HOUSE OF ASSEMBLY.

Wednesday, December 2, 1953.

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

QUESTIONS.

LICENSING OF TAXICABS.

Mr. O'HALLORAN—The Premier intimated yesterday that the Government intended to have a Bill drafted during the recess and submitted to various authorities interested with a view to legislation being passed early in the next session. The Transport Workers' Federation of South Australia has an owner-driver section which controls the owner-drivers of taxicabs, and that section has made representations to me that it be heard in connection with the drafting of the legislation. Will the Premier arrange for that section to be consulted so that any points on which it has knowledge—and I feel sure there are a number of such points—can be considered in the drafting?

The Hon. T. PLAYFORD—What the Government had in mind was to consult the licensing authorities, not necessarily the persons who were licensed, but I will examine the honourable member's suggestion. However, I am not sure it is practicable, because if we had to consult everyone who would be licensed under the Bill it would be a difficult procedure. The purpose of the consultation was rather that the terms of the Bill should be in accordance with the committee's recommendations, and acceptable to the authorities who were proposing to operate under it. The Government desires to get the best possible system. It is not anxious to avoid discussion on what will happen, and with one exception—that the Government does not usually like the world to see Bills before members of Parliament have had them—I have no particular objection to the honourable member's suggestion.

WHEAT STABILIZATION SCHEME BALLOT.

Mr. MICHAEL—Has the Minister of Agriculture any further information relative to legislation to enable a ballot of wheatgrowers to be taken on the stabilization plan?

The Hon. Sir GEORGE JENKINS—Cabinet considered this question this morning and decided that the Minister of Agriculture should introduce a short Bill authorizing him to take a ballot of wheatgrowers on the plan when the question or questions to be submitted have been decided between the Commonwealth and State Governments in terms of the Wheat Stabilization Act. The necessary legislation to give effect to the stabilization plan will then be introduced the following session.

CITY PLANNING.

Mr. HUTCHENS—An article appeared in last Monday's *Advertiser* entitled "City Planning Should Start Now." It quoted the remark by the Town Clerk of Adelaide, Mr. Veale, that a plan should be started immediately for the city and suburbs. Since his return from the Coronation the Premier has made a number of comments that led us to believe that he, too, was interested in this question. Mr. Veale said that Melbourne is now planning for a scheme that will take 50 years to put into effect. In view of the remarks made by the Premier and Mr. Veale, will Cabinet consider during the recess the introduction of legislation that would provide for a satisfactory plan for the future?

The Hon. T. PLAYFORD—My colleagues and I have given considerable thought to this matter. The actual planning of the city was carried out many years ago and probably the only work that could be done now would be street widening or alterations, but the Government is more concerned to see that adequate steps are taken now for necessary transportation, traffic, public utilities, recreation, and other matters, before the whole of the metropolitan area has been built upon. If this is done Adelaide's growth will not be haphazard, but will be on well-recognized principles, with the utmost consideration given to traffic and utility problems of the future. Several long-range plans have already been drawn up; for example, we have purchased an additional strip of land all the way between the Metropolitan Abattoirs and Gawler for a duplication of the area, and this will enable a tree-planting project along the road to be undertaken. That land was secured as and when possible at rates that were not exorbitant. If the Government, before it purchased the land, had announced to the world that it must have it, it would have had to pay an exorbitant price because under our compulsory acquisition provisions the Government always pays much more than the price paid by a willing purchaser to a willing seller. We have already purchased large areas of land to take care of the future planning of Adelaide. Last year about £500,000 worth was acquired, not at forced prices but on terms under which other people would buy it under ordinary circumstances.

Mr. Lawn—In its long-range plans is the Government considering the provision of adequate water supplies?

The Hon. T. PLAYFORD—Yes, those plans provide for all the facilities necessary for the expansion of Adelaide, although it is not possible to establish what would be regarded as another green belt in the outer suburbs. From time to time we buy additional recreational areas, both in the hills and nearer the city, perhaps blocks of 60 or 80 acres, but it is not possible, because of the excessive cost, to get another complete ring of land such as we have in our parklands. At present we have under consideration a large tract of land for recreational purposes, but in these matters we can only announce the result after the event or we would have to pay prices higher than we consider justified.

