again. For instance, the Maintenance Act was amended today but it has been amended frequently in the past and in order to find the amendments of some sections one has to browse through several amending Acts. I hope that during the coming recess the Parliamentary Draftsman will be entrusted with the task of a proper reconsolidation of our Statutes. I am grateful to the Premier for introducing the Bill, as it gave me a peg on which to hang my hat and express my views in the dying hours of the session, but I hope that a similar but bigger and better Bill will be introduced in the next Parliament.

The Hon. T. PLAYFORD (Premier and Treasurer)—I am delighted at the views expressed by the member for Glenelg because they reminded me of a debate we had recently

on another topic. The Government frequently has requests, as on that occasion, for more legislation, but never for less. Especially during question time the Government gets many requests for all sorts of Acts. Again, during the Address in Reply many members get up and suggest that Parliament pass certain Bills or amend certain Acts, but never that it repeal Acts. Even private industry, which so frequently says that it does not desire to be hamstrung with legislation, often asks for more and more enactments. However, I will take up the challenge of the member for Glenelg and promise him that if he will give me a reasonable sum to enable the Parliamentary Draftsman's staff to be increased I will adopt his suggestion. Perhaps in four or five years half the solicitors of Adelaide would be out of business. I thank members for the attention they have given to this Bill. I agree that it is a step in the right direction. I believe in one ancient democracy there was a law that if any senator introduced a Bill that was not carried he was for the high hurdle. This was probably designed for the very purpose that the member for Glenelg and the Leader of the Opposition expounded. It is the Government's policy to consolidate and curtail legislation dealing with many topics where little of it is of any use.

Bill read a second time and taken through its remaining stages.

Later the Bill was returned from the Legislative Council without amendment.

STAMP DUTIES ACT AMENDMENT BILL (No. 2).

Returned from the Legislative Council with a suggested amendment—

Page 2. Lines 19 and 20 (clause 7)—Leave out "commencement of this Act" and insert "twentieth day of November nineteen hundred and fifty-two."

Consideration in Committee.

The Hon. T. PLAYFORD (Premier and Treasurer)—Last night this Committee altered the Bill to provide that the stamp duty on cheques in cheque books purchased prior to the passing of the Act would be at the present rate of 1½d. Today an appreciable number of cheque books were purchased from the trading banks and if the legislation goes through tomorrow even more will be bought. Under the Legislative Council's amendment anyone who buys a cheque book tomorrow will not be able to evade the payment of the extra halfpenny.

Amendment agreed to.

NEW STANDING ORDERS.

Consideration of report of Committee.

Committee's report adopted.

The Hon. T. PLAYFORD (Premier and Treasurer) moved—

That the amendment of Standing Orders, new orders 126a and 135a, be laid before the Governor by the Speaker for approval pursuant to section 55 of the Constitution Act, 1936-1950.

Motion carried.

VETERINARY SURGEONS ACT AMENDMENT BILL.

Returned from the Legislative Council with amendments—

No. 1. Page 3 (clause 7)—Leave out lines 24 to 26.

No. 2. Page 3, lines 30 to 33 (clause 7)—Strike out all the words in lines 30, 31, and 32 and all the words in line 33 up to and including "and" and insert in lieu thereof:—

"For the purpose of every such examination the board shall appoint as examiners persons who act as examiners in subjects relating to veterinary surgery and practice in a university in the Commonwealth of Australia. It shall be the duty of the examiners to set the examination papers and to determine whether any person taking the examination has passed the examination. The board"

Consideration in Committee.

Amendment No. 1.

The Hon. Sir GEORGE JENKINS (Minister of Agriculture)—The effect of the amendment is to provide that the Veterinary Surgeons Board shall not have power to decide that an applicant for registration shall not sit for any examination. The board, however, will still have power to decide what subjects the applicant shall be required to be examined in. I ask the Committee to accept the amendment.

Mr. HAWKER—When the Bill was being discussed previously I quoted from the latest English Statutes available in the library, in which it was stated it was unnecessary for a foreign veterinary surgeon who had certain foreign diplomas to take an examination in order to become a member of the Royal College of Surgeons. The clause as originally drafted gave the board power to accept people without an examination, but I am now informed that for a foreign practitioner to enter the Royal College of Surgeons even in the supplementary list it is necessary for him to pass an examination, and consequently I support the Legislative Council's amendment.

Amendment agreed to.

Amendment No. 2.

The Hon. Sir GEORGE JENKINS—What the Legislative Council has made mandatory in its amendment would probably have been the practice adopted by the board even had no such amendment been included. There can be no possible objection to the amendment and I move that it be agreed to.

Amendment agreed to.

BUSHFIRES ACT AMENDMENT BILL.

Returned from the Legislative Council with an amendment—

Clause 6—After "efficient" insert "chemical."

Consideration in Committee.

The Hon. Sir GEORGE JENKINS—The amendment ensures that a chemical fire extinguisher shall be carried in a caravan outside a municipality. I offer no objection to it.

Amendment agreed to.

PICHI RICHI PASS ROAD.

Mr. RICHES (Stuart)—I move—

That the Prayer contained in the petition from electors of Quorn and Port Augusta and presented to this House on November 12 be granted.

This was one of the most widely signed petitions that has ever come from the district I represent, and despite the fact that we are now in the dying hours of this Parliament it behoves us, if we claim that we are open to approach by electors by way of petition, to have regard to their wishes when they go to the trouble to make them known. The 750 petitioners represent a cross-section of the whole community and they asked that this Parliament should require the Highways Department to have some regard for the necessity for improvements to the road through the Pichi Richi Pass connecting Quorn and Port Augusta. The petitioners say that the road is the only road linking the two towns, that its maintenance in trafficable condition involves the district council in considerable expense, and that the road is an important highway which will never be in a satisfactory condition until it is bituminized.

This road is included as a main road in the area of the district council of Kanyaka, but in no sense can the presentation of the petition be regarded as a reflection upon the work of that council. I have checked the petition and I think that nearly every councillor of the council has signed it. It is headed by the

mayor of Quorn and the town clerks of Quorn and Port Augusta, and is signed by nearly every one of the business people of both towns. This is not a petition asking that something should be done for a specific road to the exclusion of other roads; nor is it presented without knowledge of the difficulties of the Highways Department in meeting heavy demands throughout the State, but the petitioners feel sure that there are special circumstances which are of added importance at this moment when the future of Quorn is in the balance as a result of an alteration of railway policy. This road through the Flinders Ranges is hazardous in bad weather, and can never be made an all-weather road unless it is bituminized. Experience has shown the people living in this district the tremendous advantages of an all-weather road through the Flinders Ranges.

