HOUSE OF ASSEMBLY.

Tuesday, November 10, 1953.

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

QUESTIONS.

GRASSHOPPER MENACE.

Mr. O'HALLORAN—My question concerns the possibility of a grasshopper plague in the north of the State. I notice in the press that hoppers have had the temerity to begin reproducing their species in the Minister of Agriculture's electorate. There is much concern in the northern areas because anyone familiar with the habits of this pest knows that once they get on the wing they do not recognize any boundaries, but mostly seek the best feed. Can the Minister of Agriculture say whether any more effective method of dealing with them has been found in recent years than the use of poisoned bran, which was tried not very successfully some years ago? Will he ask his officers to make known as widely as possible in any affected areas or areas likely to be affected, any new methods which would be effective in the early or hopping stage, because once they get on the wing it is practically impossible to deal with them?

The Hon. Sir GEORGE JENKINS—As far as I know there has been no official communication from any council of a grasshopper outbreak in the north. It has always been possible for councils to use certain methods for the destruction of grasshoppers in their area. I know nothing about any new method of dealing with the pest. I have listed this subject for discussion at the next meeting of the Agricultural Council, which I believe will take place on December 1, in order that we may get the latest information available from New South Wales, which has been making strenuous endeavours to combat the plague in the northern part of that State, and I hope that as a result we shall get some helpful information.

SETTLEMENT OF EX-SERVICEMEN.

Mr. PEARSON—Has the Minister of Lands a reply to my question of last week regarding the number of applicants settled under the War Service Land Settlement Scheme, and the number still remaining to be settled?

The Hon. C. S. HINCKS—The number assisted under the Commonwealth Act with loans up to £1,000 is 1,194, and 215 others have been assisted under various Crown Lands Acts, but 57 of the 215 are included in the 1,194, so the actual number assisted is 1,352.

WIND-PRODUCED ELECTRICITY.

Mr. DUNSTAN—A paragraph appeared in last night's *News* stating that the Electricity Trust was investigating means of generating electricity by wind power. I understand that one of my constituents, a Mr. Tillett, who corresponded with the Minister of Works in connection with the matter in 1951, has made very detailed investigations into the whole question, having corresponded with bodies all over the world. Will the Minister see that the trust consults with Mr. Tillett on the matter?

The Hon. M. McINTOSH—I always appreciate the interest people take in matters of public importance, and always endeavour to encourage the continuance of that interest by every means possible. I do not recollect the name, but remember having received information from a gentleman on the matter, and I immediately took it up with the Engineer-in-Chief and asked him to prosecute all means to ascertain how far the suggestion could be availed of. South Australia practically took the initiative in producing electricity from wind-driven power in many homes, but to ascertain whether it would be possible to adopt the practice on a large scale I will refer it to the Engineer-in-Chief's Department for report. Any information the honourable member has I shall be pleased to have fully investigated. This method has been adopted with great success in many country homes. It may be possible to develop it further, but the information we have at present does not show that it is.

Mr. O'HALLORAN—When I was in Ireland recently I found that experiments were being conducted into the generation of electricity by the use of wind power, and that they were trying devices for a cheaper method of storing the power, instead of using the orthodox battery method. When the experts are enquiring into the matter could they see if a cheaper method of storage has been devised or is being devised?

The Hon. M. McINTOSH—I will follow up the question. As stated to Mr. Dunstan, when the matter was first mentioned to me, and having regard to the great number of plants operated by wind, I regarded it as worth while to see if it could be used more in a more general and public way. The report I have is fairly comprehensive. I will follow up the matter in regard to storage. That was one of the problems that confronted us; also the intermittency of wind compared with more normal methods of generating power.

HOUSING TRUST HOMES ROADS.

Mr. JENNINGS—In the Northfield new Housing Trust area the roads are so bad that they are almost impassable and it is not possible to drive a vehicle on the roads or for people to walk on the footpaths. Women have to wear knee boots even to visit neighbours next door. These conditions have applied for the last few months and no relief appears imminent. Can the Minister of Works say whether there is any specific agreement between the trust and the council concerned, in this case the Enfield council, and if so what the agreement is; and if there is no agreement will he take up the matter with the trust with a view to its accepting some responsibility for the establishment of roads in these areas?

The Hon. M. McINTOSH—I do not know of any more progressive and competent council and clerk than those at Enfield, who, I am sure, have looked after the interests of ratepayers very well indeed. This is a problem always associated with progress, and, if God has been good enough to send heavy rain that means a problem for some people, but prosperity for the rest of the State. It is hard to visualize a situation in which something which favours one section of the community does not mean something unfavourable for at least one other section. It is a question of whether we would have people kept out of homes merely to obviate the necessity of their wearing gum boots occasionally to get to their work. If we had to wait for everything to be done before these people came into possession of their houses we would be faced with a real problem. Local councils, including the Enfield Council, have been assisted by the trust, and I am sure that no area would say it has not received good attention from the trust. The area referred to is a rapidly growing one, and the honourable member has mentioned one of the growing pains which must be suffered. The issue to be decided is whether you will have a house or a footpath first. I will take up the question with the council.

ELECTRICAL APPLIANCES ON HIRE.

Mr. RICHES—Has the Acting Leader of the Government a reply to my recent question regarding the provision of electrical appliances on a rental basis for homes in country centres?

The Hon. C. S. HINCKS—I have received the following reply from the Chairman of the Electricity Trust:—

The domestic hire appliance scheme originally started by the Adelaide Electric Supply Company Limited and continued by the trust has been restricted because of the amount of capital involved to keep it going. The trust is considering abandoning the hire appliance system in favour of a hire purchase scheme. The supply of appliances could absorb so much capital that the trust would have to restrict its works programme due to shortage of funds, and then we would have the ridiculous position of people being in possession of appliances and having the supply of power to use them restricted or denied.

ELECTRICITY SUPPLY IN IRRIGATION AREAS.

Mr. MACGILLIVRAY—The irrigation areas are depending more and more on the supply of electrical power to keep both departmental and growers' pumps in operation. At present irrigation water is being supplied to the farms, and on Sunday evening the pumps broke down twice simply because of lack of power from the Electricity Trust. Further, there have been occasions when the settlers who have installed pumping plants at their own expense have been unable to carry out spray irrigation because the power has fallen too low for the pumps to operate. I do not ask this question in a critical sense, for I know the trust is in the throes of developing its supplies, but the last breakdown occurred on Sunday night, when one would expect that industry would not make a big demand on power supplies. Will the Minister of Irrigation obtain a report on the reasons for the two supply failures of Sunday night and ascertain whether it will be possible to inform the Electricity Trust of the time that irrigation is taking place so that it may make a special endeavour to keep the power supply up to the Irrigation Trust and the settlers?

The Hon. C. S. HINCKS—I realize the seriousness of a breakdown during an irrigation period. As the honourable member suggested the Electricity Trust is going through a more or less experimental era in regard to these areas, and no doubt eventually these problems will be overcome. I will get a report for the honourable member.

TAILEM BEND ELECTRICITY SUPPLY.

Mr. WHITE—Has the Acting Leader of the Government a reply to my recent question regarding the supply of electricity to Tailem Bend?

The Hon. C. S. HINCKS—I have a report from the Assistant General Manager of the Electricity Trust, which is as follows:—

Preliminary investigations were started last month into the possibility of electricity supply to all settlements between Murray Bridge and

Wellington, including Tailem Bend. This survey will be a most comprehensive one, and the results will not be known for approximately six months. Electricity supply in Tailem Bend is at present the responsibility of the S.A. Railways. Indications at this stage are that, if the Electricity Trust ultimately supplied the town, the system would require a change from direct to alternating current at a very high cost. The question of the future of supply to the town will be dependent upon discussions with the Commissioner of Railways and his officers. If, following these investigations, a supply of electricity to Tailem Bend is considered a practicable and economical proposal, it would be at least two to three years before the residents could expect a supply from an extension of the transmission system from Murray Bridge.

TUBERCULOSIS X-RAYS.

Mr. HUTCHENS—Has the Acting Leader of the Government a reply to my recent question on the conduct of X-ray examinations in the Hindmarsh Town Hall of people from the subdivisions of that district?

The Hon. C. S. HINCKS—The Director-General of Public Health reports:—

In the publicity material displayed and distributed in connection with the Hindmarsh X-ray Survey, the public has been urged to attend the day sessions. It has been emphasized that night sessions would be crowded. Publicity given to the matter has consisted of an advertisement appearing in the *Advertiser* and the *News*; posters displayed at post offices and elsewhere throughout the district, and also leaflets distributed to every household in the area concerned in the Survey. The co-operation of the press is being sought in further drawing the attention of residents of the electoral subdivisions of Hindmarsh and Allenby Gardens to the desirability of attending for examination at day sessions to prevent congestion at the night sessions. The position concerning night sessions will continue to be observed.

LEIGH CREEK COAL.

Mr. LAWN—I noticed in the press recently that in evidence given before the Commonwealth Grants Commission at present in Adelaide was a statement that the South Australian railways are carrying Leigh Creek coal to the metropolitan area at a considerable loss. Can the Minister of Railways say what the additional cost per ton to the consumer would be if the railways charged the normal freight rate on the coal, and what is the annual loss to the railways on the present basis?

Mr. Macgillivray—Cheap power to the city.

The Hon. M. McINTOSH—I heard the interjection. That is not the object. The object is to take the coal where it can be used. In as much as the Leigh Creek coal coming to Adelaide bears a low freight rate it brings down costs of production for country as well as metropolitan people. The problem is how to ascertain the loss, although we do not admit that there is a loss. There is an overall gain not only on the production of the coal but on the cartage thereof, having regard to the general good of the community. The overall profit is enormous. We have been able to carry on with the same freight rate and use this coal for certain industries, whilst diverting high-priced coal to other industries. I will survey the question in collaboration with the Premier and try to bring down a specific answer.

HONEY MARKETING LEGISLATION.

Mr. BROOKMAN—When moving the second reading of the Honey Marketing Act Amendment Bill the Minister of Agriculture said that when the Act was first brought into operation about 500 beekeepers were entitled to vote at the original poll. Can he say how many would be entitled to vote if a similar poll were held at present?

The Hon. Sir GEORGE JENKINS—The secretary of the Honey Marketing Board informs me that there would be about 1,000.

PATAWALONGA CREEK DIVERSION.

Mr. PATTINSON—The second progress report of the Public Works Committee on the Glenelg-Brighton Foreshore Improvements (Patawalonga Creek Diversion) states:—

The committee recommends that the proposed public work of constructing a new outlet for the diversion of the Patawalonga Creek, reclaiming the present mouth of the estuary, and providing regulator gates off the new channel be carried out in accordance with the recommendation of the Brighton and Glenelg Foreshore Committee.

That committee, of which I was chairman, submitted a report on December 14, 1949. The Public Works Committee confirmed the recommendation in its report dated March 31, 1953. I realize that there were many more urgent works requiring the attention of the Government than the diversion of the Patawalonga Creek, but there is one matter which does require attention: the acquisition of a very small narrow strip of land which will be necessary if the conversion is ever to be carried out. The main point of my question is that the land is to be subdivided and sold in the near future, and will be permanently built on with houses. Will the Minister of Works take up with the Engineer-in-Chief, who is interested in the matter, the question of the acquisition of this strip of land?

The Hon. M. McINTOSH—With due deference to the honourable member, I think a greater responsibility is placed upon the Government than upon the Engineer-in-Chief because if the strip of land is required, and it becomes a matter of urgency, I will take it up immediately as a matter of Government policy and see what can be done. There is no money on the Estimates this year for the purpose but I am sure the House would agree that work that it is desirable to proceed with in the future should not be indefinitely retarded because of the subdivision of the land required.

HIGHWAYS GRANTS TO COUNCILS.

Mr. STOTT—Can the Minister of Local Government say whether any of the district councils concerned this year have spent all the money allocated to them? Last year, or earlier this session, the Minister said that some councils had not even spent the money allocated to them from the Highways Department. What is the present position?

The Hon. M. McINTOSH—I think we only get monthly returns, and it is only at the end of the year that we get the final balance-sheet disclosing what the position is. I could probably give the position as at the end of June, but that would not necessarily portray the whole position because a considerable amount of the funds could have been appropriated to works in progress, and the contractors themselves may not have fulfilled their obligations or sent in their accounts. Many councils were not retarded through lack of funds, but because they could not get the work done within the period for which the fund was granted and had to carry forward a fairly substantial amount. I will get the overall picture and let the honourable member have it, but circumstances are altering because a few weeks or months ago we could not get people to undertake work, whereas today there is an appreciation of the fact that urgent works should receive some priority, and councils and the Government are getting better contracts and tenders than for some time.

BUDD RAIL CARS.

Mr. RICHES—Some 12 months ago I suggested in an Address in Reply debate that the Government consider the purchase of Budd rail cars to give improved rail services to country centres, and also the acquisition of some of these cars in preference to the electrification of railways, which I understand has been referred to the Public Works Committee. Have any inquiries been made into my suggestion? Would self-propelled cars be a satisfactory alternative to electrification?

The Hon. M. McINTOSH—The question of electrification is before the committee at the moment, and it will take evidence on such aspects as it thinks proper. It is not for me to direct the committee in its inquiries. I have no doubt that, having heard the honourable member's question, the committee will take notice of his suggestions, and if he can adduce any evidence before the committee he should do so. Speaking generally, I do not think the purchase of Budd rail cars would affect the overall position of the general scheme.

Mr. Riches—Railway engineers think differently.

The Hon. M. McINTOSH—The people from whom the honourable member obtained suggestions should submit evidence to the committee; then it, the Railways Commissioner, and myself would have some knowledge of them.

BERRI DISTRICT HOSPITAL.

Mr. MACGILLIVRAY—During the Budget debate I asked the Treasurer whether it would be possible to give some financial assistance to the Berri District Hospital, which is run entirely by the local community. Has the Minister representing the Treasurer a report on this matter?

The Hon. C. S. HINCKS—I have a report from the Minister of Health as follows:—

The Berri District Hospital is not a subsidized hospital and no amounts are due to it from rating. It is in the same position as most community or district hospitals. In addition to payments of £1,366 by the Government on approved capital expenditure in 1950-1951 and £750 in 1951-1952, amounts out of sundry grants have been paid as follows:—1950-1951, £350; 1951-1952, £400; 1952-1953, £400.

CUCURBITS AS FRUIT FLY HOST.

Mr. DUNSTAN—Can the Minister of Agriculture inform the House of the instances that have led to the Department of Agriculture considering that cucurbits are a host fruit to the fruit fly? I have been informed by the Departments of Agriculture in Western Australia in regard to the Mediterranean fruit fly, and in New South Wales in regard to the Queensland fruit fly, that they do not consider cucurbits a host of the fly.

The Hon. Sir GEORGE JENKINS—As regards Western Australia, I refer the honourable member to a letter which appeared

in, I think, yesterday morning's press from a Western Australian in regard to the effects of the fruit fly there, where it has practically wiped out suburban gardens. The writer said that no steps we could take would be too severe in our efforts to completely eradicate the fruit fly, if that is possible. We have aimed at eradication and intend going on with that policy, for we believe it is the correct one. We think that to consider merely methods of control would amount to throwing in the towel, so far as eradication is concerned.

TOWNSEND HOUSE.

Mr. RICHES—Is the Minister representing the Treasurer in a position to make available the findings of the committee that inquired into the blind, deaf and dumb institution known as Townsend House?

The Hon. C. S. HINCKS—I have received the following report from the Chief Secretary:—

The vote for Townsend House has, for some years, been £3,000 and that amount was on the original Estimates. During the year a committee was appointed to investigate certain matters and report to the Government. That report has not yet been received by the Chief Secretary, and £9,000 extra was paid to assist the finances up to June 30. The £10,000 on this year is provision in case it is needed following any action taken on the report.