SOUTH ROAD.

Mr. DUNNAGE—Has the Minister of Works a reply to my recent question about the condition of the South Road?

The Hon. M. McINTOSH—I took up this matter with the Commissioner of Highways, who reports:—

The conditions to which Mr. Dunnage has drawn attention are well-known to the department. They are a demonstration of the fact that many miles of main roads are actually too narrow and should be widened. The department endeavours to maintain the shoulders in a reasonable condition but the intensity, size and weight, together with the speed of present-day traffic, renders it an increasingly difficult operation. Additional funds, plant and manpower are urgently required for this work (even at the expense of new construction) but the insistent demands for additional roads have made the transfer of these resources impossible. The building up with metal has already been tried out. It is comparatively expensive and experience has proved that it is ineffective as it is impossible to keep the metal in place, for the reasons stated above. Shoulder maintenance is continuous over the full length of this road, but if Mr. Dunnage will indicate the section to which he refers, attention will be given to it. The conditions are similar to those on the Main North Road to Gawler, which you and I inspected together some little time ago.

The Commissioner's statement that additional funds are urgently required for this work further justifies the action of Parliament in increasing motor registration fees. The position with regard to this work is one which is common to other parts of the State, and the Government can only deal first with those things which require the most attention and, if there is a particularly bad stretch of road, the honourable member has in mind, the department will investigate the position. At present our funds are not sufficient to do as much as we would like, but, given the extra funds, we hope these disabilities will be overcome.

ROYAL TOUR.

Mr. DAVIS—Can the Premier say how many trains will run on March 23 in order to convey children to the demonstration at the Wayville Showgrounds on the occasion of Her Majesty's visit and the number of children to be conveyed?

The Hon. T. PLAYFORD—The Royal Tour Director reported to me that he was having the utmost difficulty in getting sufficient trains to carry the large number of children involved. I have not the actual number, but I will obtain it for the honourable member.

Mr. RICHES—I have been concerned at the lack of transport facilities available to people in northern areas who desire to see Her Majesty during the Royal Visit. Earlier in the session I said that unless something were done from a Government level many of the people would not be able to see Her Majesty either at Whyalla or Adelaide, and I am more than ever convinced of that now. The Chief Traffic Manager of the Commonwealth Railways at Port Augusta was a representative at a meeting of the State Transport Committee for the Royal Visit in Adelaide last week. I was asked to form a committee at Port Augusta to explore the possibility of organizing all available transport in the area to provide a connection between the railhead and Whyalla. That was done and we have had the utmost co-operation from all bus owners, and all bus services operating in the area. We were asked to provide transport for over 3,000 children from Port Pirie. A preliminary investigation showed that that was impossible, and Port Pirie then, on advice from Adelaide, decided to bring the children to Adelaide on March 23. On that understanding the Port Augusta committee chartered every bus available in Whyalla, Quorn and Port Augusta, and capable of carrying passengers, including Electricity Trust buses. It has been found that in order to transport the children those coming from long distances beyond Port Augusta will have to catch a bus at 4 a.m. A letter I have received from the Chief Traffic Manager of the Commonwealth Railways states:—

At a meeting in Adelaide last Thursday of the State Transport Committee for the Royal Visit, it was stated that provision was not

being made to transport school children from Port Pirie to Adelaide to attend the demonstration at Wayville on Tuesday, 23rd March, 1954, but that it was expected these children would take part in the welcome at Whyalla on Saturday, 20th March. It is understood 400 will be conveyed by the *Morialta* from Port Pirie to Whyalla, and it appears, therefore, that other provision, *e.g.*, by rail-road to Whyalla, is expected in respect of the remainder, approximately 2,000. I undertook to convey this information, as soon as possible, to you in your capacity as chairman of the local committee for transport to Whyalla; and this letter confirms the verbal advice which Mr. Abernethy was asked on Monday to be good enough to pass on to you. I do not anticipate that we would have any great difficulty in moving the Port Pirie children by rail between Port Pirie Junction and Port Augusta, and this could probably be extended to their parents if road transport to and from Whyalla can be arranged for these.