Similar difficulty was experienced with the road linking Port Augusta and Wilmington until 1929. Although heavy expenditure was incurred in its maintenance, after every rain it became dangerous and in floods some of our worst drowning tragedies occurred there. In 1929 the road was bituminized and practically no difficulty has been experienced since, and the road is a monument to those who constructed it. The people of Quorn and Port Augusta have been looking forward to the day when their two towns will be linked, and there is a close association between them which ought to be fostered. The district council of Kanyaka has to spend large sums in attempting to allow traffic to get through, but never can that road be regarded as in really good condition, and often it is impassable, so they ask—realizing that the bituminizing of the road is beyond the resources of the district council—that Parliament should request the Highways Commissioner to include this road in the next schedule of arterial roads to be bituminized. Some years ago the department drew up a **five years' road programme** and, after four or five years, a second one, but, although representations were made on several occasions by way of deputations to the Minister, on no occasion has the department recognized the needs of this road, and it has not been placed on the schedule of works to be carried out.

Another special circumstance obtains at this juncture. We have just had before us a Bill giving the State power to set up a committee to consider compensation to the people of Quorn for losses which they may sustain because of an alteration in railway policy. If satisfactory transport could be provided between

Quorn and Stirling North by road and rail I believe that the Governments concerned could be saved quite an appreciable amount of expenditure which would otherwise be incurred by way of compensation. If the Commonwealth decides to shift the location of the operations of our railwaymen from Quorn to Stirling North, as seems probable, it is only a distance of 20 miles and, with a good road, transport services could be provided which would enable workmen still to reside at Quorn and follow their avocation at Stirling North. Numerous men in the metropolitan area take half to three-quarters of an hour to travel to their place of work. Quite a number live in Gawler and the Adelaide hills and work in the city, so that if a satisfactory road could be constructed through the Pichi Richi Pass to enable a satisfactory transport service to be provided the State and Commonwealth Governments might be saved a considerable sum otherwise involved in compensation.

Port Augusta provides the sea beach and recreation facilities. Quorn is a delightful town and the centre of tourist traffic for the people who do the Gulf Trip on the *Moonta* each week. The road is widely used and it has to be traversed every week by the sister in charge of the Mothers and Babies Health Service. I have feared for her safety more than once because of the hazardous trip she must undertake in inclement weather. Special circumstances surrounding the requirements of this road at this time have impelled the presentation of a petition which represents such a wide cross-section of the community that I believe Parliament must recognize their wishes. It is my duty as their mouthpiece to speak for them and draw the attention of Parliament to the condition of the road. I realize that other highways such as the Eyre Highway require attention and that the Minister has been able to make fairly large grants to councils to keep the roads in their areas in order, but some of these have not been large enough. This road will not be satisfactory until it is sealed. A person may go 25 miles in any direction from Quorn before striking a bitumen road. Surely they are entitled to something better than that.

The road through the Pichi Richi Pass is usually traversed by traffic going to and from Leigh Creek. This petition has not been hawked around the district for signatures as most petitions are for people to sign not knowing what they are signing, but every signatory knows what it contains. It was displayed in the corporation office and people took the trouble to go there to sign it. It represents the

sincere wishes of the signatories and of many others who would have signed it had they been given an opportunity to do so. I urge that attention be given to this request. I am whole-heartedly behind the petitioners in their request which will be followed up at every conceivable opportunity until something is done. I ask leave to continue my remarks.

Leave granted; debate adjourned.

IRRIGATION PROJECTS.

Adjourned debate on the motion of Mr. Pattinson.

(For motion see page 1041.)

(Continued from November 12. Page 1284.)

Mr. MACGILLIVRAY (Chaffey)—When the member for Glenelg moved his motion I thought he was actuated by the purest and most noble ideals, and members can imagine my surprise, not to mention horror, when I found that his purpose was not to inquire into the matters mentioned in the motion, but to make a vicious attack on independent members, for in introducing his motion he said:—

My sole purpose is to pose the problem as intelligently as possible, handicapped by my limited knowledge of the subject, of whether or not the State is receiving an adequate return for its huge capital outlay and its heavy annual expenditure on irrigation projects. I was prompted to do so by reading the Auditor-General's report during the debate in this House on the Municipal Tramways Trust Act Amendment Bill and by listening to vehement criticism in the Glenelg electorate and by numerous residents of the metropolitan area of the attitude adopted to that Bill by several members of this House, particularly by members of the Independent Party, led by their redoubtable chairman, Mr. Macgillivray.

That is an honour I have never claimed, and one would have thought that a person with the seeming intelligence of the member for Glenelg would have known better than to make such an inane statement. Referring to his constituents, he said:—

They and other residents of the metropolitan area are becoming increasingly incensed at the continued tirade of abuse which is levelled against them by some members of this Parliament, which criticism appears to reach its crescendo at the hands of the four Independent members in the debate on the Tramways Trust Bill.

That is an absurd statement, for at no time would the four Independents in this House descend to the level of launching abuse against either the honourable member or any of his constituents. In fact, we have the greatest admiration for him as an individual and also for his constituents. We merely exercised the

right belonging to every member to oppose a measure which we thought would do a grave injustice to the country people by whom we have been sent to this place. Therefore, in introducing this motion the honourable member's ideals were not shown in a particularly bright light, and his statement was just as incorrect as the figures he used in trying to prove his case. In a typically naive way the honourable member said he was distinguished for his ignorance, and that was proved to the satisfaction of all who knew his subject matter, for he showed that he knew nothing of irrigation problems. He used his legal training to present his case from his point of view and spoke like a lawyer addressing a jury in trying to build up a colourful picture which would sway members' minds away from the facts of the case. I understand a lawyer uses that approach before a jury, but not before a judge, who knows the law and is qualified to sift evidence.

The member for Glenelg referred to the tremendous losses on the railways and country water schemes, and, having established the idea of debt in the minds of members, he turned to the subject of losses in our irrigation areas; but those losses are trivial compared with those on the railways and country water schemes. Indeed, the per capita losses on the latter is four times that incurred on our irrigation projects. The only reason for the introduction of those extraneous figures was to colour the minds of members so that they would be imbued with the idea of debt. Mr. Pattinson quoted dried fruit and wine grape prices for 1950-51, but that was the first year in which dried fruit producers received any tangible increase since before the war. The true picture is that Victoria, New South Wales, South Australia and Western Australia all sell in the one market, and in Victoria, because of the low price for their products, Victorian growers had to go to the Government for assistance, but they were in such a parlous, uncredit-worthy position that the Government refused to assist some of them. That is a different picture from that painted by Mr. Pattinson, who spoke about extravagant increases that had been granted to growers.

I recently read a press statement that there were liars, darned liars and statistics, and the member for Glenelg quoted statistics. A bankrupt dried fruits industry was seeking Government financial assistance in Victoria at a time when practically every other primary industry in Australia was receiving a hitherto unknown high financial return, and had it not been for

the fact that we in South Australia had an extensive capacity for turning grapes into wine and spirits we would have been in the same position. To help pay Australia's debts the dried fruits industry must export between 70 and 80 per cent of its total production, but on the other hand the wine industry is able to consume almost all of its production on the home market; so the dried fruits producer must take the overseas price, whereas the wine industry is able to pay a price which has kept South Australian grape growers in a financial position. However, that story is entirely different from that told by Mr. Pattinson in quoting his extravagant figures. In regard to citrus, the secretary of the organization immediately wrote a letter to the press pointing out the fallacy of the figures. The honourable member spoke of a 500 per cent increase. I am a citrus grower, and at times I could not put some fruit on the market. I got nothing for it, perhaps less than nothing when cost of production was considered. I have accepted as little as 2s. 6d. a case for citrus fruit, and on it I have had to pay the cost of the cases and the cost of packing, watering and manuring.