WHEAT STABILIZATION SCHEME BALLOT.

Mr. STOTT—In view of a possible ballot of growers on wheat stabilization I ask the Minister of Agriculture whether the South Australian rolls are in order to enable a ballot to be taken, or what is the state of the rolls?

The Hon. Sir GEORGE JENKINS—I have received no recent communication from the Federal Minister for Commerce and Agriculture in regard to this matter. Until we receive another communication no steps will be taken here for a poll of growers. It must be borne in mind that any ballot must be on certain specific questions, and the questions may be altered because of different opinions in different States. I understand there are some difficulties in New South Wales and until they are ironed out so the same questions can be put to growers in all States it is of no use talking about a ballot of growers in any one State.

Mr. Stott—Are our rolls in order?

The Hon. Sir GEORGE JENKINS—The Wheat Board supplies the rolls.

COST OF LIVING ADJUSTMENTS.

Mr. LAWN (on notice)—

1. Which Australian States are following the decision of the Federal Court of Conciliation and Arbitration in pegging cost of living basic wage adjustments?

2. Which States intend to continue cost of living adjustments?

The Hon. C. S. Hincks, for the Hon. T. PLAYFORD—No other information is available to the Government than that appearing in the daily press.

DRIVING TESTS FOR MOTORISTS.

Mr. GEOFFREY CLARKE (on notice)—

1. How many motorists aged 70 and over who applied for an unrestricted driving licence renewal were required by the Registrar of Motor Vehicles to have a driving test during May and June, 1953, and underwent such test?

2. How many were refused any licence as a result of such tests?

3. How many seeking an unrestricted licence were refused same but granted a restricted licence?

4. How many who had applied for a restricted licence only were refused such licence after testing?

5. Is it considered that the results of such tests were such as to justify their continuance?

6. Are similar tests of elderly persons, irrespective of their driving experience and past record, held in any other State of the Commonwealth?

The Hon. C. S. Hincks, for the Hon. T. PLAYFORD—The replies are:—

1, 2, 3 and 4. Applicants over 70 years of age for renewal of driver's licences have to undergo a test by a police officer. Some applicants are informed that it would not be possible to recommend the renewal and, consequently, no application is lodged.

5. Yes, many of the aged applicants are found to have restricted vision below the standard considered to be safe, and cannot handle a car with safety.

6. In New South Wales, persons 80 years and over are required to under go a driving test every six months. In Victoria, aged persons are not tested except when infirmities come under or are brought to the notice of the police. The position in other States is not known.

Mr. O'HALLORAN (On notice)—

1. Has the Government considered the possibility of reducing the number of road accidents by providing that before licences to drive

motor vehicles are granted or renewed, the applicants should be required to pass a practical driving test?

2. If so, is it the intention of the Government to introduce legislation to deal with this matter during the current session?

The Hon. C. S. Hincks for The Hon. T. PLAYFORD—The replies are:—

1 and 2. The Government proposes to defer a decision until a recommendation has been obtained from the State Traffic Committee on a scheme of classified licences and tests in the particular class of vehicle the applicant desires to drive which has been recommended by the Australian Uniform Road Traffic Code Committee. This system of limited licences provides for six classes of licences, namely:—

Class A.—Authorizing the driving of only a private motor car or a light goods vehicle.

Class B.—Authorizing the driving of light public passenger vehicles, private cars and light goods vehicles.

Class C.—Authorizing the driving only of goods vehicle generally and private cars.

Class D.—Authorizing the driving of all public passenger vehicles, cars and goods vehicles.

Class E.—Authorizing the driving of a steam roller or other vehicle propelled by steam.

Class F.—Authorizing the driving of a motor cycle or other vehicle steered by means of handle bars.

HOUSING FOR AGED PERSONS.

Mr. TAPPING (on notice)—

1. Is it the intention of the Housing Trust to erect flats for aged persons in the Semaphore electorate?

2. If so, which areas of Semaphore electorate are being considered and how many flats are contemplated?

The Hon. C. S. Hincks, for The Hon. T. PLAYFORD—The chairman, South Australian Housing Trust, reports:—

The trust proposes to build, within the Semaphore electoral district, a group of twelve cottages for elderly people at a site in Martin Road, Seaton (Albert Park).

Mr. STEPHENS (on notice)—Is it the intention of the Housing Trust to erect flats or other suitable homes for aged persons on approved sites in the Port Adelaide district?

The Hon. C. S. Hincks, for the Hon. T. PLAYFORD—The chairman, South Australian Housing Trust, reports:—

The trust proposes to build in the Port Adelaide electoral district two groups of cottages for elderly people. One, which will comprise seventeen cottages will be at a site in Chesson Street and Second Avenue, Woodville Gardens, and the other of fifteen cottages will be at Chapman Road and June Street, Woodville Gardens.

WATER CARTING TO NORTHERN TOWNS.

Mr. O'HALLORAN (on notice)—

1. What was the cost to the Railways Department of carting water by rail to—(*a*) Peterborough and (*b*) Terowie, in each of the last five years?

2. What was the total cost for this period?

3. Is water being carted by rail to either of these towns at present?

The Hon. M. McINTOSH—The Railways Commissioner reports:—

1. Year ended June 30.	(*a*) Peterborough. £	(*b*) Terowie. £
1949	262	5,300
1950	—	2,372
1951	9,400	7,826
1952	391	11,773
1953	425	17,042
	£10,478	£44,313

2. The total approximate cost of carting water for five years—£54,791.

3. Water is at present being carted to Terowie, but not to Peterborough.

MOTOR REGISTRATION FEES.

Mr. O'HALLORAN (on notice)—

1. How many primary producers' motor vehicles owned within local government areas are registered at the concession rate provided in the Road Traffic Act?

2. What is the total amount of registration fees paid in respect of these vehicles?

The Hon. C. S. Hincks, for the Hon. T. PLAYFORD—The replies are:—

1. The figures within local government areas are not available. The total in the State is 20,761.

2. The figures are not kept separate. On an estimate of an average registration of £5 8s. per vehicle, the amount would be £112,000.

TAXICAB LICENCES.

Mr. LAWN (on notice)—How much do taxi companies charge drivers on a weekly basis for use of B schedule and C schedule licences obtained from the Adelaide city council?

The Hon. M. McINTOSH—This matter was referred to the Adelaide city council, which advises that the information is not in its possession.

METROPOLITAN COUNCIL BOUNDARIES.

Mr. JENNINGS (on notice)—Is it the intention of the Government to take action to alter metropolitan council boundaries with a view to more economical working?

The Hon. M. McINTOSH—Neither the Government nor the Director of Local Government has received any request from metropolitan councils or ratepayers therein for the boundaries to be altered. It is not known what economies the honourable member has in mind, or what areas should be altered to obtain greater efficiency.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2.) (GENERAL).

The Hon. C. S. Hincks, for the Hon. T. PLAYFORD (Premier and Treasurer)—I move—

That this Bill be now read a second time.

This Bill contains a number of diverse amendments of the law respecting road traffic. Some of them arise from recommendations made by administrative officers of the Government, *e.g.*, the Registrar of Motor Vehicles, the Commissioner of Police, or the Commissioner of Highways. Others are based on recommendations of the Australian Uniform Road Traffic Code Committee. This committee, which consists of representatives of the Commonwealth and of all the States, has within the last year or two made numerous recommendations for the purpose of securing a greater degree of uniformity throughout Australia in the main rules governing road traffic. These recommendations have been received by the Government and sent on to the State Traffic Committee for consideration.

The SPEAKER—Order! As conversations are audible, I ask honourable members not to speak so loudly.

The Hon. C. S. HINCKS—In many respects South Australian traffic law already conforms to the uniform principles recommended by the Uniform Road Traffic Code Committee; but on some important points our rules differ from those of other States. A number of the recommendations for uniformity have been endorsed by the State Traffic Committee and some of these are included in this Bill. Although several authorities have made recommendations on which this Bill is based, it should be pointed out that everything in it has been considered by the Government and approved by it for submission to Parliament.

The detailed explanation of the clauses is as follows. Clause 3 enables certain small wharf trailers to be driven on roads without registration. These trailers are commonly known as "biddies" and are ordinarily used for transporting cargo between ships and cargo sheds. From time to time, however, it becomes necessary to move these trailers from one wharf to another, and this makes it necessary for them to be taken on to the public roads. The earlier types of these trailers were not motor vehicles within the meaning of the Road Traffic Act and could lawfully be taken on roads without registration; but the wharf trailers now in use are vehicles within the meaning of the Act and will have to be registered and insured unless Parliament otherwise provides. Such registration and insurance would be an unnecessary burden and expense because the trailers are taken on to roads only at relatively long intervals and only for short journeys. It is proposed, therefore by clause 3 to enable the Registrar to grant exemptions permitting "biddies" to be drawn on roads and streets without being registered, so long as the vehicle which is drawing them is itself registered and insured. In granting exemptions, the Registrar will have power to impose any conditions which he deems necessary for the safety of the public. Clauses 4, 6, and 7 deal with false statements made by persons applying for licences, registrations and other documents under the principal Act. There are at present three provisions in the Act dealing with false statements, but they were drafted to meet the conditions of 1921 and do not apply to all kinds of applications which are now made under the Act. In addition, the penalties at present prescribed—namely, £20 and £50—are too low. In view of the activities of car thieves and their associates who often attempt to obtain registration papers or duplicate certificates by falsehoods, it is now necessary to have a more general and more effective provision dealing with false statements. It is therefore proposed to repeal the existing provisions on this topic and enact a comprehensive section prescribing penalties of a fine up to £100 or six months' imprisonment.

Clause 5 deals with the case where a person holding a driver's licence issued in this State, is disqualified from driving by a court or authority in another State. Such disqualifications are imposed from time to time; but when the driver returns to South Australia the disqualification imposed in the other State ceases to have effect. The Uniform Road Traffic Code Committee recommended that there

should be recognition in every State of driving disqualifications imposed in any State, and the State Traffic Committee supports this. To carry this principle into effect clause 5 gives the Registrar a discretionary power to cancel or suspend a driver's licence issued in this State when the holder of it has been disqualified from driving by a Court of authority in another State.

Clause 8 deals with the penalty for driving overloaded vehicles in contravention of the width of tyres provisions of the Act. At present the penalty for any such offence is a fine of not less than 2s. 6d. and not more than 10s. for each hundredweight of load in excess of the legal maximum. These penalties have been found too low to act as an efficient deterrent, and the officers charged with enforcement of the width of tyres laws, supported by the Highways Commissioner, have submitted recommendations to the Government for increased penalties. It is proposed in clause 8 of the Bill that the minimum penalty will be raised from 2s. 6d. to 10s., and the maximum from 10s. to £2, for each hundredweight of excess load.

Clause 9 contains another provision dealing with overloaded vehicles. It provides that if a vehicle is overloaded more than half a ton, an authorized officer appointed by the Minister or by a council may direct the driver or person in charge of the vehicle to reduce the load at a place specified by such officer, and if a person fails to comply with such a direction he will be guilty of an offence. It has been pointed out to the Government that overloaded vehicles are from time to time detected at the border as they enter the State; but nothing can be done at present to prevent them from continuing their journeys in an overloaded condition, sometimes for long distances, with consequential damage to our highways. A provision for reduction of excess loads on the lines of that proposed in clause 9 is in force in Victoria and is reported to be effective.

Clause 10 provides that after a day to be proclaimed all bicycles propelled by human power must carry reflectors in addition to their rear lights. This is, of course, a safety measure and has been recommended to the Government by the State Traffic Committee. It is also supported by the Australian Uniform Code Committee and the Royal Automobile Association. The reason for it is the well known fact that many of the lights now used on bicycles are apt to become dim or to fail altogether in the course of journeys, with the result that motorists often do not notice cyclists at night until they are very close to them. There have been some accidents due to this cause. It is most desirable that there should be some alternative way of making bicycles visible from the rear at night, and the fitting of a reflector—which is an inexpensive article and one which does not easily get out of order—is a satisfactory means of achieving this. The actual size, shape and pattern of the reflectors will be prescribed by regulations, and there will be a waiting period before the new law is brought into force.

Clauses 11 and 13 both deal with the same matter—namely, with the turn to the right at intersections controlled by lights. It is proposed to alter the present law on this subject. Under the existing rule, a person desiring to make a right turn at a light-controlled intersection must first enter the intersection while the green light is facing him, then wait in the intersection until the light changes and complete the turn after the change. The proposal in the Bill is that when the motorist has entered the intersection on the green light he may immediately complete the turn to the right if that can be done without risk of collision notwithstanding that the light has not changed. In so turning the motorist is obliged to give way to oncoming traffic and avoid colliding with any pedestrians within the intersection. The rule proposed in this clause is in force in New South Wales, Queensland and New Zealand, and has been asked for by the Adelaide City Council. It is of some importance to the council that this rule should be introduced, because the council is desirous of equipping certain junctions or intersections with vehicle-actuated traffic lights. These lights will not work properly unless the traffic is permitted to move to the right as proposed in the clause. The State Traffic Committee inquired into this matter and after obtaining a considerable amount of information recommended it to the Government, subject to provision being made for the protection of pedestrians. The Australian Uniform Road Traffic Code Committee also recommended the proposed rule for adoption throughout the Commonwealth. In submitting the proposal to Parliament, it may be pointed out that in the clause dealing with this matter the motorist is given the duty of avoiding pedestrians when making either a right or left turn at light-controlled intersections. At present, although the law permits the left turn to be made against a red light showing on the left, there is no specific statutory duty laid upon the motorist to avoid pedestrians.

Clause 12 alters the law as to passing stationary tramcars. At present motorists in this State are not prohibited from passing stationary tramcars, but must reduce speed to six miles an hour. It is proposed by clause 12 to require motorists to stop before passing stationary trams except at places where the traffic is controlled, or there is a safety zone. This clause has been recommended by the Australian Uniform Code Committee and the State Traffic Committee. South Australia is now the only State in which motorists are allowed to pass stationary tramcars and as the rule requiring them to stop works satisfactorily in the other States it is reasonable that we should now conform to the general Australian practice in this matter. Clause 13 has already been explained in connection with the alteration of the law as to right-hand turns provided for in clause 11.

Clause 14 proposed an important change in the rules dealing with the effect of stop signs. The present law is that a motorist who has stopped at a stop sign must not enter the intersection unless it is sufficiently clear of traffic on both sides to enable him to pass through the intersection without danger. The practical effect is that he has to give the right of way to traffic both on his right and left. Clause 14 alters this rule so as to provide that a vehicle which stops at a stop sign shall have the right of way as against traffic coming from the left. If adopted this proposal will mean that a motorist, after stopping at a stop sign, may enter the intersection if the road on the right is clear, although there may be traffic approaching from the left. The traffic on the left will be required to give him the right of way while he completes the crossing, just as if there were no stop sign.

This proposed rule is recommended by the Australian Uniform Traffic Code Committee and is strongly supported by the Royal Automobile Association. It was recommended to the Government by the State Traffic Committee. It is claimed in support of the new rule that it ensures a freer flow of traffic, and simplifies the traffic laws by removing an exception to the general rule of giving way to traffic on the right. There is no doubt that the absolute right of way now enjoyed by motorists on roads protected by stop signs often leads to accumulation of traffic at stop signs and encourages speeding on the road protected by the sign. In addition to altering the effect of stop signs clause 14 also empowers the Commissioner of Police to remove them. It has always been assumed that this power is implied in the law at present, and, in fact, stop signs are often removed; but it is desirable to give the power expressly.