Will the Premier have the matter investigated on the highest possible level and treat it as urgent, because I fear that unless that is done thousands of our children will miss out?

The Hon. T. PLAYFORD—Australia has never previously had a visit from a reigning British monarch, and it is certain transport facilities available in this State will be completely inadequate to handle the problem of all people wanting to get to one place at a particular time. Everything possible will be done to facilitate their transport. As far as the Government is concerned, everything on wheels and serviceable will be put into commission, and I have not the slightest doubt that that will apply in regard to private services, and there will be no restriction on its being done. The Transport Control Board has already visited country areas to see that everything capable of transporting children will be available. As far as I know, that is the limit of our resources. The honourable member said it is expected that some northern people will have to start as early as 4 a.m. but Mr. O'Halloran will confirm that in London at Coronation time crowds sat or stood out in the rain for two days for the opportunity to see the Queen, so the hardship of having to start at 4 a.m. is nothing to what the London people in their thousands were prepared to do to see the Queen. Everything possible will be done here to provide transport. State transport experts are co-operating in the matter, and I do not know of a higher level than that, but if there is one the matter will be considered on that higher plane.

Mr. RICHES—The Premier has announced that he proposes to gazette the Friday during the Royal Visit—the day of the Royal procession through Adelaide—as a State-wide public holiday. I do not know whether the Premier has already received correspondence from Whyalla and other places asking—and I believe the whole of the West Coast supports this request—for the Monday instead of the Friday to be declared a public holiday for that area. It is felt that on the day of the public holiday the people in that area would wish to come to Adelaide and see the decorations. It would be impossible for them to do that on the day before the Queen visits the area. It would be physically impossible to bring children from Port Augusta, Whyalla, and surrounding districts and return them on the Friday and then take them to Whyalla and back again on the Saturday, but it is believed that this could be arranged if those districts had the holiday on the Monday. Another difficulty in Whyalla is that it will be almost impossible to observe a public holiday on Friday when so many will be required to work in preparation for the Royal Visit next day.

The Hon. T. PLAYFORD—I cannot understand how Whyalla is in such terrific difficulties about the Royal Visit. It is one of the few places in South Australia that will be privileged by having a visit from Her Majesty. Many other South Australian towns would willingly change places with Whyalla and not kick up half as much fuss as the honourable member has made. He should count his blessings for a change, and look at the sunny side of life. If he is in so much difficulty, even at this late stage plenty of places would be prepared to step into the breach and make all the necessary arrangements without any complaint, for a visit from Her Majesty. With regard to holidays, again the honourable member is in rather a privileged position because if the present intention is carried out Whyalla will not only have a holiday on the day Her Majesty arrives, which will be a State public holiday, but a second holiday on the day she visits Whyalla. The honourable member should look at this matter in its true perspective and realize that Whyalla is highly privileged.

AIR FORCE OPERATIONS, ST. VINCENT'S GULF.

Mr. GOLDNEY—I understand that representations were made some time ago to the Premier regarding air operations by the Air Force over St. Vincent's Gulf and also operations at the Port Wakefield proof range, and that the Premier has been in communication with the Prime Minister. Has the Premier a report on this matter?

The Hon. T. PLAYFORD—I have a long letter from the Prime Minister which sets out the position, together with certain facts relating to this matter. The letter is available to the honourable member, but as it is a long one, I will read only the last paragraph, which sets out the Commonwealth point of view:—

The Department of the Interior advises that the first intimation it received that the proposal might affect local fishermen was contained in a letter dated 22nd May, 1953, from the South Australian Harbors Board, in reply to the department's letter of 1st September, 1952, referred to above, when the board stated that fishing operations might be restricted between Sandy Point and a port north of Port Parham. As you are aware, the range is now long-established and has been accepted by the local inhabitants, including fishermen, for many years. It is regretted that the Commonwealth is too deeply committed in its development of the range to consider withdrawal at this stage.