Figures are only of value when used by people who know what they are talking about, and when they are given for information purposes. I do not say that the honourable member gave the figures to wilfully mislead people. He himself said that on this matter he is distinguished for his ignorance. Many of the charges made against the growers were answered by the Premier, as reported in *Hansard*, page 1170. He gave much information and I will not repeat it. He could have said that at times when prices were low the growers found their fruit mouldy and not capable of being used. With bad harvest years and low prices the dried fruits industry has had a worse time than any other industry in the Commonwealth, and its future at present is uncertain. The American Government is actively subsidizing the export of American dried fruit in order to compete with Australian dried fruit on the British market, and that is a big problem for our people. The Premier tried to whitewash Mr. Pattinson. Probably he thought that as he had to have a sepulchre as Government Whip he ought to nicely whitewash him. Instead of limiting himself as he did in presenting his case, the honourable member should have gone to the Auditor-General's report for information, and that would have prevented him from making some of the state-

ments he did in regard to water rates. According to the Auditor-General's report, page 90, for the year 1951-52, ordinary working expenses exceeded the earnings by £126,974, an increase of £24,076 over 1950-51, and after providing for debt charges, the total deficit for the year amounted to £269,881, an increase of £21,723, compared with 1950-51. Earnings for 1951-52 increased by £44,512, compared with 1950-51, due to a further increase of from 22 to 36 per cent in water rates in irrigation areas, and increased charges for water supplied for special irrigations. There was a decrease of 32 per cent in the volume of water supplied for special irrigations. The increase in earnings for the year, however, was insufficient to meet the increase of £68,588, in the working expenses due to rises in wages rates and increased costs of materials.

The Auditor-General points out that not only have water rates been increased, but there has been a substantial increase. There has been a decrease in the use of special irrigation, behind which there is a story. It is the responsibility of the department and has nothing to do with the settlers. In the Loveday area there is a large number of settlers who get a livelihood from growing vegetables. Through blunders by the Irrigation Department the men had to suffer a curtailment of the acreage they were allowed to plant. This reduced the quantity of water used. The settlers would have been glad to plant more if the department had supplied them with water. A schedule in the Auditor-General's report shows that in 1948 the settlers had outstanding water rates and other charges, principal interest, etc., amounting to £111,415. By 1952 the amount had been reduced to £51,621. This shows that even with all the talk about settlers not doing this and that they reduced their liabilities to the Crown by about 50 per cent, despite bad harvests and low prices. It was largely due to the wineries paying reasonable prices for the grapes needed for wines and spirits. Statements in regard to the lack of supply of water came from departmental reports. I have not been able to peruse this year's report by the Department of Lands, because it is not yet printed. On page 33 of the 1950-51 report the following appeared in regard to firewood supplies for pumping stations:—

As far back as 1943, attention was drawn to the high cost and increasing difficulty of securing firewood supplies and, following inquiries by the Public Works Standing Committee, approval was given in November, 1948,

and in November, 1950, for the installation of electrically operated pumps at Loveday and Berri respectively, and at the time some concern was expressed by the Irrigation Branch that the installation at Loveday could not be completed before September, 1950, and at Berri before 1952. Although immediate approval was given for the work to proceed, many difficulties outside the control of the departments concerned have occurred, but on advice given in December, 1950, it was confidently expected that the Loveday plant would be in operation by September of this year. . . . However, advice was received late in the year that power would not be available for the Loveday plant before August, 1952, which necessitated the procuring of an additional 8,000 tons of firewood to enable a full irrigation programme to be followed in the Cobdogla Irrigation Area. As investigations clearly showed that there were insufficient firewood cutters in the district to provide this additional tonnage, it was necessary to seek alternative fuels, and tests are being made, in the first instance, with Leigh Creek coal. The importance of proceeding with the electrification at both Berri and Loveday with as little further delay as possible is strongly stressed.

Does Mr. Pattinson think that the extra cost of importing Leigh Creek coal to fire the pumps at Berri and Loveday was the responsibility of the settlers? The report said there were insufficient woodcutters. I do not believe that, because it is contrary to the facts as I know them. The department would not pay sufficient money to get men to cut wood. In addition there was pin pricking of the carriers. If a carrier arrived at the pumping station 10 or 15 minutes after the time he was due he got into trouble with the man in charge of the plant. Because of lack of consideration on the part of officers of the department sufficient wood carters could not be found. I have previously referred to this matter in this House. When the department appealed for extra woodcutters men went out into the scrub and lived in tents under possibly the worst conditions that exist anywhere in the Australian bush. They did some of the hardest work of any workers in Australia, yet when the department thought sufficient wood had been cut it dismissed large numbers of the men without a moment's warning. Those men were prepared to deliver the wood that the department had been pleading with them to supply, but when they arrived with it at the pumping yard an officer was waiting for them and said, "From now on you are finished; we are not prepared to take any more of your firewood." Has there ever been any more callous disregard of the rights of human beings? If any worker is prepared to go into the scrub and put up with the flies, dust, heat

and bad weather and do arduous work, the least he is entitled to is reasonable treatment from those for whom he is working. The department did not give reasonable consideration to these men, but this sort of thing has been going on for years. Every now and again the department becomes short of firewood. To overcome the problem on this occasion it obtained Leigh Creek coal at considerable expense, entailing further losses to the department, but the settlers get the blame for it. If those responsible for running the department had any sense at all they would build up an ample supply of firewood to meet any emergency. I hope that when electric pumps are installed the department will not neglect the steam engine pumps. The settlers will depend on the power supply, but strikes sometimes take place at power plants, and if the power were cut off as a result in the middle of summer tremendous losses would be incurred in a week. The department should keep the steam engine pumps in such a condition that they could be called into operation immediately I hope the Minister will see that this is done, otherwise there may be a great disaster in our irrigation areas.

I am not impressed by the motion. The Premier himself disapproved practically every argument the member for Glenelg put forward, but the fact remains that there are losses which this House should investigate. If the settlers are not responsible for these losses, as the Premier said, and if it is a fact, as the Premier pointed out, that the water rates have been increased, I go further and say that no increase in those rates will meet the deficits of the department, so we have to search elsewhere for their cause. A considerable sum could be saved in the administration of the department. We should not appoint a judge to inquire into this matter because, although I have a great respect for the legal profession in its own sphere, I have not much faith in a judge in such common or garden matters as irrigation. It would be far better to appoint a committee of practical men, such as this Parliament could provide, to inquire into this matter. I half suspect that the member for Glenelg is at times given to using redundant verbiage because his motion states:—

. . . praying His Excellency to appoint a Royal Commission, consisting of a judge, with power to call for all documents and records . . .