Clause 15 relates to the speed limit of six miles an hour which applies to motorists passing stationary tramcars. If Parliament agrees to the clause which requires a motorist to stop before passing a tramcar, this speed limit will have a greatly restricted application; but there will still be some cases in which motorists will be permitted to pass stationary tramcars, *e.g.*, at intersections where the traffic is being controlled by lights or a police officer, and it is proposed to retain the speed limit of six miles an hour for such cases.

Clause 16 deals with the penalty for the offence of failing to stop a vehicle when an accident occurs. At present the maximum penalty for this offence is a fine of £20 which has been found to be quite insufficient for serious cases. It is proposed to raise this penalty to a fine not exceeding £100; and if the accident is one in which a person is injured or killed a motorist who fails to stop will be liable to imprisonment for any term not exceeding six months. It may be mentioned that even heavier penalties than these were recommended by the Australian Uniform Code Committee, but the Government considers that those in the Bill are sufficient.

Clause 17 provides that vehicles are not to be driven on roads with pneumatic tyres inflated to more than 100 lb. per square inch. The object of this is to protect the roads. Ordinary pneumatic tyres are not inflated to a pressure as high as 100 lb. per square inch but the Highways Commissioner has been informed that a new type of steel cord tyre is coming into existence in some parts of the world which is used at pressures in excess of 100 lb. per square inch. Tyres of this kind do a great deal of harm to road surfaces and it is desired that their use shall be prohibited. This matter was inquired into by the Traffic Committee which was satisfied by the evidence that these tyres would be destructive and that the limitation of 100 lb. per square inch would not prevent the use of any vehicles now on the roads.

Clause 18 increases the penalty for damaging roads. At present the maximum penalty is a fine of £20. It is proposed to alter this to £50 and, at the same time, to empower the court which hears a complaint for an offence of this kind to order the defendant to pay compensation for the damage done by him. At present the law is that the road authority would have to bring a separate action to

recover the amount of the damage; and it would obviously be convenient for the court of summary jurisdiction to deal with this question at the time when the offence is being tried.

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

HONEY MARKETING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 5. Page 1352.)

Mr. BROOKMAN (Alexandra)—Some people imagine that the job of the beekeeper is comparatively easy. Frequently it is referred to as only a woman's job because a few hives are kept in the back yard, but there is a big difference between professional beekeeping and keeping them as a hobby. In South Australia we are not fortunate in having the natural flora that exists in the eastern States and our producers have to keep the bees on the move in order to maintain the honey flow. They must be frequently moved during the season, which necessitates the producer having a truck and a trailer, and often a caravan. The bees are moved at night because it is not easy to collect them during the day. The hives are heavy and it is arduous work lifting them on to vehicles. In many cases rough scrub has to be negotiated and the beekeeper must have his vehicles in good mechanical order. Frequently there is a disaster when a truck carrying hives breaks down. A few years ago a truck carrying hives either turned over or lost its load near Tailem Bend and for a day or two after the accident the road was scarcely passable because the swarms of angry bees practically stopped the traffic. The beekeeper suffered considerably in consequence. It will be seen that the life of beekeepers is by no means soft which we must remember when legislating on their behalf so that they will get justice. In his second reading speech the Minister said that at the inception of the original Act a poll of producers was held on whether the legislation should become operative. At the time about 500 beekeepers were entitled to vote. At the poll 302 voted in favour of the legislation and 151 opposed it; consequently the Act came into operation. About one-third of the beekeepers interested enough to vote opposed the legislation, which represented a considerable number. The Minister believes that practically all producers are happy about the Act, but that is not the position. Many people silently oppose things but do not come out into the open with their complaints, and many honey producers are too retiring to express in the open their opposition to the legislation. Few people question the right of producers to hold a poll on the future of their industry, and this has been accepted as a principle in much of the legislation passed in this State. In almost every instance when a board has been established there has been a poll of producers to determine whether they favour the legislation. It occurred with potato marketing, and this Bill bears some relation to that, although there are one or two differences.

The SPEAKER—A poll is not relevant to the Bill. I hope the honourable member will not go into details on the holding of a poll. He can mention it but not make it a feature.

Mr. BROOKMAN—I shall not go into details. At a later stage I shall move amendments to the Bill and then I shall explain them, but generally the producers should have the right to pass judgment on legislation affecting them before it becomes operative. Polls held in previous years do not reflect present day views. As years go by the views of producers change according to the way in which the legislation operates. I support the second reading.

Mr. TEUSNER (Angas)—I represent an electorate in the most fertile part of South Australia, the Barossa Valley, which has been referred to as a land flowing with milk and honey, so it is appropriate for me to speak on this sweet subject. Like Mr. Quirke I have a predilection for the nectar which comes from the flower of the blue gum tree. In expressing appreciation of the sweetness that comes from the flower I quote the following lines from Shakespeare:—

Where the bee sucks, there suck I;
In a cowslip's bell I lie.

The purpose of the Bill is to extend the operation of the Honey Marketing Act for five years. The Act, which expires on June 30, was introduced in 1949 at the request of those interested in the production and marketing of honey. A marketing scheme was established pursuant to which honey producers were required to deliver to the South Australian Honey Board all honey produced by them, except such quantities as were exempted for local sales. The board was empowered to sell the honey, pool the proceeds, and pay the producers an equalized price. I realize that the legislation could not become effective until a poll of producers had been held. The producers decided in favour of the legislation by

an overwhelming majority, the voting being 302 in favour and 151 against. Before 1939 there was little organization in the industry, with the result that frequently the selling price was uneconomic and growers had to compete with each other in marketing the product, but since that time, and even before the 1949 legislation, some organization was introduced into the industry. The Australian Honey Producers Proprietary Society Limited was established in 1939. In 1943 the South Australian Apiarists' Association, the South Australian Honey Advisory Council, and the South Australian Honey Packers' Association were formed. As a result of the activities of those organizations the production of honey greatly increased and further markets, particularly overseas, were found. The 1949 legislation gave another fillip to these organizations and production and the export trade increased further.

In 1938-39, the year before the industry was organized, the total production in South Australia was 2,940,877 lb. The peak was reached in 1948-49, when 10,906,372 lb. was produced. For the past year production was 7,656,000 lb. Overseas exports were practically negligible in 1938-39, but last year 8,006,340 lb. was exported. Last Thursday the member for Stanley referred to the quality of honey and deplored the fact that as a result of the blending of various varieties from various districts the quality was not as high as that of some types, for instance, derived from the blue gum areas. However, although there may be a deterioration in flavour, the nuritional value of the product being marketed is up to the usual high standard we had before the Act was passed in 1949. I support the Bill because beekeepers generally are in favour of continuing the legislation and the operations of the Honey Board. The few beekeepers I have communicated with have expressed their approval of the Act, which has been responsible for stabilizing the market and securing an economic price for producers. The Act has been highly beneficial to apiarists.

Bill read a second time.

Mr. BROOKMAN—I move—

That it be an instruction to the Committee of the Whole House that it has power to consider a new clause relating to polls on the continuation of the Act.

Motion carried.

In Committee.

Clauses 1 to 4 passed.

New clause 3a—"Polls on continuation of Act."

Mr. BROOKMAN—I move to insert the following new clause:—

3a. The following section is enacted and inserted in the principal Act after section 36 thereof:—

36a. (1) At any time after the thirty-first day of December, nineteen hundred and fifty-four, not less than one hundred producers may present a petition to the Minister asking that a poll shall be taken to decide whether this Act shall continue in operation: Provided that no petition shall be presented within a period of two years after the holding of a poll under this section.

(2) If a petition is presented under this section a poll shall be held within three months of the day on which the petition is presented on the question whether this Act shall continue in operation.

(3) The returning officer for the State shall conduct every poll required to be held under this section.

(4) At a poll under this section every producer whose name appears on a list of producers prepared under this section shall be entitled to vote.

(5) The Minister shall, upon the presentation of a petition under this section prepare and supply to the chief electoral officer a list containing the names of all persons who are producers at the time of the preparation of the list. The Minister may amend or add to the list at any time before the ballot-papers are posted for the poll in respect of which the list is prepared.

(6) A poll under this section shall be conducted by postal voting.

(7) Subject to this Act and the regulations, a poll under this section shall be conducted in such manner as the returning officer for the State determines.

(8) If a majority of the total number of producers who vote at a poll under this section vote against the continuance of this Act, the Governor shall proclaim a day falling within a period of three months from the holding of the poll after which day this Act shall cease to operate as regards any honey sold or delivered, and shall proclaim a subsequent day upon which this Act shall cease to continue in force and this Act shall cease to continue in force from the day so proclaimed.

(9) A poll under this section shall not be invalid by reason of any defect or informality, unless that defect or informality has affected the decision given on the question submitted at the poll.

(10) The Governor may make regulations providing any matters necessary or convenient to be prescribed in connection with polls held under this section.

The new clause will enable producers to petition for a poll on the future of this legislation. On legislation of this nature it has been accepted, as a principle, that producers should have the right to hold a poll, provided a certain minimum number sign a petition. The Potato Marketing Act is parallel to the

Honey Marketing Act, and contains a provision enabling at least 100 registered growers to petition the Minister for a poll. During the second reading debate I said that all producers may not be happy about the Honey Marketing legislation. Out of 500 people entitled to vote 302 voted in favour of the original legislation, but 151 opposed it, or one-third of all those who were interested enough to vote. That is a considerable number. We have not heard the views of those who do not like the legislation, but there are many of them and we must respect their opinions. After all, this legislation is far-reaching and the board has considerable powers. I can see no reason why a small number of producers should be prevented from asking for a poll. The Minister of Agriculture informed me this afternoon that there were 1,000 apiarists in the State, double the number at the time the original Bill was passed. I consider that 10 per cent of growers is a reasonable minimum to demand a poll.

Mr. O'HALLORAN (Leader of the Opposition)—The Bill was brought into operation as the result of a poll of honey producers and in that respect squares up with the principles for which members of the Opposition have always stood—that if primary producers want orderly marketing schemes they shall be given the opportunity to determine the issue for themselves. I think it naturally follows that we must also give them the right, if, after experience, they feel that a scheme should be discontinued, to vote by ballot for its discontinuance. That is fair and democratic, and I support the amendment.

The Hon. Sir GEORGE JENKINS (Minister of Agriculture)—I accept the amendment. Obviously, if we give growers the right to decide they want a marketing scheme of this nature we should also give them the right later to decide they do not want it. When the member for Alexandra spoke to me about the amendment I said that all I desired was that there should be a substantial number of petitioners seeking a poll—not half a dozen disgruntled people. Ten per cent as suggested is a substantial proportion. It suits my ideas exactly, because I do not think we should inflict a honey marketing scheme on producers if they do not desire it.

Mr. WHITE—I support the amendment. In the second reading debate I intimated that from investigations I found that there was a little dissatisfaction among beekeepers concerning the board's operations, but only from a small section. In all marketing schemes there should be a provision to enable the producers affected to ask for a poll. The Bill extends the operation of the Act until 1959. Circumstances could alter in the meantime, and those in the industry may regard the marketing machinery as being outmoded. A poll would give them the opportunity to express their views on the matter. The minimum of 100 growers for a petition should be adequate and prevent any frivolous use being made of the right to seek a poll.

Mr. LAWN—I see nothing wrong with the amendment, and am happy to notice that the member for Alexandra agrees with the principle of one vote one value. Subsection (3) of the proposed new section 36a provides that the Returning Officer of the State shall conduct any ballot, and subsection (4) sets out that each producer shall be entitled to one vote. There is to be no discrimination between the country and the metropolitan area. A simple majority is provided for in subsection (8.) Therefore I have much pleasure in supporting the amendment. We all live and learn, and evidently Government members have learned from previous discussions on electoral questions in this House.

Mr. HEASLIP—I support the amendment, which will make the legislation more democratic and remove any doubt as to whether it is Socialistic.

Mr. O'Halloran—It makes it purely Socialistic.

Mr. HEASLIP—It gives the right to the individual to decide, whereas according to the Oxford Dictionary, Socialism means the complete subordination of the freedom of the individual for the benefit of the community. Under the amendment the honey producers will decide whether they are to have a board. I support the proposal for the presentation of a petition by not less than 100 producers, for a provision for its presentation by only 10 per cent of the producers would mean that possibly only 50 would be required to sign a petition for a poll and, as the result of a frivolous petition, the State might be involved in unnecessary expense in conducting a poll on a proposal which was certain to be defeated.

Mr. HAWKER—I support the amendment which, while safeguarding the interests of genuine petitioners, prevents a few producers from making a nuisance of themselves by demanding a poll on a proposal certain to be defeated. I understand from apiarists in my

district that since this legislation has operated more people are in favour of it than were previously.

New clause inserted.

Title passed. Bill read a third time and passed.

SEWERAGE ACT AMENDMENT BILL.

The Hon. M. McINTOSH (Minister of Works), having obtained leave, introduced a Bill for an Act to amend the Sewerage Act, 1929-1946. Read a first time.

The Hon. M. McINTOSH (Minister of Works)—I move—

That this Bill be now read a second time.

Its purpose is to give the Minister of Works certain powers under the Sewerage Act which are similar to powers already vested in the Minister under the Waterworks Act. Section 26 of the Waterworks Act authorizes the Minister to let land held by him for the purposes of the Waterworks Act and to sell any such land or other property which is no longer required for the purposes of that Act. It would be expected that a provision similar to this would be found in the Sewerage Act but this is not the case. It is obvious that, under the Sewerage Act as well as under the Waterworks Act, the Minister must, from time to time, acquire land which is proper to be leased or which in the course of time, ceases to be required for the purpose of the undertaking and should be disposed of. Clause 2 therefore inserts in the Sewerage Act a provision similar to section 26 of the Waterworks Act and gives to the Minister the same powers with respect to the letting and sale of land under the Sewerage Act as he now has under the Waterworks Act. The government found, after acquiring certain land for the extension of sewerage works, that it had no power to use such land in the meantime to gain revenue. It is not desirable that that should be so. From time to time in order to get an easement to a section of land it is necessary to acquire a whole allotment. This leads to the acquisition of surplus lands of which the Government has no power to dispose.

Part VII. of the Waterworks Act gives to the Minister certain powers to lease waterworks to municipal or district councils or other persons. A similar power does not exist in the Sewerage Act and it is proposed by clause 3 of the Bill to enact a new Part VIA in the Sewerage Act, similar to Part VII. of the Waterworks Act, under which the Minister will be empowered, in an appropriate case, to lease drainage works to a council or other persons. Any such lease can only be granted with the consent of the Governor and may be granted on such terms and conditions as the Minister thinks fit. It is provided that the lessee, during the term of the lease may, with respect to the drainage works, exercise such of the powers of the Minister as the Governor declares by proclamation and that the lessee may be empowered by the lease or by proclamation to exercise any of the powers of the Minister under Part VI., that is, powers to assess land and to declare and recover rates. If a lease is granted of any drainage works, it follows that there should be provision to empower the lessee to exercise the powers incidental to the operation of the drainage works and it is the purpose of these provisions to enable this to be done. Clause 4 makes a consequential amendment to section 2 of the Act. There is nothing new in the proposal, which brings the Act into line with the Waterworks Act, and is in the interests of the State.

Mr. TAPPING secured the adjournment of the debate.

COLLECTIONS FOR CHARITABLE PURPOSES ACT.

Consideration in Committee of resolution received from the Legislative Council (for wording of resolution see page 1162.)

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

That the resolution be agreed to.