NEW MAIN FROM HOPE VALLEY.

Mr. JENNINGS—The laying of the new water main from Hope Valley has necessitated the tearing up of much of the Main North-East Road and other roads in that area, greatly inconveniencing local residents, who, although realizing that such inconvenience is unavoidable, would appreciate an assurance that the work will be completed as expeditiously as possible. Can the Minister of Works indicate the progress being made and when the main will be completed?

The Hon. M. McINTOSH—I can speak with particular knowledge of this matter as the work is now proceeding in front of my home and causing me inconvenience so that more people may be given better water supplies. The work is going ahead to the extent that steel is available and residents, including my own family, may be assured that they will be caused the least inconvenience possible. The main will cross the parklands and be a through main serving the western suburbs. The work of re-laying will not be delayed for an hour longer than is necessary if we can get supplies of steel.

OIL USED IN DIESEL LOCOMOTIVES.

Mr. FRANK WALSH—Yesterday the Minister of Railways told me that diesel locomotives were being brought in and cleaned and were now going back at the rate of two a day. If that is so, can he explain why the Overland express is still being drawn by steam engines, and who suggested that the oil be reclaimed—officers of the department or the people who sold the oil to the railways?

The Hon. M. McINTOSH—The question is a technical one and the matter does not come under my notice. I shall ask the Railways Commissioner for a specific reply.

WORKERS' EDUCATIONAL ASSOCIATION GRANT.

Mr. O'HALLORAN—Can the Premier now tell me why the grant to the Workers' Educational Association has been reduced from £853 last year to £500 this year.

The Hon. T. PLAYFORD—I have examined the position and find that the additional amount was provided to meet a special request, and therefore the officers who prepared the Estimates did not allow for the same amount this year. There has been no actual Cabinet decision, but no doubt the same amount as last year will be made available.

NAPIER TERRACE RAILWAY CROSSING.

Mr. DUNKS—Some months ago I wrote to the Minister of Railways asking whether the Government or the Railways Commissioner intended installing automatic gates where the railway crosses Napier Terrace (commonly known as Cross Road), Unley Park. Since then some of my constituents have complained about the noise of train whistles when a train is approaching the crossing. Lately some Unley councillors have told me they thought it foolish to have stop signs as well as warning bells at crossings because people have to stop whether or not a train is approaching. Has the Minister considered installing automatic gates at this important crossing?

The Hon. M. McINTOSH—After considerable trouble—finance and dollars being involved—about 21 automatic gates were ordered from abroad. The Railways Commissioner is responsible for putting them, as they arrive, at the most dangerous crossings. I shall bring the honourable member's remarks under the Railways Commissioner's notice and hope to bring down a reply before the session ends.

LICENSING ACT AMENDMENT BILL.

The Hon. T. PLAYFORD, having obtained leave, introduced a Bill for an Act to amend section 118 of the Licensing Act, 1932-1949. Read a first time.

Second reading.

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

That this Bill be now read a second time.

It deals only with the provisions of the Licensing Act relating to licences in the Renmark and Cobdogla area. As members know,

the Licensing Act requires that every hotel and every other business carried on under a liquor licence of any sort at Renmark or in the Cobdogla irrigation area must be operated as a community undertaking. To ensure this, the law provides that no licence of any kind can be granted in these areas except with the consent of the Governor, and unless the business for which the licence is required is carried on by a committee and the profits applied to purposes approved by the Treasurer. This scheme of community licences was first introduced by legislation in 1896, but the Act of that year limited the scheme to publicans' licences at Renmark. In 1908 in a consolidating and amending measure, the scheme was extended to all kinds of licences. I have not been able to find from *Hansard* that any reason was given to Parliament for extending the system to licences other than publicans' licences, and I doubt whether the question was actually considered by Parliament. In 1932 the system of community licences was extended to the Cobdogla area.