The Royal Commissions Act already gives that power, so there is no need to put those words

in the motion. The member for Glenelg suggested that the settlers themselves should take the responsibility of running our irrigation areas, but I am afraid it is too late for that, unless some reasonable proposition is put to them about capital expenditure.

Mr. Shannon—A proposition was put forward in 1939.

Mr. MACGILLIVRAY—Yes, but it was a different proposition. The overhead in Government irrigation areas is tremendous. For instance, the Loveday area has been debited with £1,000,000 capital cost, which is practically dead money, but not through any fault of the settlers. They did not incur that expenditure, and the department is now busily engaged in pulling up many of the pipes, but not a halfpenny worth of production has been derived from them.

Mr. Riches—Then it is about time that we had an inquiry.

Mr. MACGILLIVRAY—Of course. The whole system, like all other Government departments, is over-centralized. I know the Minister will disagree with this, but often local officers are afraid to make a decision lest it be countermanded by the head office in Adelaide. If there are officers in country areas afraid to make decisions the whole system is undermined. The head office should be reduced to a nucleus of about three officers to collate the figures and information coming in from the irrigation areas. By this means we should go a long way towards reducing losses. Members of the Land Settlement Committee will remember that when the committee was inquiring into new irrigation areas evidence was given, I think by the Secretary for Irrigation, to the effect that it cost almost as much to run the head office as it did the river offices. These men in the country know their job and do all the practical work. Why cannot they finalize all the business in their own offices and not have to send financial figures and statistics to Adelaide? The Government can know how the settlement is shaping financially by the method I suggest. If there were more decentralization greater responsibility could be placed on the local officer in charge of the district.

To assist the local officer there should be an advisory committee of settlers. The member for Glenelg quoted from a book about the irrigation areas of the western districts of the United States of America. One feature is that there the settlers are closely associated with the management of the irrigation areas, but in South Australia they are excluded, the only

exception being that they have an advisory committee that can advise on the dates on which irrigations should start, quite a minor responsibility. If their powers were extended the committee members would be in a somewhat similar position to district councillors. They should not act in anything but an advisory capacity, but some of the big mistakes continually occurring under departmental control would be eliminated. If members do not think the settlers are capable enough I remind them that the Berri Co-operative Packing Company is run entirely by them. This is a big concern and last year it had a turnover of over £1,000,000. If the settlers can run a business in competition with other large undertakings they can also give valuable assistance to the district officer in managing his district. I offer these two suggestions because I believe they would go a long way towards solving the financial losses incurred annually and lead to much happier relationships between the department and the settlers. One of the latest improvements in the irrigation settlements is the adoption of the spray system of watering. Whereas under the sprinkler system at Loxton 2in. of water is sufficient for an irrigation, under the furrow system from 6in. to 10in. would be used. The settlers have installed the sprinkler system at their own expense, yet the department makes not concessions to them for using the smaller quantity of water. A little intelligent co-operation between the department and the settlers would go a long way towards saving the land from seepage and salt troubles, and overcome the problems mentioned by Mr. Pattinson. I now move the following amendment to the motion:—

To strike out all the words after "consisting of" and to insert in lieu thereof "members of this Parliament to investigate the present methods of controlling and administering the irrigation areas of South Australia and report thereon."

Mr. STOTT (Bidley)—The motion as moved by Mr. Pattinson was ostensibly used to pour oil on the fire which he himself created, and which provided a kind of contest in this House between the city and the country. If anyone should be accused of causing conflict between the city and the country it is the honourable member himself. If he had any desire to do something for the State's good he would not have worded the motion as he did, because it is a direct blow at irrigation settlers on the Murray. What about all the other water projects in the State where losses occur? No mention is made of them. Even if the motion

were given effect to it would prove nothing and a judge would find that, in the interests of the State, these losses would have to continue. To confine an inquiry to losses on the Murray irrigation projects would touch only a fraction of the State where losses occur. Many of those losses cannot be laid at the door of the settlers, but at the door of the Government and the department which administers them. Undoubtedly, there will be losses on the Loxton irrigation scheme.

After World War II. the Commonwealth Government entered into an agreement with this State to establish settlers on irrigated and non-irrigated areas. It was recognized that the capital expenditure required would be enormous in purchasing the land, erecting houses and establishing the holdings on a working basis and such expenditure would far outweigh the productive capacity of these holdings. Recognizing those facts, the Commonwealth and the State Government agreed to share the losses on the basis of three-fifths and two-fifths respectively. It is inevitable that there will be some losses. The Government went ahead with its proposals to establish ex-servicemen on the land to enable them to earn a livelihood as men of the soil and take their part in the economic life of the community as producers; but now it is suggested by the member for Glenelg that there should be an inquiry to ascertain whether the losses should be allowed to continue. That is not logical. Responsibility for any losses which have occurred along the Murray cannot by any stretch of the imagination be laid at the feet of the settlers or the community up there. Many of them are due to bad mistakes of the Government department administering these schemes. Consider, for instance, the Loveday settlement which was established after World War I. and which would come within the terms of reference of the motion. After World War I. the Governments decided to settle soldiers on the land and the River Murray areas were selected. In addition to Berri, Barmera and parts of Cobdogla, Loveday was also chosen. Channels were dug and pipelines laid; but shortly afterwards that area was found to be unsuitable for citrus fruits and vines. The pipelines were left and that project became a charge upon the Budget. Any commission would have to consider the expenditure incurred in channelling and irrigating that land on which no soldiers were settled. Those losses were incurred because of an unmistakable engineering blunder by a Government department.

Mr. Quirke—That blunder cost £1,000,000.

Mr. STOTT—Yes. The commission would soon ascertain that information, but would it then be suggested that because a £1,000,000 loss was incurred at Loveday greater charges should be imposed on the present settlers? If the proposed amendment is carried we will obtain a report which may enable us to do something to prevent such losses. The commission should also consider the possibility of decentralizing departmental control. If local officers were appointed they could make quicker decisions and the settlers would be confident that the Act was being correctly administered. They could consult the local officers and express their points of view. To obtain a more comprehensive report the commission should inquire into all water schemes and the River Murray should not be singled out. If the commission achieved nothing else, it would at least educate city members to some of the problems confronting country people. The first thing that would be discovered is that the losses on irrigation schemes represent only a drop in the bucket when compared with losses on water schemes. The question would arise whether the State could justifiably spend money on irrigation and general water schemes and the answer undoubtedly would be "Yes," because the State cannot afford to retard any water scheme which may open more country and assist in the production of necessary produce to bolster our overseas exports.