Its purpose is to make available money which had previously been made available to Toc H, which does not now desire to proceed with its former project and wishes the money to be made available to the Myrtle Bank Soldiers Home. In 1947, when the activities of the Cheer-Up Society Incorporated were being wound up, its remaining funds were spread over a number of organizations such as the War Widows Guild, Legacy Club, R.S.S. & A.I.L., T.B. Soldiers Aid Society, and others. The £1,000 now referred to was for the purpose of providing huts for returned ex-servicemen on holiday at the Winston Dugan camp at Victor Harbour to be controlled by Toc H. However, nothing has been done and Toc H waited upon the Chief Secretary last year suggesting that the money be made available for another purpose as they did not desire for practical reasons to proceed with their holiday hut project. All the other organizations which benefited from the distribution of the Cheer-Up Society's funds have utilized the money satisfactorily, and this is

the only one of about 17 which has not done so. The Myrtle Bank Soldiers Home is in need of funds and the transfer of the money to this organization was considered appropriate. The Myrtle Bank Home is a deserving institution in need of money, and I commend the resolution to the favourable consideration of members.

Mr. WILLIAM JENKINS—I am pleased to support the resolution, which makes available £1,000 of war charities collections to the Myrtle Bank Home. Last Thursday several members of this House were indebted to Mr. W. J. McCann for a visit to the institution. He is the chairman of the committee which conducts the home. Many of us knew him in World War I. as one of South Australia's finest soldiers. Since that time he has had the welfare of ex-servicemen at heart, and he has taken care of this institution. When he welcomed us last Thursday his eyes were shining with the light of achievement and the knowledge of a job well done. Practically ever since World War I. he has been helping at the institution. It is a unique place because there are no rules, only one or two conditions which have to be conformed to by the occupants. Provided they do not interfere with the comfort and welfare of their co-inhabitants they can come and go as they please. They are almost self-supporting. Thirty of the 50 occupants pay 30s. a week and the other 20 pay £2 a week; that is, according to their ability to pay. If one is in need of a suit of clothes there is a reduction in the weekly board. If someone wishes to enter the home the question is asked, "Are you willing to have this man in your home?" and if the answer is "Yes" it is sufficient. Every man is expected to do an hour's work a day, but some of them are so interested in gardening that they work at it all day and every day, for which some recompense is allowed. The average age of the occupants is 79; the youngest is 72 and the eldest 95. We met many of the occupants and they all seemed contented.

Mr. McCann referred to an amusing incident last Sunday. I believe that it has been his practice for many years to visit the home each Sunday. When he arrived the other day a deputation consisting of a speaker and a supporter awaited him. They told him that the cook had not been doing a good job and on making inquiries he found it to be true. The deputation wanted the cook sacked, which was done, and then the deputation asked what Mr. McCann intended to do. He said that the speaker should be the cook and that the supporter should be the assistant. There are only two paid persons at the home, the manager and the cook, when there is one. Last week one of the occupants, 72 years of age, was doing a good job with the cooking. It was intended that the war collections should be eked out over a period which would cover the life of all World War I. men, but the money has almost petered out. There is only now £2,000 in the "kitty" and further funds are required, although the institution is almost self-supporting. Expense has been incurred through white ant damage and painting has become necessary. Firms, from which the institution buys goods, have been very helpful. For instance, a little while ago the home ordered a gross of dinner plates. The firm taking the order sent along two gross and for good measure sent one gross of cups and saucers, and also a receipted account. The other day several loads of gravel were ordered, and with the gravel arrived a receipted account. I believe the same thing has happened with regard to floor coverings. Every two months ladies' organizations visit the home and keep the clothing of the occupants in good repair. I pay a tribute to Mr. McCann and to Mr. Howard, Assistant Auditor-General, for the very fine work done over the years. Evidence of their good work is found in the contentment amongst the occupants.

Mr. LAWN—I support the motion. Why is the £1,000 collected by Toc H for the purpose of providing huts for returned servicemen on holiday at Winstan Dugan Camp at Victor Harbour no longer required?

The Hon. C. S. HINCKS—The £1,000 was not sufficient to carry out the purpose for which the money was raised and since then it has become the wish of the organization to make it available to the Myrtle Bank institution.

Mr. MICHAEL—It is a wise move to give this money to the Myrtle Bank Home. I was sorry that because of a prior engagement I could not accompany other members on the visit last week. Mr. William Jenkins, who made the visit, spoke of the fine way in which the home is being conducted and how the occupants contribute something towards their keep. The home was begun in 1915, when the freehold of a private residence was purchased. A substantial part of the money to finance the purchase came from the Lutheran War Relief Fund; I believe it amounted to some thousands of pounds. Down through the years the institution has provided a home for ex-servicemen. I have pleasure in supporting the motion.

Mr. TEUSNER—I associate myself with the remarks of other speakers. I visited the home at Myrtle Bank last Thursday, but no words are necessary to commend the resolution, which will make it possible to issue a proclamation enabling a transfer of £1,000 from Toc H to the Soldiers Home League of South Australia Incorporated. The home founded at Myrtle Bank by this league is a very worthy institution. As the member for Light mentioned, it was principally owing to financial assistance in 1915 from the Lutheran War Relief Fund that it was possible to acquire a freehold property at Myrtle Bank of 3½ acres on which is situated the fine home that we saw. The objects of the Soldiers Home League are to acquire and maintain the home for accommodation of persons who have been in active service in any war in which the British Empire has been engaged. The home can provide accommodation for about 50 people, and I believe there are between 40 and 50 veterans of past wars accommodated now. It was an inspiration to all members to see that, despite their age, the residents were not idle. Each was doing his bit to make the home self supporting. Nearly all the available land is utilized for gardening, and we saw some fine vegetable plots.

This home was the first of its kind to be established in Australia and is the only one of its type to be practically self-supporting. No public appeal has ever been made for it, nor has Government assistance ever been sought or granted. As previous speakers have said, the home is a credit to Lieutenant-Colonel McCann and his executive committee of seven, who are taking a keen interest in the home and the welfare of the men there. There is a larger committee of 25, which is very enthusiastic. It was apparent that the residents were contended and happy, no doubt as a result of the spontaneous interest shown by outside organizations, especially the women's auxiliaries that visit the home and attend to the men's sewing and mending requirements. I must particularly mention the Parkside Women's Auxiliary, which visits regularly and provides concerts and supper. I support the motion and trust that the work Mr. McCann and his committee are doing will continue for many years.

Mr. HUTCHENS—I support the motion and wholeheartedly subscribe to the remarks of the member for Angas. Our visit to Myrtle Bank filled every member with admiration for the work of the management and the home itself. Lieutenant-Colonel McCann has set a grand example and the committee of management has done much to provide a fine home for men who have given so much for this country. I commend the women's auxiliaries who assist at the home and the people who have subscribed to it. It was obvious that the men were very happy. They look upon the institution as their home and are always ready to assist in any way they can. Their garden was admired by all. Obviously, they are very contented there.

Mr. PEARSON—I am sure every member is happy to be associated with the passing of the motion. It is refreshing to get evidence, if it were needed, that the spirit of self-help is not entirely extinct in the community. In some instances our so-called progress in social organizations has tended to detract from the old-time virtues of independence and self-help, and perhaps to leech from the community, to some extent, the spirit of charity which has been part of the British way of life. The Myrtle Bank home has a long history of charity. The Lutheran community provided a substantial proportion of the funds necessary to purchase the property, and now Toc H is prepared to hand over a substantial sum for use by the home. The history of the institution is one in respect of which the community can be both proud and grateful. The fact that we have not heard much about it proves that the people there are happy and have been successful in providing for themselves. I am sure every member will support the motion.

Mr. DAVIS—I visited the home last week and greatly appreciate what has been done, but Lieut.-Col. McCann explained that many additions were required. I was pleased to note the happiness of the residents. One was 95 years old, but was very sprightly, proving the excellent attention the men get. The home depends on donations and outside support. I have much pleasure in supporting the motion.

Mr. GOLDNEY—I was greatly impressed with what I saw at the home. Often we do not realize how much a home means to elderly people. I understand those accommodated at Myrtle Bank had no home of their own and that many of them have few relatives. It was pleasing to note that most of the men had a cubicle each. They can do largely what they like, provided they behave properly. The money made available to the home as a result of the motion will be worthily used.

Mr. WHITE—I was very impressed with what I saw at the Myrtle Bank home. The surroundings are very pleasant and I agree with

the member for Gouger that this institution provides a home to men who may not have many friends or relatives in the State. It provides some compensation to men who have done much for their State, country and Empire. The provision of homes for people with no one to care for them is something that has been neglected in Australia and I hope in the future to have the opportunity of speaking at length on the subject, for I have done much research upon it. The £1,000 from Toc H will be much appreciated by the people saddled with the management of the home. It will assist in enabling the institution to continue and perhaps be the means of adding to the already comfortable conditions there. I support the motion.

Motion carried.

CONSTITUTION ACT AMENDMENT BILL (No. 3) (GOVERNOR'S ALLOWANCE).

Adjourned debate on second reading.

(Continued from October 27. Page 1186.)

Mr. O'HALLORAN (Leader of the Opposition)—This short Bill provides for an additional allowance of £2,650 a year towards the establishment of His Excellency the Governor to meet staff costs at Government House. I understand there has been a full inquiry by Treasury officials and the Commonwealth Employment Office, as to the rates which should be paid for the type of employment at Government House and that the added allowance is recommended by both these authorities. I am sure no honourable member would desire that His Excellency should be subject to hardship in order to meet the commitments in maintaining his establishment, and, conversely, no-one in his employment should have to work for less than the approved rates provided for the type of employment involved. Therefore, I have pleasure in supporting the Bill.

Mr. SHANNON (Onkaparinga)—Obviously, since 1951 there have been increases in wages and salaries brought about by quarterly basic wage adjustments, if for no other reason, and the only way staff increments can be met is from the private resources of Her Majesty's representative. I believe that we have too long been prone to permit the representative of the Throne in this State to pay from his own resources considerable sums towards the establishment he has to maintain. That should not be permitted to continue, and the State should see to it that the full cost of administration of this office is borne by the State. We do not know what is before us in the way of rising or falling costs, but under the Bill we are providing for a fixed contribution. Probably the amount suggested meets present circumstances, but existing conditions may not continue. I would have preferred the legislation to be framed to take care of any rises in costs so that no embarrassment would be caused to His Excellency by having to point out that there had been a change and that his costs were exceeding the amount set aside by Parliament. I therefore suggest that when the Government again reviews this matter, as possibly it will have to, it will attempt to rectify the position by providing for actual rises and falls in costs.

Mr. LAWN (Adelaide)—I rise not to oppose the Bill, but to make a few comparisons. Usually, when the Government makes comparisons with other States on various matters they are to the disadvantage of the people of South Australia, and this applies whether it is dealing with Ministerial or members' salaries, or even the income of the basic wage earner. Three years ago His Excellency the Governor was on a salary of £5,000 a year, and in 1951 an additional £4,000, related to the basic wage increase, was provided. In the following year his additional allowance, still related to the basic wage, was increased by £4,950, and according to this year's Estimates this additional amount will be increased to £5,350, making a total allowance of £10,350, and to this must be added the £2,650 included in the Bill, making a total of £13,000. Comparable allowances in the other States are as follows:—Western Australia, £4,000; Queensland, £3,850; New South Wales, £5,000; Tasmania, £3,000; and Victoria, £6,000.

Bill read a second time and taken through its remaining stages without amendment.

TEXTILE PRODUCTS DESCRIPTION BILL.

Adjourned debate on second reading.

(Continued from November 4. Page 1322.)

Mr. O'HALLORAN (Leader of the Opposition)—This Bill has been introduced, we were told by the Minister in his second reading speech, to secure uniformity in the description given to textile products before they were sold on the Australian market, and is the result of negotiations between the Commonwealth Government and the Australian States over a period of years. Members who were here in 1944 will remember that we sought uniformity in a similar piece of legislation enacted that year. As I understand it, it was acceptable to

all the State Governments, but the Commonwealth Government was not satisfied with the provisions which insisted that the description should indicate the percentages in textile products of virgin, re-processed and re-used wool. That is to say, not only did the label have to show what percentage of wool was in the finished article, but also whether that article was the product of the use of virgin wool, re-processed wool or re-used wool. Subsequently it was found practically impossible to determine whether a wool product was the result of the use of virgin wool, re-processed wool or re-used wool. That is a splendid testimony to the wonderful qualities of wool fibres, showing that although it may have been processed and used in the manufacture of a particular type of textile product, once it had been "devilled" and made into condition for re-use it was impossible for experts to distinguish whether it was a product of the use of virgin wool, reprocessed or re-used wool. This Bill is the result of a further agreement to discard the idea of trying to differentiate between the type of wool used in a finished article and provides that the various types of textiles used shall be stated on the label. I see no objection to that provision because it will not weaken the position of the wool industry and will enable the working of the legislation wnich was not possible with legislation passed in 1944.

The chief purpose of the Bill is to protect the purchasers of woollen goods and to guarantee that when they buy woollen goods they will in fact be purchasing goods which are made of wool with, of course, the small percentage allowance which is made available for the practical purposes of the trade. In addition to protecting the purchasers of woollen fabrics it will, to some extent, protect the wool-producing industry. In that respect it merits the sympathetic consideration of any Parliament in Australia and particularly this Parliament which represents a State in which the wool industry is assuming greater importance as the years pass. If we are to expect the manufacturers of textile products in other parts of the world to label their articles properly so that purchasers will know whether they are obtaining woollen fibre or a substitute fibre then we should at least set the example here. Clause 9, however, contains this provision:—

> The Governor may make regulations—
> (*b*) exempting any textile product from the provisions of this Act.

I am at a loss to understand why any textile product should be exempt. At the last annual convention of the Australian Labor Party this question was considered and members of the Parliamentary Party were strongly requested to take steps to see that legislation of this nature was enacted. I am happy that the Government has forestalled me in this regard and for that reason I am pleased to support the second reading.

Mr. HUTCHENS (Hindmarsh)—I am pleased that it is now proposed to give effect to what has long been requested—labelling of goods to show what proportion of fibres, other than wool, they contain. The delay in meeting that request has proved conclusively the value of wool as compared with other fibres. Previous legislation insisted that it should be clearly stated what quantity of re-processed and re-used wool was contained in a garment. It is necessary to have legislation of this nature because of the manufacture of synthetic products. I am concerned, as is the Leader of the Opposition, with clause 9 which exempts certain textiles. Because of the manufacture of synthetic products it is easy to deceive people and I would like to know the necessity for exemptions. I remember an incident when a prominent person in the wool industry introduced to a subordinate two gentlemen from Germany who were visiting Australia for the purpose of writing down the wool industry and who were claiming that in Germany they were manufacturing a synthetic product equal to our wool. The subordinate looked at the visitors and said "Your claim cannot be true because the suits you are wearing are manufactured of wool and if your synthetic product was as good as wool you would be wearing suits of synthetic material." It takes an expert to detect synthetic products from the real article and I consider that clause 9 represents a real danger because the purpose of the Bill is to protect not only the purchaser but the producer of wool, which means so much to our economy. The House should be convinced beyond all reasonable doubt before agreeing to clause 9. I support the second reading.

Mr. HEASLIP (Rocky River)—This Bill is something that woolgrowers have been trying to have enforced for years. The first legislation was enacted in 1944, but even before then the growers were seeking legislation of this nature to protect them. Wool, as a fibre, is unrivalled, but unfortunately purchasers frequently do not know whether they are buying wool or some other material which is claimed to be wool but which is not.

Mr. O'Halloran—Cardboard labels were frequently attached to articles saying that they were woollen.