The effect of the present law, therefore, is that not only have hotels to be run as community businesses, but if there were any businesses operated under any other liquor licences, *e.g.*, storekeepers' licences, wine licences, storekeepers' Australian wine licences, brewers' Australian ale licences or distillers' storekeepers' licences in the Renmark and Cobdogla areas they would also have to be community businesses. I am informed by the Licensing Branch that there are, in fact, no licences in these areas other than the publicans' licences of the community hotels.

The effect of the Bill is to restore the position as it was in 1896 by limiting the legislation respecting community licences to hotels carried on under publicans' licences. If the Bill is passed it will be possible for other types of licences to be granted to private individuals or companies in accordance with the ordinary provisions of the Licensing Act. Distillers' storekeepers' licences which are not governed by the local option polls could be granted at once. Other types of licences could not immediately be granted because of the effect of existing local option polls. If, however, a local option poll should be carried at some future time in favour of an increase of licences in the Renmark or Cobdogla areas, it would be possible for the Licensing Court to grant other types of licences (except publicans' licences) in accordance with the provisions of the Licensing Act, but not more than one of each class of these licences could in the first instance be granted in any local option district. It will be seen, therefore, that the Bill merely remedies a state of the law which appears to have grown up by inadvertence; and the only immediate effect will be to allow the Licensing Court to grant distillers' storekeepers' licences to distillers in the Renmark and Cobdogla areas. Whereas every other distiller in the State has the right under the licensing law to have on his premises a distiller's storekeeper's licence, this does not apply to the two distilleries in the districts mentioned in the Bill, the object of which is to overcome this anomaly.

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

SUPERANNUATION ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time. Its sole purpose is to deal with a difficulty which faces the Superannuation Board in connection with the administration of the Superannuation Act. The matter in issue is this. Under a law passed in 1948, whenever the salary of a contributor to the Superannuation Fund is raised from one salary group to another he has the option either to increase or not to increase the number of units of pension for which he will contribute. If, within the time fixed by law, he does not send to the board a written election not to increase his units he is deemed to have elected to contribute for the additional units, and it thereupon becomes the duty of the departmental officers concerned to deduct additional contributions from the contributor's salary. Owing to the frequent increases in wages and salaries since 1948 and the shortage of trained staff in some departments additional contributions due by many employees whose units were automatically increased as I explained, have not been deducted from their salaries. The matter was brought to the notice of the board by the Auditor-General, and the Board thereupon made an investigation. It found that at least 2,500 contributors had not been contributing for the additional units for which the law required them to contribute, and that the number of units involved was of the order of 4,500.

Unless the law is altered it is now the clear duty of the Superannuation Board to treat these contributors as having elected to take

up the additional units and to collect, by means of salary deductions, the arrears of contributions. This, of course, would be a task of some magnitude and difficulty and, in addition, the payment of the arrears would cause considerable hardship to many of the contributors. These factors alone would justify the Government in bringing the matter before Parliament in order to remedy the situation; but there is an even stronger reason for doing so, namely, that the Board does not know whether the contributors concerned do really desire to take up the additional units. It appears quite possible that in many cases, the contributors were not supplied with the appropriate forms at the relevant time and that their minds have not been applied to the question whether they desire to take the additional units or not. The board believes that a good many of them do not desire to contribute for the additional units. It often happens that contributors owing to their age and the cost of the units, or because they are eligible to some extent for Commonwealth old age pensions, do not take up additional units when the opportunity occurs.

The Bill therefore proposes a solution of this problem by giving all the contributors affected a new right to elect within three months after the Bill is passed whether they will subscribe for the additional units of pension or not. If they elect to subscribe they will contribute as from the month after the election at the rate appropriate to their ages at that time. If they elect not to take them there will be no question of collecting any contributions from them. In either event the problem of collecting arrears accumulated during several years will be overcome. It will be seen, therefore, that the Bill will not work injustice to anyone and will provide a relatively simple solution for a difficulty which, if not dealt with in this way, would cause a considerable amount of trouble and hardship both to the administrative officers and to the contributors concerned. It may be mentioned that the board is making arrangements to ensure that no repetition of this type of trouble will occur in future. This Bill is not a general alteration of the law but merely gives officers who have not contributed in accordance with a right which they have not vetoed the opportunity of saying whether they desire to take the additional units. It will result in no hardship to anyone; in fact, it is unanimously supported by members of the Public Service Association and all others affected by it.