The member for Glenelg made a cursory examination of the position and suggested that producers were living in a wealthy paradise. The Premier proved that irrigation settlers producing citrus and vine fruits were not enjoying the wealth of wool and grain producers. The dried fruits producers, for a long period, experienced difficulty in keeping properties going and in paying off capital advances in addition to the water payments to the Irrigation Department. Their returns were far too low and Parliament introduced the Dried Fruits Act to equalize the overseas and home consumption prices. That scheme still operates. It took the Australian Dried Fruits Association some time to convince the British Ministry of Food that an increase in the price of dried fruits to the United Kingdom was justified. The harvest was ready before the final decision was made as to the export market price. The dried fruit producers in New South Wales, Victoria and South Australia have to compete with the producers of Greece and California. Greece is nearer the United Kingdom market and consequently has lower freights. The

Australian cost of production is higher than in Greece and one could appreciate the argument of the United Kingdom that it could purchase produce more cheaply from Greece.

There is never any hesitation in providing funds in the Loan Estimates for the continuation of irrigation projects. If it was thought unwise from a general economic point of view the Auditor-General would have brought it before the notice of Parliament long before the member for Glenelg thought of it. The question of losses not only concerns Mr. Pattinson, but all River Murray settlers and their representatives. An inquiry will reveal that there can be better administration and that the alarming increase in water charges can be cut. Notwithstanding the fire the honourable member created by his own conflagration, he has suggested something that I welcome with open arms, provided he can see the advantages that may arise from his motion. We desire a full and exhaustive inquiry into the general administration of irrigation projects on the river areas. Settlers on both sides of the river contend that they are a most important part of the State. The Government selected this land as being suitable for soldier settlement and irrigation projects. Apparently people in the metropolitan area do not appreciate the tremendous amount of work that settlers have put into their blocks. They take great pride in owning some of this soil. Mr. Pattinson's motion requires amending and the main part should be deleted. If he will agree to withdraw his motion and accept Mr. Macgillivray's amendment we could get together and do some good.

Mr. SHANNON secured the adjournment of the debate.

Adjourned debate made an Order of the Day for January 13, 1953.

LICENSING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 13. Page 1349).

Mr. CHRISTIAN (Eyre)—I thank honourable members who have supported me in my effort to do something for the children of this State with regard to our licensing laws; in fact, I thank all members who have taken part in this debate whether they have supported me or not for all have shown an interest in this important question. I realize that the opposition of certain members springs from the best motives, and I wish to briefly answer the points made by various speakers. I rather deplore the tactics employed by some members

in trying to have this measure talked out completely so that there would be no chance of its becoming law or even going to another place to be dealt with. This matter is far too important to be treated in that manner and members should have been allowed the opportunity to arrive at a decision in sufficient time for the measure to have been dealt with in another place. I agree with some of the views expressed by the member for Stanley. I, too, believe that the administration of the drink traffic should be placed on a basis where it would be surrounded by a far more healthy atmosphere than it is today, and I agree with him that a bar is no place for children.

Mr. Shannon—That is the law.

Mr. CHRISTIAN—Yes, and it need only be taken a step further to say the prohibition should be extended to certain other places within the precincts of licensed premises which are equally unsavoury and unsuitable for children. I agree with other members that in some instances public drinking lounges are well conducted and well appointed places where the atmosphere is above reproach. I offer no criticism with regard to those places, but on the other hand some do not conform to any proper standards in regard to providing a suitable atmosphere for young children, and I wish to extend the provisions of the Licensing Act with regard to children in those places.

I do not know how much members have familiarized themselves with the provisions of the Act, but from my perusal of it it seems to me that the drinking lounge has developed without there being any sanction for it in the legislation. Parliament should ensure that lounges measure up to certain standards. I do not know how the existence of drinking lounges can be reconciled with the provisions of the Act and the Licensing Court should have some oversight over them. I have always favoured drinking in a far more sensible manner than is done in this country, and in that regard I can think of nothing more admirable than the open cafe system in European countries. Those places are open to the healthy daylight and public view, and people there are not so prone to make fools of themselves as they are in some dark cubbyholes which exist in some of our licensed premises and against which my Bill is aimed. These dark rooms are unfit places for little children, yet at least some members opposing this measure wish to allow children in an atmosphere of that kind. Surely we owe it to those children and future generations to clear that situation up.

Some members are not familiar with such conditions for they have moved in different circles and are familiar only with the respectable drinking lounge with which no fault can be found; but it is time Parliament applied itself to cleaning up the other places I have referred to, and, although I know there is no prospect of my Bill becoming law this session, this will not be the end of the matter as far as I am concerned for, if I am here, I intend to apply myself in the future in an effort to regularize practices in drinking lounges so that children may be protected from the unsavoury influences which exist in some of them. In saying that, I do not reflect on licensees who conduct their hotels properly. It has been said by some members that the provisions of my Bill are unworkable, but some licensees today voluntarily prohibit the presence of children in their drinking lounges, and that is to their credit.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Progress reported.

MARGARINE ACT AMENDMENT BILL

Committee's report adopted.

On the motion for the third reading,

Mr. SHANNON (Onkaparinga)—I regret having to speak on the third reading, but rumours that have been floating around this House since the passing of my amendment last night, for which there was an overwhelming majority, disclosed nothing new to me. I have seen before what were apparently simple, innocent Bills, introduced under the guise of giving service to the people, turn out to be nothing more than measures to give a handsome remuneration to a monopoly. I have become accustomed to having to do this sort of what I may call dirty work. I regret that the sponsors of the Bill do not appreciate that it is really a matter which concerns consumers more than manufacturers and that consumer interests are of much greater importance than those of manufacturers. Consumers have a right to expect Parliament to protect their interests. I designed my amendment with the definite object of giving consumers, as well as manufacturers, some protection. I do not connect myself with the interests of manufacturers in this matter. I find that there are views held by certain people who held different opinions some time ago. I imagine that the Leader of the Opposition has conferred with

his principals in this matter and has received certain instructions. It was rumoured that because of certain amendments in the Legislative Council the Bill would be dropped. I refer to a rumour that any additional quota would be given to a competitor in the trade in order that there would be competition in the industry. As soon as that was mooted progress was reported and the Bill was not revived until certain assurances were secured, when it was again brought forward for further consideration and passed. There were peculiar moves in connection with the Bill, which was a private one. It came here from the Legislative Council, was amended here and had to go back to the Legislative Council for consideration of the amendment. Had the sponsors done what everybody expected them to do, it would have gone back last night so that the Legislative Council would have had an opportunity of considering the amendment.

Mr. O'Halloran—You knew that Standing Orders prevented me from completing it last night.

Mr. SHANNON—The Leader of the Opposition could have had the same facilities as have been extended to other private members and asked for a suspension of Standing Orders to get the Bill through. The Leader of the Opposition would be the last to deny that Standing Orders would have been suspended so as to allow the Bill to pass through its remaining stages, but there was a good reason why that step was not taken, for he had to consult certain people whom this Bill is designed to assist and who are limited in number.

Mr. O'HALLORAN—Mr. Speaker, I ask that that remark be withdrawn for it is absolutely untrue, as the only person I have consulted today regarding this Bill was the member who moved it in another place, and I think I had a right to consult him.