Mr. HEASLIP—Yes, and there was nothing to prevent that practice. The customer thought he was buying wool, but was getting something inferior and was being penalized. Both sections of the community will appreciate and benefit by the legislation, the woolgrower because his product will be sold as wool, and the buyer because he will know what percentage of wool is contained in an article. The original Act was deemed unworkable, but I believe this will be quite practicable and workable. One of the claims against labelling was that it would add one penny to the cost of a garment, but the purchaser would not complain if he knew he was getting wool. I supported legislation relating to the production of margarine because it was similar in appearance to butter and tasted almost the same and consumers could have easily been deceived particularly when purchasing sandwiches. For the same reasons I support this legislation which will ensure that the buyer will know what he is getting for his money.

Mr. TAPPING (Semaphore)—I support the Bill which represents wise and progressive legislation. Clause 7 provides:—

In any proceedings for an offence against this Act it shall be a defence that the textile product with respect to which the offence is alleged to have been committed was manufactured in or imported into this State before the commencement of this Act.

What will be the position regarding contracts made for the importation of textile goods from overseas or interstate? If a contract were made in September and the goods were not delivered until February or March next an importer might then be holding thousands of pounds' worth of material which did not comply with the Act. It seems that a great hardship would be placed on him and he would pass his losses on to the consumer in other lines. Although I support the Bill I would appreciate an assurance that an importer who has entered into a contract prior to the passing of the Bill and who obtains goods some months later under that contract will not be committing an offence.

Mr. MICHAEL (Light)—I support the Bill. In view of the importance of wool production to the economy of Australia it is necessary to safeguard the interests of users of wool, for I believe no synthetic can take its place. Despite statements concerning the use of synthetics made in recent years of high wool prices, I believe the position of wool is more secure today than it was some years ago when its price was very low and wool production was not profitable. While people generally are prosperous they will buy woollen goods because wool is superior to and more durable than synthetics. Australians depend very much on wool for their prosperity, and, if its price were to fall by, say, 25 per cent, Australia's economy would be adversely affected and conditions would be very difficult for a time; therefore I support this move to ensure that people shall know how much wool is in the articles they buy.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Requirements as to description."

Mr. HAWKER—I am a little perturbed about how the regulations which the Governor may make under clause 9 may affect the implementation of this vital clause. Under this legislation will it be possible for the Governor to make a regulation exempting an article containing, say, 55 per cent fibre and 45 per cent wool, thus giving the impression that the article is all woollen?

The Hon. Sir GEORGE JENKINS—This matter would be more suitably considered when clause 9 is before the Committee.

Mr. CHRISTIAN—Who will police the legislation to see that the requirements of this clause are complied with?

The Hon. Sir GEORGE JENKINS—I would imagine that, as under other legislation, ordinary trade conditions would apply and that, if a trader sold something which was not true to description he would be liable under this legislation and it would be competent for any dissatisfied purchaser to report an alleged offence to the Minister responsible for the administration of the Act. The Minister would then take the necessary steps to ascertain whether the article purchased was in keeping with the conditions laid down in the legislation.

Clause passed.

Clause 7—"Defences."

Mr. TAPPING—An importer may have placed an order some weeks prior to the passing of this Act, and the goods may not reach the State for another two or three months. As the clause now stands, it would appear that, if those goods are not up to the required standard, the importer will be unable to sell them, notwithstanding the fact that the order was placed before the passing of the Act. He would be protected if subclause (2) stated:—

In any proceedings for an offence against this Act it shall be a defence that the textile product

with respect to which the offence is alleged to have been committed was manufactured in, imported into this State or contracted for before the commencement of this Act.

The Hon. Sir GEORGE JENKINS—Under this clause it will be a defence if a trader can prove that, before the legislation commenced to operate, he had arranged for the purchase of certain goods which were then in transit.

Mr. Tapping—The clause does not say that, but uses the word "imported."

The Hon. Sir GEORGE JENKINS—It will be a defence if the trader can prove that the goods have been imported into this State prior to the commencement of operation of the legislation. Having imported the goods in good faith, he would still have to satisfy the court that such was the case.

Clause passed.

Clause 8 passed.

Clause 9—"Regulations."

Mr. O'HALLORAN—This clause gives the Governor power to make regulations exempting any textile product from the provisions of the legislation. Further, any provision in any regulation made under this legislation may apply to textile products generally, to specified classes of textile products or to all classes other than those specified. That seems to me to give the legislation general application and the point raised by the member for Burra on clause 6 has some force. He pointed out that the pure wool provisions which insist that a product shall contain 95 per cent wool before it can be labelled "pure wool" might be suspended under this regulation-making power.

The Hon. Sir GEORGE JENKINS—In the Act "textile product" is defined as:—

(*a*) any product (including garments, piece goods and rolls) manufactured from fibre by weaving, knitting, felting, or other process:

(*b*) tops and yarns,

but does not include any textile product which is exempted from this Act by proclamation:

The Act, by proclamation, gave the power of exemption and that is now being repealed by the present Bill. To enable me to obtain further information on the matters raised, I ask that progress be reported.

Progress reported; Committee to sit again.

THE SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 4. Page 1323.)

Mr. O'HALLORAN (Leader of the Opposition)—This Bill, which is purely a machinery measure, seeks to change the method of appointing officers of the Savings Bank. Under the Act all appointments must be approved by the Governor in Executive Council, but the Bill empowers the Savings Bank Board to make certain appointments, in the same way as followed by similar institutions. In the early days of the Savings Bank the provision that the Governor should sanction appointments might have been necessary to ensure that proper wages and conditions were paid to the employees, as there was no legal standard of remuneration or conditions of employment for bank officers at that time. Today there is a legal standard, and an award for bank officers in general. Although Savings Bank officers are not a party at the moment, perhaps that is because of the present implications of the Act. It is much more satisfactory to provide that the board, which is responsible for the activities of the bank, and has carried out its duties for many years with a great deal of success, should have the right to employ officers who are responsible for the work of the bank. I offer no objection to this Bill.

Mr. DUNKS (Mitcham)—I support this Bill because I believe it is a very great improvement. I have often wondered why any person or body other than the board should have to consider appointments. In a limited liability company, the Board is relied upon to make appointments to the higher positions, leaving other appointments to the manager. I have always thought it wrong that the Savings Bank board should have to make a recommendation to Executive Council, which will either approve or make another appointment. Such a provision has a political flavour, and it is a great pity that Cabinet should have had to make such appointments. The alteration contained in the Bill, which conforms to the practice adopted in private enterprise, is long overdue. I have much pleasure in supporting the second reading.

Mr. PEARSON (Flinders)—The Savings Bank of South Australia is an institution which has won the respect and confidence of the majority of the people in South Australia. The administration, policy and results achieved by this institution are extremely gratifying. I assume that the original provision, requiring the appointment of officers of the bank down to those on the lowest rung of the ladder to be supervised by Executive Council, was enacted because the accounts and deposits were guaranteed by the State Government. That being so, it became essential that the Government and Executive Council should have some

oversight of the people appointed to executive, and even minor positions, in the days when the bank was very much smaller than it is today. The policy dictating some degree of oversight over the appointment of people who become policy makers of the bank is still wise and perhaps essential, because the same conditions still apply; the bank is guaranteed by the Government, and it has become quite definitely the small people's bank. The big majority of our children are taught from infancy to rely on the integrity of this institution and to put their pennies by for a rainy day, and because of its reputation and the work that it has done the bank has earned the justifiable confidence and respect of many people. Because of this, it would not be proper to take away from Executive Council its oversight of the appointment of these people who become the policy makers of this institution. However, as the bank has grown so much, it is obviously unnecessary for Executive Council to retain the complete authority that the Act provided. I support the Bill.

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

HEALTH ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 16. Page 692.)

Mr. FRANK WALSH (Goodwood)—The purpose of this Bill is to bring noxious trades in country areas under similar restrictions and conditions to those existing in the metropolitan area by the Noxious Trades Act. It is not a matter which warrants a long discussion, and as it is an improvement to the legislation now applying in the country, I support the second reading.

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

EMPLOYEES REGISTRY OFFICES ACT AMENDMENT BILL.

In Committee.

(Continued from October 6. Page 894.)

Clause 3—"Repeal and re-enactment of fifth schedule to principal Act," which Mr. Hawker had moved to amend by deleting all the words after "struck out."

Mr. O'HALLORAN (Leader of the Opposition)—I would like to further examine the position before giving the amendment my support. I understand Mr. Hawker now wants to move a different amendment, although its purposes are the same as in the original amendment.

The CHAIRMAN—The new amendment has not been moved and the honourable member cannot speak to it.

Mr. O'HALLORAN—In that case I shall have to vote against the first amendment.

Mr. HAWKER—Previously I moved to strike out the schedule. I now want to insert a scale of fees similar to those applying in Western Australia. I should like to explain the new amendment.

The CHAIRMAN—That would not be in order. I suggest that the honourable member move that progress be reported so that the position can be further considered. I cannot break the Standing Orders.

Progress reported; Committee to sit again.

MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 16. Page 691.)

Mr. O'HALLORAN (Leader of the Opposition)—This Bill has been on the Notice Paper since September 16 and came from the Council. I heard of no violent opposition to it there or attempts to amend it. It provides that maintenance orders granted by South Australian courts may be enforced in territories over which Her Majesty has dominion. I think the position is due largely to the change in the name of the territories. The principles of the Bill must have been worthy otherwise they would not have escaped the erudite attention of Council members. I am always a bit sympathetic towards the wife who has been deserted and perhaps left with a family and no means of supporting it. As far as possible we should see that the long arm of the law reaches the husband in the parts of the world where he can be reached. As this is the purpose of the Bill I support it.

Mr. FRANK WALSH (Goodwood)—The Leader of the Opposition has impressed upon us the need to enforce maintenance orders in all territories over which Her Majesty has dominion. There have been amendments to the legislation in recent sessions but there is still room for improvement. Until recently the allowance was only 12s. 6d. a week and the mother had to go to the court to get a larger allowance, which is not sufficient in these days.

There is a need to improve the position in the matter of maintenance orders. The department goes to no end of trouble to assist the mother of a child if the father has not been prompt with his payments. It is doing a magnificent job. I would like to see a more adequate contribution made by the father for the care of his child. The mother wants it to have a good education. Board and lodgings cost about £4 a week, yet the maximum maintenance allowance is £1 a week, which is not enough. When a child, for which an allowance is paid, goes from a primary school to a secondary school the allowance should be automatically increased either by the department or the court and the money should come from a special fund. I do not know the procedure leading up to maintenance orders being made, but a mother may get 5s. a week under Commonwealth social service legislation and £1 under a maintenance order, so she has only 25s. a week for the child which, in most cases, imposes a hardship on her. Of course, the father may marry again, but the maintenance payments are not sufficient for the mother to care for the child adequately. No mother desires to apply to the Education Department for free books for her child, as this entails filling in many forms and may have the effect of segregating her child from classmates. Many funds are being created today to assist worthy causes, but one should be established so that mothers could apply for financial assistance, particularly when their children commence secondary education.

The SPEAKER—The honourable member is developing an argument that has no relation to the Bill.

Mr. FRANK WALSH—When the Minister explained the Bill he said:—

> The principal object is to extend the application of the Act to United Nations Trust Territories under British rule.

Admittedly, it may be too late for the Government to consider my contentions now, but I hope it will before the next session.

Mr. LAWN (Adelaide)—I support the Bill, but remind Government members that they should be careful when criticizing Labor's policy. We have been twitted this session with having a policy of unification, but a better example of unification than this Bill could not be obtained. Labor's policy is for unification within Australia, but the Bill proposes to apply it to other countries. I wholeheartedly support the principle, but recently legislation was before the House which could not become effective until all State Parliaments and the Commonwealth Parliament had passed a similar measure. All State Parliaments have to pass legislation to enable reciprocity on maintenance orders. This Bill, and the wheat industry stabilization measure, show the absurd position in Australia. People should remember the necessity to pass this sort of legislation before condemning unification. Members opposite would realize the necessity for unification if they examined some of the measures that their own Government has brought down.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

Mr. O'HALLORAN—I do not oppose the principle to be established by the clause, for it is better than that in the Act, but I am concerned about two points in connection with subclause (*c*). Does "Ireland" include the whole of Ireland? There are two Governments in Ireland. I am also particularly concerned about the omission of Scotland, as we may be making a mistake in omitting Scotland that we shall have to rectify later.

Clause passed.

Remaining clauses (5 to 7) and title passed. Bill reported without amendment and Committee's report adopted.

Sitting Suspended from 6 to 7.30 p.m.

POLICE OFFENCES BILL.

Adjourned debate on second reading.

(Continued from September 24. Page 801.)

Mr. DUNSTAN (Norwood)—I understand that this Bill originally came forward when a magistrate drew attention to certain sections of the Police Act which were outmoded. Those who have read the Police Act will know it contains various such sections, but particularly sections dealing with vagrancy, which constitutes people who are guilty of various minor offences, such as idle and disorderly persons, rogues and vagabonds, and incorrigible rogues—in a sort of hierarchy. It is completely outmoded in modern times. Therefore I welcome an attempt to amend the Police Act so that the law relating to minor offences, which would be tried summarily, should be consolidated and further debated. In welcoming this, I do so with several substantial reservations. In some cases, I feel that the reforming zeal of the committee which reviewed the Police Act has not gone far enough, and in other cases it has gone far too far. I should like to refer to those sections

I disagree with in the committee's recommendations. First I shall take clause 5 of the Bill, which reads:—

Where this Act declares that any Act done without lawful authority, or with reasonable cause or without reasonable excuse or without lawful excuse or without consent, shall be an offence, the prosecution need not prove the absence of such lawful authority, reasonable cause, reasonable excuse, lawful excuse or consent, and the onus shall be upon the defendant to prove any such authority, cause, excuse or consent upon which he relies: Provided that the foregoing provision shall not apply to the offence of being in or on any premises or part of premises without lawful excuse.

I feel that provision is reasonable, but it should be added to. A principle has been accepted throughout the history of English jurisprudence, that every person accused before a court, before being convicted, shall be proved guilty "beyond all reasonable doubt," and that no man shall be called upon to prove himself innocent. The onus is upon the Crown to prove him guilty, and no man must establish his innocence before the court unless the Crown has made out a *prima facie* case that he is guilty "beyond all reasonable doubt." I feel that that point of view has been detracted from over the years, particularly as to the law relating to the unlawful possession of goods suspected of having been stolen. On that Sir Matthew Hale, who is one of the earliest famous English Chief Justices, laid down two rules, most prudent and necessary to be observed. One was:—

Never to convict a man for stealing the goods of a person unknown, merely because he will give no account how he came by them, unless an actual felony be proved of such goods.

That principle was observed for many years, and then began a system whereby a man would obtain goods which appeared to be stolen, but could not be proved to have been stolen, because they could not be identified as the stolen goods, and he would say, "I got them from a man around the corner," and on that he would get off. Legislation was then enacted which provided that where a policeman could show to the court that a certain person was in possession of goods which the policeman, at the time of charging him, reasonably suspected of having been stolen, then that person was required to go before the court and prove that he got those goods innocently "beyond all reasonable doubt." That is the law as it stands at the moment. I admit that sometimes there is discussion as to whether the test laid down by Mr. Justice Mayo and others is correct, that it is to be proved beyond all doubt, but I gather the Government accepts this test at the moment. Rightly, the Government felt that that was a grave abuse, so it has proposed in this Bill to alter the standard of proof which falls on the defendant. Under the Bill a defendant is to be required to go before the court and prove his innocence on the civil standard of proof—that is, once it is proved that the policeman "reasonably suspected" that the goods in the accused's possession were stolen goods at the time he laid the charge, then the accused must prove to the court that it is probably true that he got the goods innocently—there is a burden of proof on him greater than on a defendant in a normal case. I do not think that that re-enacts the general provision of the English law in regard to accused persons. I believe that still places a greater burden upon the accused than any accused person should have placed upon him. I believe it is right that he should be called upon for an explanation, but no more should be required of him than to prove that his explanation is reasonably consistent with innocence. That is to say, he should not have to prove to the court that his explanation is probably true, but only that it might reasonably be true, otherwise we are requiring of him a higher standard than is just and we make it possible for innocent persons to be convicted.

That is completely contrary to the general principle of English law, and I believe we should reduce the standard of proof from that proposed—that the accused should have to prove his innocence, in fact, on the balance of probabilities. He should be required to give to the court only a reasonable explanation. It should not necessarily be one that the court must say it believes, which places too heavy a burden on the defendant, but one which the court believes might reasonably be true. I believe that if we go further than that we are taking away that cherished right of every English person arraigned before a court, that he shall be deemed innocent until he is proved guilty, and that any explanation reasonably consistent with his innocence should be enough to establish that innocence where he is called upon to discharge a burden of proof placed on him by a *prima facie* case of the Crown. That is point one. I believe the committee has not gone far enough in this instance, and that in the case of unlawful possession, or where a person is required to prove a reasonable excuse, the proof required of the defendant should only be the normal standard of criminal proof that is required of any defendant when the burden is placed upon him following a *prima facie*

case by the Crown. The defendant should only be required to prove an explanation which might reasonably be true and is reasonably consistent with innocence.

The second point I should like to deal with is contained in clause 14, which provides:—

Any person who, not being an aboriginal native of Australia, or the child of an aboriginal native of Australia, without reasonable excuse habitually consorts with any aboriginal native of Australia shall be guilty of an offence.

This goes far beyond the present provision, and makes it an offence for any person to seek companionship with any aboriginal who is not exempt under the Aborigines Act. It might be said that this would not work any hardship, because any person who was capable of companionship with a European would get exemption under the Aborigines Act, but even if that were the case, (which I deny) there are very many members of the Aborigines Advancement League in South Australia who adamantly refuse to apply for exemption under the Aborigines Act because they consider that it is an insult to their status as human beings that they should have to comply with the existing exemption provisions. This clause will mean that if one chooses to have companionship with these men one will be guilty of an offence, and must prove that in resorting to this companionship one has some excuse other than the companionship. A person must have some business or other such reason for seeing them. If he is in their company, even on one occasion, for the purposes of companionship he will be guilty of an offence. It may be said that this provision is designed to protect aboriginal women, but that is not the case. There is already legislation relating to that. Section 34a of the Aborigines Act provides:—

Any male person, other than an aborigine, who, not being lawfully married to the female aborigine (proof whereof shall lie upon the person charged)—

(*a*) habitually consorts with a female aborigine; or

(*b*) keeps a female aborigine as his mistress; or

(*c*) has carnal knowledge of a female aborigine,

shall be guilty of an offence against this Act.

That relates to men in the north who keep aborigine women about them and who use them improperly. This clause relates to consorting with male aborigines and will be responsible for preventing those male aborigines who desire to be assimilated into our community from the companionship to which they are entitled and which they need to be so assimilated. I believe that ne'er-do-wells who have no lawful place of abode, insufficient means of support and who wander about with the aborigines should be guilty of an offence, and obviously some protection should be given to the aborigines. To suggest that Dr. Duguid shall be guilty of an offence because he consorts with a member of the Aborigines Advancement League who refuses to apply for an exemption is a fantastic provision.

Some changes are wrought by clauses 22 and 23. Clause 22 relates to indecent or profane language or indecent or profane songs or ballads and reads:—

(1) Any person who—

(*a*) in a public place or in a police station uses any indecent or profane language; or

(*b*) in a public place or in a police station or within the hearing of any person sings any indecent or profane song or ballad,

shall be guilty of an offence.

I am reminded of a case that came before the court earlier this year in which a set of rather unsavoury individuals in a private house in the northern suburbs were, in fact, singing some ballads which were not fit for the ears of people who might be offended by anything a little over the odds. In that case they were not giving offence to anybody—certainly not to themselves and they were the only persons who would normally hear it. The police crept up on the property and listened outside the window, and because they overheard these people singing an indecent song they arrested them and they were charged before the court and convicted. What sort of a State is it when the police may enter on private property, snoop around and listen to private conversations and arrest people for something which was not designed to give offence to anybody, but is, in effect, said to offend the police ears? I am always amazed, confounded, and bemused by the fact that certain things appear to offend certain police, when anybody who knows certain policemen is well aware that their private conversation is just as lurid. Officially it does offend the policemen and therefore they may creep up on anyone—even a member of this House—and if he utters any slightly indecent verse, or something a bit coarse, bawdy or vulgar, he can be arrested under this provision. That is fantastic. I do not believe in indulging in indecent ballads and verses, but if persons choose to make vulgar jokes and ocasionally recite vulgar verse in the privacy of their own homes or in the company of one another where it gives offence to

nobody, I feel it is a trespass upon the privacy and rights of an individual that a policeman should come along and say, "You have offended me, because I overheard you through the window."

Clause 23 provides:—

(1) Any person who behaves in an indecent manner—

(*a*) in a public place, or while visible from a public place, or in a police station; or

(*b*) in any place, other than a public place or police station, so as to offend or insult any person,

shall be guilty of an offence.

What is an "indecent manner?" There are some things done occasionally in the privacy of one's own home by some individuals which might offend other people. Certain things would naturally be quite properly objected to if done in public, but in one's private home one has certain rights and prerogatives, therefore are we to have our private lives so beset by the police force that we are not able to do within our homes what we choose to do provided it conforms to normal standards, although it may appear objectionable to persons for whose eyes it was not intended? I feel that this provision is not necessary. I agree that there should be provision to protect persons from offence if they are going down a public street, or can see or overhear something from a neighbouring property, but to suggest that there should be some inquisition into our private conduct in our private homes is fantastic. This is a most repressive provision because a great deal of harm could come from it.

Clause 33 relates to the publication of indecent matter. I believe that every member should clearly understand in his own mind what is the "indecent matter" that we are striving to prevent. I feel that there should be some standard for all of us. A standard has been laid down in the English Courts as to what is obscenity by Lord Chief Justice Cockburn in the case *Regina v. Hicklin* and is:—

I think the test of obscenity is this—whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influence and into whose hands a publication of this sort may fall.

I believe that is much too broad because strictly rendered and applied that test rules out the vast majority of the literature of the world. I feel a much saner test is that applied by Judge Curtis Bok in a case in the Massachusetts Supreme Court in 1948, when he said, in effect, that the test of a book is whether it is sexually impure—that is pornographic, dirt for dirt's sake, a calculated incitement to sexual desire—or whether it reveals an effort to reflect life, including its dirt, with reasonable accuracy and balance; and that mere coarseness or vulgarity is not obscenity. That, I believe, is a sane and sensible test, and the only test which I think any sane or sensible man would choose to apply to his own reading. The evil of this particular clause is one that we should closely examine. Who is to be the judge of whether the matter is pornographic, dirt for dirt's sake, or a calculated incitement to sexual desire? Who can define the clear and present danger to the community that arises from reading a book? If we say it is that the reader is young and inexperienced and incapable of resisting the sexual temptation that the book may present to him, we put the entire reading public at the mercy of the adolescent mind and of those adolescents who do not have the expected advantages of home influence, school training, or religious teaching. Nor can we say into how many such hands the books may come. If the argument be applied to the general public, the situation becomes absurd, for then no publication is safe. How is it possible to say that reading a certain book is bound to make people behave in a way that is socially undesirable, and beyond a reasonable doubt, since we are dealing with a penal statute? I believe that we should remember the words of Lord Macaulay:—

We find it difficult to believe that in a world so full of temptations as this, any gentleman, whose life would have been virtuous if he had not read Aristophanes and Juvenal, will be made vicious by reading them.

The freedom to read is essential to our democracy, but it is under attack. Private groups and public authorities in various parts of the world are working to remove books from sale, to censor text-books, to label controversial books, to distribute lists of objectionable books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid and that censorship and suppression are needed to avoid the subversion of politics and the corruption of morals. I am deeply concerned about these attempts at suppression. Most such attempts rest on a denial of the fundamental premise of democracy: that the ordinary citizen, by exercising his critical judgment, will accept the good and reject the bad. The censors, public and private, assume

that they should determine what is good and what is bad for their fellow citizens.

Now, as always in history, books are among our greatest instruments of freedom. They are almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. They are the natural medium for the new idea and the untried voice, from which come the original contributions to social growth. I believe that free communication is essential to the preservation of a free society and a creative culture and that these pressures towards conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and culture depend. I believe that the laws relating to obscenity should be vigorously enforced. Beyond that, there is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression. To some, much of modern literature is shocking, but is not much of life itself shocking? Is it not right that we should be able to approach life with a critical and moral judgment and be able to see the bad in order to reject it? Under this clause "indecent matter" includes any printing, writing, painting, drawing, picture, statue, figure, carving, sculpture, or other representation or matter of an indecent, immoral or obscene nature but does not include books and other matter published in good faith for the advancement or dissemination of medical science.

Mr. Macgillivray—Who is to decide?

Mr. DUNSTAN—Quite so. At the moment the person who is to decide is the magistrate, and, with great respect to our magistrates, they are people who have been trained in law: no training whatsoever is required of them in artistic, literary or cultural values, nor in fact do they have to have any regard to those values. I believe that this clause should embody substantially the same provisions as are now being enacted in New South Wales in the Obscene Publication Act, which was mentioned in this House recently by the member for Adelaide. That provides an exception in the case of matter which possesses artistic, literary or cultural merit; that is to say, it takes out of the present provisions of the Bill the vast majority of literature and art which is valid. Under the present provisions everything in Juvenal most of Ovid, a great deal of Theocritus, much of Homer's *Odyssey* and the *Iliad*, the whole of Petronius' *Satyricon*, and most of Apuleius' *Golden Ass*, would be invalid, and those are only a few instances from classical literature.

Mr. Quirke—What about the Bible?

Mr. DUNSTAN—I believe the Bible might be within this provision, but it is certainly within the provisions of clause 33 (3). In French literature we could kiss goodbye to Victor Hugo, Alexandre Dumas, Balzac and de Maupassant. We could take off our walls the paintings of Courbet and Manet—two obvious examples which are not considered revolutionary. We could remove from our bookshelves Shakespeare and Chaucer. Indeed, Chaucer's *The Miller's Tale* would be most objectionable. We could also remove from our bookshelves every novel written by D. H. Lawrence or Aldous Huxley. I don't hold any brief for them, but the modern novels, *The Rains Came* and *Gone with the Wind*, to mention but two, would be indecent if anybody liked to prosecute under this section. The excuse would be made that no prosecution had been taken under this section with regard to such books, and that is quite true; but that does not mean that a prosecution will not be taken or that a private prosecution by some frumpish person might not be taken and the court forced to find the seller or possessor of these books guilty. A private prosecution is perfectly valid under this Bill, and if a private prosecution were undertaken much literature and art could be proscribed within our community. That would be ruled out if we included in this clause a provision excepting not only works published in good faith for the advancement and dissemination of medical science, but works possessing artistic, literary, educational or scientific merit as defined or interpreted by reputable authorities. The court should have some regard to reputable authorities, and a magistrate untrained in these matters should not be the sole judge but should be able to go to, say a Professor of English Literature or the Director of the National Gallery for guidance as to whether the matter possesses artistic, literary, educational or scientific merit. That would be a satisfactory provision and is one which is being enacted elsewhere and hailed widely as a sensible and a sane provision. Clause 33 (3) states:—

> In determining whether any matter is indecent, immoral or obscene the court shall have regard to—
>
> (*a*) the nature of the matter; and
>
> (*b*) the persons, classes of persons and age groups to or amongst whom it was or

was intended or was likely to be published, distributed, sold, exhibited, given or delivered; and

(*c*) the tendency of the matter to deprave or corrupt any such persons, class of persons or age group,

to the intent that matter shall be held to be indecent, immoral, or obscene when it is likely in any manner to deprave or corrupt any such persons, or the persons in any such class or age group, notwithstanding that persons in other classes or age groups may not be similarly affected.

In reply to a question in this House it was suggested that this provision was aimed at comics which were distributed amongst children, sordid comics which are rightly objected to by many people, including myself; but that is not the case. This embraces not only comics but much more. It provides a certain new test of indecency to which the court shall have regard and which may be summed up as follows: If a bookseller has on his bookstall a novel such as *The Cruel Sea*, a widely read novel and a best seller, generally acclaimed by critics throughout the English-speaking world as one of the best and most vital novels written in the English language in this century, that novel could be sold to a child. There are things in it which are most unsuitable for children, and this clause says that the court shall have regard to the persons or classes of persons and age groups amongst whom it is sold. I remind members that although this clause says "persons," under the Acts Interpretation Act that can mean either a person or persons. I believe parts of that novel would tend to deprave or corrupt a child who read and understood it.

Mr. Macgillivray—A child would not understand it.

Mr. DUNSTAN—I believe some would. I think a boy of, say, 14 would. He might learn nothing new, but there are things in it which I believe a moral person would disapprove of but which a child might accept in his own mind if he had not a sufficiently critical faculty—and in a child that faculty might not be well developed. That would be an indecent publication under this legislation, and any person having it on his bookstall for sale, as well as the publisher and the printer, would be guilty under clause 33(2)(*a*) of an offence. Such a provision could mean that we in this community would have our reading matter reduced to the standard of that of adolescents, and that is wrong. Why was this provision considered necessary? If there is an intention on the part of the Government to aim at comic books which deprave or corrupt children, why not say directly, "If people have on their bookstalls for sale or offer for sale to other persons matter which is likely or intended to be distributed among children under the age of 16 years and which would tend to deprave or corrupt them that person shall be guilty of an offence." Part of that is already provided for in the Children's Protection Act, an Act which to my knowledge has never been adequately enforced, and section 11 of which states:—

Any person who—

(*a*) sells, lends, or gives, or offers to sell, lend, or give to any child; or

(*b*) in any manner employs or hires any child to exhibit, sell, give away or in any manner distribute;

(*c*) having the custody or control of any child, permits him or her to exhibit, sell, give away, or in any manner distribute,

an obscene publication, shall be guilty of an offence against this Act.

Under this Act an obscene publication includes any book, pamphlet, magazine, newspaper or document devoted to the publication, or composed to any considerable extent of or giving special prominence to criminal news, police reports, or accounts, stories, or pictures of lust or crime. That should be wide enough, but unfortunately under this Act as it stands a prosecution would almost invariably have to rely on the evidence of children, because the offence is only in the selling, lending, giving or offering to sell, lend, or give to any child, and rarely would you get a bookseller to provide evidence of that if there were a policeman hovering in the background. It would be necessary to rely on children's evidence and that is notoriously unreliable; therefore this section is not satisfactory as it stands. Consequently, to deal with matter tending to deprave or corrupt children it will be necessary to include new clause 33a:—

Any person who prints, publishes, sells, offers for sale or has in his possession for sale, or delivers or causes to be delivered or given to any person for the purpose of sale or delivery, any printing, drawing, picture, representation intended to be or which will probably be published, distributed, sold, given or delivered to, or circulated among children under the age of 14 years, which is of such nature as to deprave or corrupt such children shall be guilty of an offence.