The SPEAKER—I ask the member for Onkaparinga not to reflect on any honourable member but to exercise commendable restraint in that regard.

Mr. SHANNON—I did not intend to reflect on any other member, Mr. Speaker.

Mr. O'Halloran—There was a great reflection in the remark and I am not taking it.

Mr. SHANNON—No reflection was intended. Many private members' Bills have been introduced in this House to serve individual purposes and ends, and nobody could take exception to that, for it is permissible and something that is done every session.

Mr. John Clark—By certain members!

Mr. SHANNON—When he speaks the honourable member will be able to say to whom he is referring. I regret that the legislation has been handled in this way. Certain incidents are known to me and I do not wish to divulge them here, but I feel there will be some sore and sorry people before this matter is finished.

Bill read a third time and passed.

[Midnight.]

Later the Legislative Council intimated that it had disagreed to the Assembly's amendment.

In Committee.

Mr. O'HALLORAN (Leader of the Opposition)—I move—

That the House of Assembly do not insist on its amendment.

When the Bill came here from another place it represented the considered opinion of members there and was in the best interests of all concerned. I said last night that the amendment agreed to here would detrimentally affect the community and the manufacturers of table margarine. In fact, I believe it would end the industry here. If my ideas about the constitutional position are correct, and I have not been told that I am wrong, we would have found the market exploited by manufacturers in other States who would not be forced to colour their product.

The Hon. T. PLAYFORD (Premier and Treasurer)—Last night I voted in favour of colouring margarine because I believed that we should support the dairy industry, and I still hold that view. In the Legislative Council, however, the Government moved amendments to the Bill, and I cannot go back on what the Government did there. Whenever a Government moves amendments in one place it must support them in the other House. Without going into the merits of margarine, the production of which should be controlled in the interests of the dairy industry, I support the motion.

Mr. SHANNON—I am not at all surprised at the fate of the amendment in another place. When the debate ended here last night I expected such a move. I went to the other House tonight to see the House of review in action. The sponsor of the Bill moved that the amendment agreed to here be disagreed to, and he named three members—

The CHAIRMAN—I do not think the honourable member is in order in reporting to this Committee what he saw in another place.

Mr. SHANNON—It is so interesting that I thought it should be recounted, but I will not disobey the Chair. The reason for the disagreement should have been read in this place. It was "that the amendment would defeat the purpose of the Bill," and what is that purpose? If the object is to protect the consumers the amendment carried in this place by an overwhelming majority would not defeat that. It would not mean one pound less of margarine for public consumption, but it would prevent the unsuspecting public from having margarine instead of butter foisted on them. As far as possible manufacturers of margarine have imitated butter, even as to colouring and flavouring. The object is to displace butter from the table as much as possible, and if allowed to do that the industry would use every artifice to do it. The Leader of the Opposition said that if margarine were coloured as proposed no more margarine would be manufactured here. If that is not a clear statement of the objects of this Bill I do not understand the King's English.

Mr. O'Halloran—And your statements amount to an admission that you want to ruin the margarine industry.

Mr. SHANNON—It is a strange line of reasoning to assert that an innocent colour like saffron, which is only two or three shades darker than the lightest possible shade of butter, could ruin the industry. That is much too thin an argument and one I cannot accept. I have never heard the Leader of the Opposition to such good effect in his references to another place. He may in the future be quoted as the best exponent of the virtues of the Upper House yet seen in this Chamber. I have never heard a better eulogy of the Upper House than what he gave tonight. It has been suggested that saffron colouring is something new, but Victoria has a similar provision in its legislation, and I have yet to hear that margarine manufacturers there have gone out of business. The Leader of the Opposition also said that our small margarine manufacturers would suffer through competition from margarine producers across the border, but I point out that all margarine sold in South Australia, as a result of my amendment, will have to be saffron coloured.

Mr. O'Halloran—How can you force manufacturers in other States to add the colouring?

Mr. SHANNON—Anyone selling an article in this State must comply with our laws. Manufacturers in other States would therefore

have to add the colouring. If our local manufacturers fear competition I hope the Government will take note of it. Certain provisions have been inserted in the Act to attempt to overcome such competition, but whether they would stand the test of a High Court case will not be known until a case goes before the court. Dairy farmers feel some doubt on this matter and seek this further assurance that margarine will not masquerade as butter and thereby compete unfairly with their own product. They therefore ask that we adopt a provision inserted in the legislation of other States. Saffron is a distinctive, but not an unattractive, colour; for it is a true butter colour. Indéed, the essence of saffron is used by manufacturers of butter and cheese at certain times to keep the product of a uniform colour throughout the year.

To say that I was disappointed with the Premier's change of attitude would be a gross understatement. Yesterday the Government voted solidly for my amendment, but I feel that the Premier himself is not to blame for what has happened. I believe that if he had followed the dictates of his own conscience and not been swayed by the influence of another place we would not have had this unhappy debate. The pressure brought to bear on him was most unfair and unjust. I know that my hands are clean in this matter, for I have done what I have promised to do. I was overwhelmingly successful, and perhaps a little flattered, in that so many members voted for my amendment yesterday. Some people think I have an axe to grind in this matter and that the firm with which I am associated will somehow profit if I can stop margarine from being manufactured, but every pound of butter made in South Australia, whether sold on the local market or overseas, bears the same manufacturing charge, so this Bill is of little importance to butter manufacturers. However, it is a vital matter to the dairy man and I am disappointed that the Premier has agreed to switch his vote and not remain a supporter of a reasonable request from the dairy industry. I propose to call for a division at every possible opportunity. We have seen a *volte face* such as we have never seen anywhere in Australia.

Mr. HAWKER—Yesterday I voted for the amendment, and I intend voting for it again. The wool industry has pushed for years for textile labels so that when the public buy a fabric they know what they are getting. For that reason I will continue to support the amendment to this Bill.

Mr. BROOKMAN—I hope the Committee will abide by the previous decision. The Bill has taken an unusual course. I understand it originally sought to protect the consumers and at the same time we were told it would be fair to the producers. Mr. Shannon's amendment made the Bill even fairer for both producers and consumers. Now the whole purpose of the Bill seems to have altered and we are being asked to consider the manufacturer and not either the producer or the consumer. No-one can possibly object to the colouring of margarine by saffron as prescribed in the amendment. It will assist the housewife in recognizing margarine, which is indeed difficult to recognize, and at the same time it will be very fair to the producers of dairy products whose butter is actually being imitated by the makers of margarine. I do not feel that in any sense are we doing an injustice to the manufacturer, whereas we are doing a service to the consumers and producers, and I hope that the objects of the Bill will be maintained as they were stated to be when it was first introduced to us.

Mr. HEASLIP—I desire to signify that, having voted yesterday for the amendment, I still intend to vote for it again. I was totally unaware of any arrangement for agreeing on this amendment; I was left in the dark. I voted according to my conscience yesterday and this morning I also intend to vote accordingly. I agree with previous speakers that this is some protection to producers and cannot injure anybody. I have seen far darker colours in dairy produce which has come straight from the farm.