That would catch everything which would be unsuitable for a child's mind. But under clause 33 (3), if the Rationalist Society chose to prosecute the British and Foreign Bible Society because of the contents of Genesis, Chapter 19, it would be mandatory on the magistrate to find the society guilty. The

committee has not given nearly enough attention to the meaning and implication of this clause, which could, in fact, reduce our reading matter to what is suitable for children and adolescents. That is not good enough. The clause is coming at the whole matter crab fashion. There should be one standard for children in adolescence, people who have not yet formed a sufficiently critical faculty to decide what is good or bad and who cannot decide in their own minds what is good or immoral. Adults should be able to read any matter provided there is no circulation of matter which is obviously pornographic. Pornographic matter will be cut out under the suggestions I have made. Provisions against it should be enforced, and these are the only provisions which should be enforced with regard to adults who can discriminate for themselves. For children I believe there should be a clause directed against the things which could deprave or corrupt them and not a clause which comes at the whole thing crab fashion and proceeds to claw in and kill off all the rest of valid art and literature such as I have mentioned.

I turn now to clause 67. Clause 67 is a re-enactment of the present law, and I welcome this opportunity to discuss it because I believe the present law is obviously wrong. This clause deals with the granting of search warrants. In South Australia the provisions for granting search warrants are either in the Police Act or in the common law power of a justice of the peace to grant a search warrant with regard to stolen goods during the daytime. This clause provides that the manner in which a search warrant is granted shall be that the Commissioner of Police shall grant to any police officer who may have reasonable grounds for suspicion a general search warrant to search any premises which that officer suspects. The grounds of suspicion in this clause are very wide, namely—

> He may with such assistants as he thinks necessary enter into, break open, and search any house, building, premises, or place where he has reasonable cause to suspect that—
>
> (i.) any felony or misdemeanour has been recently committed, or is about to be committed; or
>
> (ii.) there are any stolen goods; or
>
> (iii.) there is anything which may afford evidence as to the commission of any felony or misdemeanour; or
>
> (iv.) there is anything which may be intended to be used for the purpose of committing any felony or misdemeanour:

That, in effect, gives *carte blanche* to any police officer who has been given a search warrant to enter any private house he chooses and search it if he thinks fit, and the only redress the private citizen has is the right to go to the court and prosecute that man for trespass. In doing so he has to prove on the balance of probabilities that the officer could not have had any reasonable suspicion.

Mr. Quirke—That is extending the powers of the Lottery and Gaming Act.

Mr. DUNSTAN—Yes, but that must go to lottery and gaming, whereas this goes to anything at all—anything under the Crimes Act such as seditious libel, and if he had written anything down about some public figure, even though he did not intend to publish it, the police could take the papers. Under these provisions the people of South Australia are being deprived of that right to private property to which they are entitled under the common law of England. The matter of general warrants and their effects was dealt with in the time of George III. in the case of Entick *v.* Carrington. In that case the Secretary of State granted a general search warrant to enter and search for papers in a seditious libel, and it was found by the court that no such power existed in the common law. In effect the judge said that before the revolution there existed a power to search, but that took its rise from the Court of the Star Chamber, and was rightly abolished with that court. Men gave their lives to abolish the things which came out of that court and the writs issued from it. They have bequeathed to us our heritage of freedom, and are we just to whittle it away in a provision such as this? We should have regard to the words of the judge in the case I have mentioned as follows—and I enjoin members opposite to listen because it represents their policy—

> The great end, for which men entered into society, was to secure their property. That right is preserved sacred and incommunicable in all instances, where it has not been taken away or abridged by some public law for the good of the whole. The cases where this right of property is set aside by positive law, are various. Distresses, executions, forfeitures, taxes, etc., are all of this description; wherein every man by common consent gives up that right, for the sake of justice and the general good. By the laws of England, every invasion of private property, be it ever so minute, is a trespass. No man can set his foot upon my ground without my licence, but he is liable to an action, though the damage be nothing; which is proved by every declaration in trespass, where the defendant is called upon to answer for bruising the grass and even treading upon the soil.

It is an old adage in English society that an Englishman's home is his castle, but under this provision an Australian's home is a policeman's castle—or a policeman's wash-pot if he cares to make it so. A sensible provision for warrants is this; if a policeman has reasonable grounds to suspect that something is going on in a house which warrants his searching it to prevent an offence, or to discover evidence of the commission of an offence, he should go before a magistrate and depose to those grounds on oath, and if the magistrate finds that the grounds are sufficient to justify the granting of a search warrant to invade the right of private property, he grants it, and the policeman goes to that particular house for that purpose. No policeman should be granted a warrant to remain in force for six months, to go where he wills and search whose property he likes, to get a man out of bed in the middle of the night, turn his house upside down and then say, "I did not find anything, but I had cause to suspect that something was going on." It may be argued that this power has never been abused, but who is to say that in some time of political uproar it may not be abused. There is nothing to prevent the Executive, in time of political stress, from exercising the right in this provision to empower a police officer to go where he wills and search whose house he wills. I believe this provision is entirely contrary to the general principles of English law. If ever an emergency arose, or there was danger of the country being invaded, where is the harm in asking Parliament for emergency powers? The Commonwealth Government could enact them under National Security Regulations immediately. It is completely contrary to the general heritage of our laws that a policeman should have the right to go into our homes to search when he chooses, and we should fight against it most adamantly on every occasion when it is requested.

Lastly, and this is a minor matter, there is a provision which alters the sections relating to posters in public places. If a poster is posted on a telegraph pole it is up to the local council to decide whether any action should be taken, or whether anyone should be prosecuted if the council objects to it; after all, it is the council's property. This provision takes the matter out of the hands of the local councils, and puts it in the hands of the police, and whether the council wills it or not, if no consent has been granted for the posting of, say, a circus poster on a telegraph pole, the circus proprietor is liable to prosecution by the police even though the council may be quite happy for it to be there.

Mr. Jennings—Does that apply also to an election poster?

Mr. DUNSTAN—It would be in the same category. We should not take away the right of local councils to decide on what happens in their areas. Under the Act there is a provision that facilitates presecution by local councils if they choose to take action, so why not leave it to them? Why take away the rights they have always had and give them to the police force? We should have local government as close to the people as possible, and the local governing bodies should be masters in their own houses, just as every individual should be master in his own house. I believe there are objectionable provisions in this Bill which we should examine closely. Consequently, although I support the second reading, I believe we should look very carefully at this Bill in Committee to see that we are not whittling away the rights of individuals which have been fought for and won down through the history of the British speaking peoples.

Mr. TRAVERS (Torrens)—I support the Bill and compliment the honourable member for Norwood on his speech, which indicated a very careful consideration of the Bill and a very thoughtful analysis of the many subjects involved in it. Mr. Dunstan is a young man making his way in law, a difficult profession, and he is applying an active mind to the real problems which arise in this Bill, although in saying that I do not want it to be understood that I agree with the propositions he has put forward. There is, of course, clear room for dispute and difference of opinion on all these matters, and most of those put forward were taken into earnest consideration by the committee which produced this Bill. The measure is the result of a very great deal of thought and investigation by sources representing very diverse interests, which had a very close knowledge of the subjects in hand. The origin of the committee was that Mr. Johnston, a special magistrate, who is one of the active, energetic and younger vintage of special magistrates, one of the post-war appointees, exercising a very extensive jurisdiction at the busy Port Adelaide court, was impressed by the fact that the Police Act had become completely archaic. It was his duty to administer it from day to day; he found it completely outmoded and so reported to the Government. As a result of his report

a committee was set up to inquire into the Act and, if it found any need for revision, to make the necessary recommendations to the Government.

The committee was a widely representative one, and included Mr. Bean, the Parliamentary Draftsman, a man of very wide experience in both drafting and the general law, as chairman, and Mr. Johnston, S.M., who presides over the second busiest court in the metropolitan area administering the minor criminal code, which is the Police Act, a job he must do from day to day, and one which he does extremely well. Also on the committee was Inspector O'Sullivan, who is Police Prosecutor at the Adelaide Police Court. He has come through the ranks as constable, detective, sergeant and inspector. No-one could have a wider experience in this matter than Inspector O'Sullivan. In addition, the Law Society was invited to send a representative to the committee and it asked me to do the job, which I did. I suggest, without blowing my own trumpet, that I have had a number of years' experience in this jurisdiction. During that time I have been nearly 100 per cent on the side of the accused person, so on the committee we had a wide representation of all the possible angles which might arise in the administration of the minor Criminal Code. I assure Mr. Dunstan, who seems to have a tender regard for the accused person and for the dreadful things which may be done to him under this Bill, that every consideration was given to seeing that there were no injustices in the necessary amendments of the law. My appointment to the committee was at a time when I was not a member of this House and frankly had no intention of becoming one. I was purely and simply a representative of the Law Society.

I want to refer to the things which the Law Society does in this regard. The committee met periodically over a period of about 2½ years. We met a half a day each time, and I feel a little embarrassed in mentioning it because I was the society's representative, but the work was done without any request for fee. This is one of the contributions of the Law Society and the profession to the welfare of the State, and the public should realize what is happening in this regard. Mr. Dunstan said that the Bill goes far beyond consolidation, and so it does; it does not purport to be only a consolidation measure. The Police Act is something like a minor Criminal Code. We have two main Acts which deal with criminal law. The first is the Criminal Code which deals with all major crimes and their punishment. The cases go to the Criminal Court before a judge and jury. Then there is the minor Criminal Code, the Police Act, which covers the every day type of offence that is dealt with by magistrates and justices of the peace. It deals with various menial offences, some of which, of course, grade up to serious dimensions, but mostly they are disciplinary provisions which are necessary for good order and good government in a civilized State. Whether it be the Criminal Code or the Police Act, all these disciplinary provisions are designed to provide personal protection to the citizen and to ensure that we may with safety leave our homes with the confident expectation that when we return they will not be burned down or burgled, or that we can walk down the street and not be attacked, assaulted, garrotted or robbed. They ensure that women may safely pass along the street without molestation, and children may be brought up to respect the law.

These are the things dealt with by the Criminal Code and the Police Act. It is a general collection of provisions, some of which deal with things which are evil in themselves. We describe them as *malum in se*, because they are basically evil, of which there can be no dispute. There are others which are not basically evil, but evil if done in certain circumstances. They are described as *malum prohibitum*. The law does not frown upon the commission of the marriage act. It encourages it in proper circumstances, but it frowns upon it if it takes place on the river bank. These are provisions of the major or minor Code to control unseemly conduct of that kind to ensure that people may go about their business without attack, robbery and so on. All these things require occasional modernizing

Laws that regulate human conduct must grow and develop as society grows and develops; they must move with the times. The social organism is a growing and expanding thing and the law must move with it if it is to serve the same purpose in this century as in the last. New forms of public mischief become prevalent as society progresses. We see them arising every day, but there is no provision for them. Let me give an illustration. We recently had a New Australian who insisted on swallowing forks because he wanted publicity and wanted to be sent home. Believe it or not, in these days of 1953 there was no provision in the law to prevent it. If he thought it was good for his digestion he was

at liberty to swallow forks and put the public to the expense of operating on him and retrieving them. These new techniques are constantly developing and we must streamline the law to keep pace with them. We need only to look at the statutes of a century ago to see how absurd they look through modern eyes. They seem so unnecessary, but they were not in those days. With the changes in civilization and the growth and development of the social organism they have outgrown their usefulness, and many of the Police Act offences have done the same thing.

A further consideration was the diminishing value of money. The monetary penalty failed to fit the crime in many instances. Years ago when the penalties were imposed, and some were imposed a century ago, they were fair and adequate and acted as a deterrent. Nowadays they do not mean a thing and they had to be brought up to date. There is a growing prevalence of some offences and there are some which a few years ago were rare. One that comes to mind is driving a motor car whilst under the influence of liquor. Ten years ago that was a rarity. True it is that the section has been widened and brings in a number of artificial matters, but at the same time such has been the change in social practice that more people are driving cars, more people are driving faster cars, and more people are drinking more liquor socially, with the result that more people are driving motor cars whilst under the influence of liquor. The net result is that what was a rarity 10 years ago occurs every day now, and there must be legislation for it. I merely mention this as an illustration.

One serious problem which has not been fully realized, judging by some of the comments I read in a debate elsewhere, is that in many cases the fines were so small that the magistrate found himself confronted with the problem of sending a man to gaol when he did not want to do so. The fine was not big enough to punish the man. The magistrate found the evidence proved but could not fine him the £2 or £5, which were absurd figures. It would not have been a punishment and a deterrent, and did not bring home the seriousness of his conduct, so the alternative was imprisonment. The state of the Act brought about a gaol sentence whereas a salutory fine would have been better. These things need attention and there must be a periodical overhaul. We cannot have a criminal law which remains static. An offence against the criminal law is an offence against the body politic. Jurymen are chosen because they represent the community. The essence and basis of a criminal act is something which offends against the conscience of the community. As the community conscience changes and develops the law must do the same. Customs have changed over the years and they must be pursued, and legislation must be passed to deal with the position.

The process has gone on and to show that it is not a flash in the pan or a new thing, but merely an evolutionary process of the law pursuing the growth of civilization, I want to refer to the growth which has occurred in the criminal law. Let us consider the criminal law and see what Acts have been passed in that field. One was passed in 1842, and perhaps it is not without interest on the subject I have been discussing about altered customs, manners and practices, to note that it solemnly abolished punishment by pillory. Today we laugh at that, but it was no laughing matter then. Time has moved on, and customs have changed.

Further Acts were passed in the criminal law field in 1845, 1846, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1858, 1859, 1861, 1863, 1866, 1867, 1870, 1871, and 1874. Presumably, by that time the legislators had had enough of so many separate Acts and set about a consolidation. A Criminal Law Consolidation Act was passed in 1876, doing precisely what we are trying to do now. Between 1842 and 1876 twenty separate Acts were passed dealing with new forms of mischief and modernizing the penalties that dealt with many forms of mischief so as to bring them up to date, but it did not stop there. We cannot stop in these things: we have to go on. New Acts were passed in the same field in 1878, 1885, 1899, 1902, 1907, 1917, 1924, 1925, 1926, 1927, 1929, and 1933. With those 12, the time came for another consolidation in 1935, but the matter did not stop there. Since then there have been amendments in 1940 and 1952, so between 1842 and the present, about 110 years, there have been no fewer than 34 Acts passed dealing with criminal law in the major field.

Now we turn to the minor code, which keeps order in this community, and there we have the same experience. In this field we have the day to day activity of courts of summary jurisdiction, comprising the magistrates and justices of the peace. These laws have been passed for the purpose of protecting our lives, liberties, property and freedom. Prior to 1863 a number of Acts in that field were

passed, but there was a consolidation in 1869. Further Acts were passed in 1897, 1898, 1899, 1905, 1907, and 1913. Another consolidation took place in 1916. Again the matter did not stop there, for further Acts were necessary in 1921, 1923, 1925, 1928 (two), 1929, 1934, and 1935. Another consolidation was necessary in 1936. Further Acts were passed in 1937, 1938, 1946, and 1952, so that in that field since 1863 there have been no fewer than 24 Acts. It can be seen that consolidations took place at rare, but somewhat regular intervals—in 1869, 1916, 1936, and I hope in 1953. What is being done now is merely fitting into the pattern of the growth of civilization and the growth of law to regulate the conduct of the people of the State.

Before the present Act was passed there were included in the one Act two different subjects, namely, the portion that formerly contained all the myriad provisions dealing with the internal administration of the Police Department, and also the subject matter of the present Bill, that is, offences. It became apparent to the committee that these two subjects were rather strange bed-fellows, and it was decided to separate them. Last year Parliament passed an Act dealing with the administration of the Police Department, divorcing it entirely from the police offences legislation, in that respect following the pattern of other States. We are now left to deal with the Police Offences Bill, to bring it into conformity with modern conditions and cut out the dead wood, and there is a good deal to cut out. It is strange the way many of these ancient practices survive in Acts of Parliament. I believe I am right in saying that at the moment the licensee of the South Australian Hotel is committing an offence unless she has stabling for two horses at the back of the hotel. I am not a betting man, but I think it would be a good bet that there is an absence of such stables, but that is the sort of thing that has survived down the years. No one makes it his business to delete such provisions. A pruner is not employed to cut out dead wood, so it goes on and on.