Mr. MICHAEL (Light)—I see no reason for changing the vote I cast when the matter was before us some 24 hours ago. I voted then of my own free will on the information put before me. I know nothing of any arrangement made by anybody. I see no objection that anyone could possibly take to having margarine placed on the market in such a way that it cannot be mistaken for anything else.

Mr. MOIR (Norwood)—I am rather disappointed in the sponsors of this Bill. They claim to be the protectors of the working class and the housewife. Here is an opportunity to prevent the worker and the housewife from being taken down by mistaking margarine for butter. The price of sandwiches and rolls has been fixed by the Prices Commissioner on the basis of the use of butter. The dairymen throughout the war supplied milk at a ridiculous price to help feed our soldiers and

others and now they have an opportunity to get a reasonable price for their butter it is proposed to let in this article, which is not actually manufactured in South Australia. We were told by the Leader of the Opposition that it is coming in and that we could not stop it. I do not hear the Leader of the Opposition complaining about Kraft cheese, which is of the same colour. I have always supported the downtrodden, and I am not against margarine coming into South Australia. I have never heard complaints about the blue methylene which is used by the Metropolitan County Board as the standard test of milk. Now we want to protect the dairying industry and prevent the people from being taken down by paying 1s. 4d. for a roll spread with butter, but actually getting margarine. I think Mr. Shannon has made a good suggestion and I am surprised that even the Premier has somersaulted as he has. The dairyman had 10 years of hardship and the least we can do is to protect him now. The dairymen have done very little lobbying in respect of margarine. They were under the impression that this amendment would be exactly what they desired and they gave in to the extra 50 per cent in the quota without demur. That was a good gesture, and the least this House can do is to endeavour to protect them, at the same time protecting the consumer. I remember when the margarine sharks to whom Mr. Shannon referred were here before and we were invited to the South Australian Hotel for tea. At that time, when an increase was needed, Parliament was loyal to the State of South Australia, but what are we doing now? It is my intention to support the amendment.

Mr. O'HALLORAN (Leader of the Opposition)—I would not have spoken but for the ill-informed remarks of the member for Norwood. He opened by saying that the price of sandwiches and rolls was controlled, whereas members know that the control was removed some months ago. He claims to represent the dairymen. I claim to know a lot more about the practical side of dairying—the side where all the hard work is done by the real producers, and not the distributors—than the member for Norwood. When all is said, the increase in quota will only provide for the substantial increase in our population. It was not my suggestion, or even that of Mr. Condon who sponsored the Bill in another place, but the suggestion of the Government, which also saw that the additional quota could be used to issue another licence or licences to manufac-

ture margarine in South Australia. Therefore there is no suggestion that this Bill was intended to build up a monopoly or benefit the local manufacturer. The real purpose behind Mr. Condon's original move was to recognize the fact that there is a demand for margarine among the under-privileged people of this community.

Mr. Moir—I agree with that.

Mr. O'HALLORAN—What members opposite, and particularly the member for Norwood want, is to force those unfortunate people to parade their poverty before their friends. If margarine is so near butter that the difference in the taste cannot be detected, their friends will not know the difference, but members opposite are going to make sure that they will have to parade their poverty. Mr. Shannon said that they have this practice of colouring margarine in Victoria, but I am informed that it has never been enforced there. Why? For the same reason as here: Victoria realizes, as we would realize, that you cannot stop the sale of non-coloured margarine from another State. I have seen saffron coloured butter and did not like the look of it. In some State the Health Act prevents the addition of colouring matter to butter, and it might be a good thing if we amended our Health Act to prevent it for then we might get a little better quality butter than we frequently get in South Australia. I hope the Committee will not insist on the amendment.

Mr. GEOFFREY CLARKE—Yesterday I opposed the suggestion that saffron should be inserted as a colouring matter into margarine and I have heard nothing tonight to cause me to change my mind. In fact, I have been reinforced in my opinion as I have been assured that this product would look more like butter than ever because rich country butter is the same shade as saffron. The Act provides that shops must display notices of a certain size to the effect that margarine is sold there, and the product, when marketed, is clearly branded. The housewife is not the simpleton some members think and if she has been sold margarine in place of butter that would be the best corrective for future transactions because a discriminating woman would not return to that shop. I support the suggestion that the amendment be not insisted on.

Mr. SHANNON—I would not have risen had the Leader of the Opposition not attempted to mislead the Committee. He suggested that the quota increase was the Government's idea. That is what I call a half-truth, which is much

worse than a downright lie. The real truth is that the Labor Party moved for a 100 per cent increase in the quota. That was the original object of the Bill but it is clear where the Bill originated and why we are now debating this new amendment which the member for Burnside can see no harm in but still opposes. He has made up his mind that because margarine looks like butter it should remain like butter.

The Committee divided on the question "that the Committee insist on its amendment"—

Ayes (14).—Messrs. Brookman, Fletcher, Goldney, Hawker, Heaslip, Jeffries, William Jenkins, Macgillivray, McLachlan, Michael, Moir, Shannon (teller), Stott, and Teusner.

Noes (20).—Messrs. Christian, John Clark, Geoffrey Clarke, Dunnage, Hineks, Hutchens, Sir George Jenkins, Messrs. McAlees McIntosh, O'Halloran (teller), Pattinson, Pearson, Playford, Quirke, Riches, Stephens, Tapping, Frank Walsh, Fred Walsh, and Whittle.

Majority of 6 for the Noes.

Amendment thus not insisted on.

PROROGATION SPEECHES.

The Hon. T. PLAYFORD—In moving that the House at its rising adjourn until Tuesday January 13, 1953, I would like to express the appreciation of all honourable members to you Mr. Speaker, and your colleague, the Chairman of Committees. I include him with you, Mr. Speaker, in this connection because of the admirable way the duties of Speaker have been carried out this session. It is true that for a period we did not have your services when you were representing us in another sphere, but I can assure you, and I know it will give you great satisfaction, that during your absence the Chairman of Committees as Deputy Speaker, carried out those duties according to the high traditions we have learned to associate with the office of Speaker. I thank you, Mr. Speaker, and him for the way the business of the House has been conducted. I wish all honourable members the compliments for the forthcoming festive season. I know I speak for my colleagues in saying that we deeply appreciate the ready assistance we have obtained from all members in connection with the problems that arise in the administration of the legislation of this State.

I believe that in South Australia we have a Parliamentary system which functions in the true democratic way. There are two or three

things associated with the Parliament of this State that are unique. Firstly, it is not the practice to curtail members' speeches by moving a closure; secondly, it is not the practice to curtail speeches by time limits, and thirdly, it is not the practice to indulge in personalities. The debates of this House are singularly free from recriminations of a personal nature. It is true that sometimes the member for Chaffey for instance will give us great cause for concern when he continues to speak forcibly for a long time, but leaving those pleasantries aside, this House does set a high example of a Parliament functioning in its best sense. I know I speak for my colleagues in saying that we would particularly like to express appreciation of Mr. O'Halloran for the fairminded way he leads the Opposition of this State. It is a high tradition of this Parliament that, having been elected by the people, it is our job to endeavour to make the system work. I thank him personally for his assistance in the conduct of the business of this House.

This morning I have several great regrets. One is that we are to lose the Clerk of our Parliament after a lifelong period of service in this Chamber; this is the last time he will officiate here. I say to Mr. Parker—and I know that I am supported by all members—that I hope he will enjoy his well-earned years of retirement and that he has many years of happiness ahead of him. I hope he will carry with him happy memories of his long years of association with members of this Parliament. We are also to lose another old friend, Miss Spurling, who has been cateress of the House for many years. I believe every member has the deepest affection for her. I hope that when Miss Spurling retires in a few days' time she will find years of happiness ahead of her. Two members have announced their intention of not contesting the next election, and members will realize there is no invidious distinction when I first pay a tribute to the work of the Honourable S. W. Jeffries, who for a long period held the portfolios of the Minister of Education and Attorney-General in this State. The evolution of the Education Department to its present high standard of efficiency took place during his term as Minister. Mr. Jeffries also had the most distressing portfolio that any Minister has ever held—that of dealing with relief at the height of the depression in the early thirties. He carried out that office in a sympathetic manner and did his utmost to ameliorate the conditions of the unemployed of

that period who suffered many disabilities. I hope that the problems he helped to solve then will never again confront us in this State. The thanks of this House and of this country should go out to him for his long and honourable public service. I know he will not appreciate my referring to him on this occasion, but members would think I had failed in my duty if I did not mention him.

Mr. McKenzie, the member for Murray, has announced his retirement and all members hope that he will recover the health which he has lately lost and the failure of which has necessitated his relinquishing his seat. Members have learned over the years to appreciate the assistance they received from the Clerks, the Parliamentary Draftsman, the Librarian and his staff, the *Hansard* staff and the officers of the House, including the messengers and catering staff. It may be of interest to members to know that over a long period of years I have given up any attempt to correct my *Hansard* proofs, for I have learned to rely on the accuracy of the *Hansard* staff. In fact I have learned that they record my speeches in *Hansard* much better than they are uttered, so I find correction of my proofs unnecessary.

In the political battle which comes around periodically and which will occur early next year I hope that honourable members will meet with the success they deserve. I can say no more than that, but I hope their services will be appreciated by their constituents for I know the work they have put into their job. I thank members on the Government benches. We are a happy Party although we do not agree on a number of topics as we all believe that Liberalism allows an expression of personal views in the fullest sense. I thank Government members for the loyalty they have shown to me and my Ministers with regard to any work which is necessary in the interests of the State. I assure them that in the difficult period we have been facing their assistance has been appreciated by the Government in general and myself in particular. There is no need for me to say how much I appreciate the loyal co-operation of my colleagues in the Cabinet, who are noted for their courtesy and their desire to carry out in the best way possible the duties of their portfolios. I wish all members and the staffs of the House the compliments of the approaching season.

Mr. O'HALLORAN (Leader of the Opposition)—In seconding the motion I join with the Premier in his thanks and congratulations

to you, Mr. Speaker, and the Chairman of Committees and Deputy Speaker on the way in which you have presided over the sittings of the House during the time that either you were presiding or in your absence your deputy so ably took your place. I thank the Premier and his Ministers for the co-operation they have given to the Opposition in helping to make the Parliament work, for it is our desire to make it work and in our humble efforts towards that end we have received a great measure of co-operation from the Premier and his Ministers. I thank my colleagues on the Opposition benches for the magnificent assistance they have given me during the session. I join with the Premier in his thanks to the Clerk and in his expression of regret that when we meet again next session Mr. Parker will not be in his accustomed seat which he has filled since about the time I entered this House, although he remained here whilst I had a few periods in political oblivion or in another place. I hope his retirement will be blessed with all those good and desirable things that he would wish himself. I thank the Parliamentary Draftsman and his assistants for the ready co-operation they have granted to me and members on this side in the drafting of amendments and in furnishing advice on procedure and other matters. I cannot too highly praise the *Hansard* staff. Like the Premier I never read the reports of my speeches. I do not have time to read them, but I know that in the capable hands of the *Hansard* staff they are probably better to read than to listen to. I express thanks to the press and the radio people for the impartial way in which they report Parliamentary proceedings. It cannot be said that they give a great deal of space to reports of proceedings here, but that cannot be expected. They give factual reports of important debates and decisions, and after all that is what the public wants. The catering staff has cared for us in the usual efficient way. Here again I express a note of regret because when we meet again Miss Spurling will no longer be in charge of the catering establishment, and I support everything the Premier said about her. To the messengers and others associated with the House I tender thanks for the assistance they at all times render. Last but not least I pay a tribute to that indefatigable secretary of mine, Mr. Henry Brown, for his painstaking research work and the wonderful assistance he gives me. I wish all I have mentioned a happy and holy Christmas and a prosperous New Year.

The SPEAKER—On behalf of everyone whom the Premier was good enough to mention, kindly supported by the Leader of the Opposition, I express thanks. Their remarks cover all the sections and all the people who work within the building known as the Houses of Parliament. Mr. Parker came here from the Chief Secretary's Office 33 years ago. He has had a vast experience, first as office clerk in the Assembly, then as Clerk and as Clerk of Parliaments. He has been secretary of various Parliamentary committees, and the head of the House of Assembly department. This is a large undertaking, and much professional skill and application has been required. Mr. Parker will remain in office until the end of March next, but this is the last time he will sit at the table of the House.

Miss Spurling has had nearly 29 full years here, 14 as cateress. In that capacity she has shown much diligence each day in the refreshments department. I thank her for the work she has done. It is a matter for regret that two of our members, the Hon. S. W. Jeffries and Mr. McKenzie, are not seeking re-election.

Mr. O'Halloran—I join with you there, Sir.

The SPEAKER—They have found, as we all do, that public life is arduous. We serve

the people day in and day out all the year around, and it takes a greater toll of some members than others. On all of us there is a great demand, and it requires considerable activity. I am sorry that the two members are not standing again, and I join with others in wishing them the best of health in the future and success in any undertaking they may be engaged in after leaving active participation in the political life of the State.

I thank all members for their co-operation. It is always a help to the Speaker and the Chairman of Committees when members have a regard for procedure and abide by the Standing Orders. Whilst I was away at Ottawa Mr. Dunks and Mr. Christian conducted the business of the House to the satisfaction of members. They applied themselves to their duties with a keen desire to maintain the proper working of Parliament.

Motion carried.

ADJOURNMENT.

At 1.49 a.m. on Friday, November 21, the House adjourned until Tuesday, January 13, 1953, at 2 p.m.

Honourable members rose in their places and sang the first verse of "God Save the Queen."