In many cases in this Bill the maximum monetary penalties have been increased, but in no case has the minimum been increased. In other words, ample room has been given to the court in which to work and make the penalty fit the crime. In no case has the court been tied in its power to deal with a trivial matter. The member for Norwood shed some crocodile tears this evening about the horrible possibilty of some of the classics that few read, but many talk about, being banned if the section dealing with indecency were passed. Let us bear in mind two things. Firstly, in South Australia we have, I think everyone will agree, a sane administration of the criminal law. No prosecution is launched wthout running the gauntlet of a proper examination by those whose duty it is to decide whether there shall be a prosecution. Secondly, we have, I am happy and proud to say, a magistracy to compare extremely favourably with the magistracy of any other State. We have no magistrates who are not legally qualified, and it is to the magistrates' court that police offences go.

I stress there is an over-riding provision in the South Australian law that is very relevant to police offences, namely, section 75 of the Justices Act. That provision applies to all other Acts. For a first offence, if the court takes the view that it is trivial, notwithstanding that the Act dealing with the offence fixes a minimum and a maximum penalty, the court can reduce the minimum to nothing. Secondly, if it takes the view that the offence is trivial it can convict without a penalty, notwithstanding that the Act fixes a minimum. Thirdly, it can dismiss the complaint. Although the Act may fix a minimum penalty, whether of a fine or imprisonment, section 75 of the Justices Act operates in precisely the same way as if it were printed in every Act after the penalty provisions. It is most important to have elasticity in regard to criminal offences. If we want to bring the law into disrepute the best means is to fix a penalty and say it must be enforced. The circumstances relating to criminal offences are so wide and varied that the sky must be the limit, and there must be room for the court to impose a penalty to fit the crime. That must apply upwards as well as downwards. It is of no use shedding tears of sorrow for the man charged, for he will get a fair trial, and it is only after being found guilty that penalties are imposed. If we have confidence in our courts we have to enact provisions to punish properly, not improperly or savagely. If we do not have confidence in our courts let us not waste time in amending the Criminal Code, because it will not get us anywhere. Some of these offences which were formerly in the Police Act have now been deleted by this Bill, because of the growth of special legislation dealing with a variety of special subjects such as local government or building activities. There one will find provision made

for a lot of things which are already dealt with in the Police Act. The committee found much duplication of offences. Sometimes the elements differed slightly, and although it might be the same offence the penalty was different, so we had the extraordinarily unsatisfactory situation of its being almost a gamble which section the man happened to be charged under. If he were charged under the appropriate section of the Police Act one penalty was provided, whereas if under the Highways Act it was a different penalty. We came to the conclusion that this would have to be dealt with. This business of duplicated offences is extremely unsatisfactory.

Mr. Frank Walsh—Did you have any under the Road Traffic Act?

Mr. TRAVERS—Plenty of them. There seems to have been a growing tendency in recent years to include offences in various Acts, very often without a full realization of what other Acts had done in creating offences. Let me give an illustration. Under the Lottery and Gaming Act provision was made that no person shall be the occupier of a common gaming house, and in subsequent sections provision was made for the voidance of a tenancy if one were the occupier of a common gaming house, and for penalties attaching to people detected going in or out of such a place, and so on. From memory, that was section 63, and section 90 forbade the occupancy of a common gaming house and imposed a penalty for it. Many years after the original Act was passed some bright person noticed that although section 63 provided that no person should be the occupier of a common gaming house no penalty was provided, and the penalty provision was inserted in that clause, whereas in a later section a penalty was provided for. That is a clear example of the kind of thing that occurs where an offence is created by the Building Operations Act, the Highways Act, the Local Government Act, and so on. The committee also attempted to modernize some of the provisions by making it a little clearer what was really being punished. For instance, it was an offence for a person to be an idle and disorderly person. Without reflecting on any honourable member, I have seen a number of people who at times have been idle and at times extremely disorderly. Whether they fell within the meaning of the Act no-one knows, but it was in solemn print that idle and disorderly persons and rogues and vagabonds were to be punished. What is a rogue and vagabond? When one examines the position it appears that in the Middle Ages in England people who were idle and disorderly were a charge upon one particular parish, and if they happened to ramble into the next parish there was some complicated difficulty as to which parish had to pay for their upkeep. That has solemnly survived in our legislation, and unless the Bill is passed will still survive. That is one of the things we attempted to deal with.

Perhaps I can sum up the approach in this way. Firstly, the committee tried to do what has been done periodically throughout the history of South Australia—modernize the law in the way I have indicated; secondly, to prune out the dead wood; thirdly, where a section has been judicially interpreted, as many of them have been over the years, the committee endeavoured to simplify the language of the section by applying that judicial interpretation to it; fourthly, it modernized and endeavoured to co-ordinate the penalties so that the default penalty of imprisonment prescribed would have some relation to the monetary penalties, but only as a guide, and if any honourable member cares to check up the penalty clauses in the Bill he will find that the guide is an effective one. There is a guide in the Justices Act with an over-riding provision, to which I have referred, which indicates the scale of imprisonment that might in general be given in default of payment of a fine, and that applies to all Acts. They are the limits in which the magistrate may move—legal limits, true, but the limits are there, and that principle has been largely applied in setting out the default penalties in this Bill. Fifthly, where modern conditions were such that a particular offence needed to be tightened up to cover some present day form of mischief, the committee endeavoured to grapple with it. One particular instance of this is the question of indecency—the conduct of the sexual exhibitionist. Over the years he seems to have developed some new technique, and one of the objects of the Bill is to cope with that. If the sexual exhibitionist were to be discouraged, it was felt that he should be properly discouraged and not be able to use the many devices now becoming very familiar to the courts to practise his art, if it can be so-called. In addition, the committee included some useful machinery provisions about the powers of the police when they arrest.

I do not wish to take up the time of the House in dealing with all the minor amendments. Available to members on the files is a schedule showing the sections which have been

amended and briefly the nature of those amendments. It would not be a profitable expenditure of valuable time to go through all of them, but I propose to deal with a few of them in a general way. Clause 11 creates a new provision imposing a penalty for refusal to pay for meals or accommodation. A long time ago the Licensing Act was amended to provide that any person who ordered drinks, meals, or sleeping accommodation in a hotel and then failed to pay could be arrested and punished. He, strangely enough, was one of that odd coterie of people described as rogues and vagabonds. However, there was no similar provision relating to lodging-housekeepers. If a lodging-housekeeper were imposed on he could do nothing about it except, of course, wait until 10 o'clock the following morning and go to the local court and issue a local court summons for the amount he should have received, pay about 15s. for the process and about £1 for the service of the summons. If the man were still to be found that summons could be served. The lodging-housekeeper would then wait eight days and if a defence were not entered he could sign judgment and disport himself in the unsatisfied judgment court till doomsday trying to get payment. It was thought necessary to provide some deterrent to the people who practise this type of imposition, but that it should apply all round or not at all.

There are some provisions relating to unseemly conduct and to a person helping himself to another man's land for a variety of purposes, as for instance, depositing rubbish, training a racehorse or a trottinghorse, or by tying animals up thereon. Clause 63 deals with the fork-swallowing type of gentleman to whom I have already referred. It relates to one of the branches of public mischief and has been regarded in that way. It is a precedent from England as, indeed, practically all our law is. We have created an offence known as public mischief and it includes things of this nature. The making of a false report to the police, who expend a good deal of time and public money on investigating it, represents a public mischief offence which is not otherwise punishable. Obviously it is the sort of thing that should not be permitted. Practical jokes cost the community a good deal of money and occasionally place people under suspicion in the process.

Mr. O'Halloran—Would a report to the police about the police come within that category?

Mr. TRAVERS—Yes, if false, as would any false report to the police which results in an investigation. This is not new, but is old law. I do not propose to justify or condemn it: it is being re-enacted. There is a body of opinion which suggests that it should be removed, but the committee considered it and it was not overlooked. Various suggestions may arise during the course of this debate that have not been considered or have been overlooked by the committee but no doubt they will be given every consideration. The question raised by the Leader of the Opposition was probably prompted by information which reached his ears from the same source as it reached mine. It was the case of a man who falsely reported one police officer to another. The alleged offence was investigated, found to be false and the complainant was prosecuted and convicted. There are of course two sides to the question and the committee considered both sides. It may well be said that if a man is in custody and a policeman ill-treats him the man should have the right without any fear to report that conduct. The possibility of a policeman ill-treating a prisoner is one of the most despicable actions I can imagine and the man so ill-treated should receive every encouragement to report it and have an investigation made.

South Australia has a sound and enviable reputation for the administration of its criminal and police laws. If one studies the position in other States he will see that South Australia has a reputation to be proud of in that respect. The committee thought, rightly or wrongly—and I believe rightly—that if there is to be a good police force it must be protected. A policeman must be protected from a variety of things: from assaults—and that is a matter I shall mention in relation to a suggested amendment on the files; from temptation or bribery—and he must be in a position which places him above that; and from false slanders and accusations made by persons trying to gain benefit to themselves from them. It was thought by the committee that if a man made a false charge against a policeman and the court found beyond all reasonable doubt that it was false, the man should pay a penalty because a policeman's reputation is easily sullied and an accusation of a slanderous nature is apt to stick. The committee came to the conclusion that that provision should remain unaltered. So far as I know it has not operated to the injustice of anyone.

There are a number of sections which deal with police powers on arrest and which are directed to protecting the interests of accused persons. For instance, it is fair to say that in about 80 per cent of the cases in which I have been interested where the police doctor has been asked to examine people arrested on charges of driving under the influence of liquor and for sexual offences there has been a dispute at the trial about whether the accused's own doctor should have been brought along. I am interested not in the rights or wrongs of that dispute but in solving the very real problem which faces nearly every magistrate. With that end in view the committee recommended what I suggest is a wise provision, that, in a case where the police for some reason send for the police doctor to examine an accused person, they must also tell the accused they are doing so and, if he requires it, they must send for a doctor of his nomination. That does not necessarily solve the problem—indeed no section could completely—but I think it will go a long way towards solving it, and, if the accused's own doctor is sent for, many such disputes will be eliminated and the accused will at least know what the man of his choice has thought about his condition.

When this Bill was first mentioned I was rather amazed to read a reported statement by a high ranking police officer that a large number of medical men refused to come to the police station when sent for, but I refuse to believe that a medical man, who owes a duty to his fellow citizens and more particularly to those who nominate him as the man they want, would refuse. When the time comes that I do believe that, I will introduce a Bill to compel them to come, for it is the obvious duty of a medical man sent for in such circumstances to attend, and if the practice exists or becomes existent of the medical profession refusing to come when they are summoned, steps will have to be taken to compel them to come under penalty.

I do not want to be misunderstood as meaning that there are not circumstances sometimes in which a doctor might be out or ill or there are not reasons which would justify his not answering an ordinary call to a private home, but, in the absence of compelling reasons of a type which would justify that, he should attend to any call of that kind which is made, for it may be extremely important in the interests of the liberty and the reputation of the man who sends for him. This is not the cure for all ills, as Dr. McKenzies' menthoids are claimed to be, but an honest attempt to face up to existing problems. If it is found it does not solve those problems, then undoubtedly new Acts will be passed to stop the gaps; but let us proceed to see whether there are gaps, and then we can consider whether we have to do anything about stopping them.

Reference has been made to the clause relating to indecent publications. Over the years from time to time I have heard complaints about the possibility of police action preventing the circulation, proper use and digestion of certain of the classics which may have indecent material in them, but I appeal to members to get down to tin tacks and stop talking that ridiculous nonsense. If the time comes when somebody publishes for sale to children those classics, which are difficult enough reading for any man, throws them into the hands of children and forces them to read those works, let us then abolish those classics or punish the people who do that, but in the meantime let us face this question with a sense of reality and look at the real mischief which is aimed at by this Bill. I imagine every member will concede that, if an influence is to be worked on the community, whether it is for good or evil, the place to start is upon the child mind. No-one knew that better than Hitler who went so tragically near to success by that very process. We see many of these indecent publications. We suffer perhaps a mild shock from seeing their contents, but we look at them, laugh at a joke and say "Well, it isn't very serious." However, I ask every member to ask himself this: "Would I like my child to read that book, study that picture, and carry that impression of the sexual jest or whatever it might be in his or her mind during its formative stages?" If we do not like it, let us get busy and prevent it and stop talking nonsense about the classics.

The classical works are not aimed at. Indeed if anyone were sufficient of a prude to prosecute in respect of many of the classics, the law already exists which would punish the publisher, but sane administration sees to it that that simply does not happen because the classics are written not for children but for people in an advanced stage of development and intelligence. They do not get into the hands of children except on rare occasions. This legislation aims to ensure that the man who trades on the principle that nothing sells like sex and slaughter will pay some penalties and will discontinue his trade. This provision

does not call for any enthusiasm about works of art. Clause 33(1) expressly says:—

"Indecent matter" includes any printing, writing, painting, drawing, picture, statue, figure, carving, sculpture, or other representation or matter of an indecent immoral or obscene nature, but does not include books and other matter published in good faith for the advancement or dissemination of medical science.

There is nothing in this Bill which punishes any man for anything done in good faith. Sub-clause (3) provides:—

In determining whether any matter is indecent, immoral, or obscene the Court shall have regard to—

(*a*) the nature of the matter; and

(*b*) the persons, classes of persons and age groups to or amongst whom it was or was intended or was likely to be published, distributed, sold, exhibited, given or delivered;

I stress the wording of this provision; the Court is not bound by it, but these are circumstances to be taken into consideration, and amongst other things it must have regard to sub-clause (3) (*b*). If a court comes to the conclusion that the Bible was designed for the purpose of publication for children, few of whom can read it and none of whom can understand it, I suppose it will bring the proviso into operation. I should imagine, however, that that is one of the minor difficulties entrusted to our courts for adjudication, and what the court has to consider is the class of person and age group under consideration. One has only to look at these alleged comics and publications of various kinds to see for what age group they are intended. If a bookseller has on his shelves publications of an indecent kind containing stories of a type indicating that they are intended for distribution to children, there is every good reason why this clause should apply, and so it does, but it does not unless the experienced magistrate, after considering the book, the matter and the circumstances, comes to the conclusion that the man is exploiting sex and slaughter for the purpose of getting sales, and has is displayed in such a way that it will be distributed to the youngster or the adolescent. Everyone knows how very impressionable the mind is at that age, and it is for that reason that the young people have to be protected against themselves in the adolescent stage. The law fixes an age of consent for criminal interference. It takes the view that adolescents have to be protected against themselves because they are not capable of consenting to sexual interference; and according to the self-same principle they have to be protected against themselves in respect of this literature if people are going to flood the country with it. I am not talking about literature which comprises mere nonsense, but that of an indecent nature, and every man who chooses to look around the bookstalls will see there is an avalanche of such publications on the market today.

Mr. Macgillivray—I have not seen any.

Mr. TRAVERS—If the honourable member has not, then I will show him some after the House adjourns, and I hope he is above the age group which can be corrupted. I ask leave to continue my remarks.

Leave granted; debate adjourned.

ADJOURNMENT.

At 9.37 p.m. the House adjourned until Wednesday, November 11, at 2 p.m.