Mr. O'HALLORAN (Leader of the Opposition)—I had the opportunity of considering this Bill prior to the Treasurers' second reading explanation and I find that no injustice will accrue to persons who, perhaps partly because of their own laxity, partly the laxity of their department, are in arrears with their contributions to the Superannuation Fund. The Bill gives them the option of electing to contribute for the higher number of units. They will decide whether in their own interests it will be wise to contribute as from 1953 for the additional number of units for which they were eligible in 1948. Because he is five years older such an officer's contributions will be higher, but, if he elects to remain on his old scale of contributions, the Bill permits him to do so. Because the Bill will commend itself to all those immediately concerned, I do not object to it.

Second reading passed.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Effect of not making election."

The Hon. T. PLAYFORD—I move—

To delete "three" twice occurring in new subsection (3) and to insert instead "six."

The Manager of the Superannuation Fund suggests that three months may be too short a time to allow for the election and has suggested six months instead.

Amendment carried; clause as amended passed.

Title passed. Bill read a third time and passed.

RADIUM HILL WATER SUPPLY AGREEMENT BILL.

Adjourned debate on second reading.

(Continued from December 1. Page 1742.)

Mr. O'HALLORAN (Leader of the Opposition)—This Bill ratifies an agreement made with the New South Wales Government for a supply of water from the Broken Hill water district to serve Radium Hill, and I do not like it in the least. It would not need a great deal of provocation to get me to oppose it entirely, but so many matters are associated with it for the development of the field that on balance it should be passed, and then we can hope for the best. There will need to be much fervent hoping during the time the Bill operates. On past occasions I have commended the Premier for his foresight and enthusiasm on the delevopment of the Radium Hill field,

but I cannot offer the same enthusiastic commendation of his efforts in providing for a supply of water for the field. It was obvious at the start that one of the first essentials for the establishment of a town at Radium Hill was an adequate supply of good water, and I was not happy when I saw money being wasted on testing local schemes, which anyone with a knowledge of the district knew would not provide an adequate supply. Now it is suggested that because the scheme in the agreement is the cheapest it should be adopted. I think a mistake was made in the submissions to the Public Works Committee. It should have been possible, with the co-operation of the Railways Department, to take water from Peterborough along the railway line to Olary and then across country to Radium Hill.

In 1947 the Public Works Committee considered the matter of providing an improved water supply for Peterborough, and in evidence it was suggested that a scheme should be adopted to take water from the Morgan-Whyalla pipe-line at Spalding for Jamestown and Caltowie and, if no better supply were available in the area, to Peterborough. I understand the investigations have now been completed and that no better source of water supply is available at that town. The Government decided to make the size of the trunk main from Spalding to Jamestown large enough to provide a water supply for Terowie and Yongala and at a later date to augment the supply to Peterborough. I hope we shall not have to wait too long for that augmented supply for at present the position is desperately urgent. If the main had been continued to Peterborough and then along the line to Olary it would have done much to solve the almost perennial difficulty the railways have in regard to water on the Cockburn line. At present about 15,000 tons of concentrates a week are brought down from Broken Hill on the line, and I understand that when the five new locomotives are in operation the quantity will be stepped up to 20,000 tons. The Garratt type of locomotive uses much water because of the steam required. An agreement should have been made with the railways to take the pipeline along the railway line and make use of water in railway reservoirs, from which water could have been pumped into the main to supply Radium Hill. That is now being done in reverse. I understand the pipeline from Radium Hill to Broken Hill has been completed to the New South Wales border, and that water is being pumped into the main from a railway dam at Mingary. Water could have been supplied to Ucolta, Nackara, Yunta, Oodla Wirra and Mannahill. The water which is now lost by evaporation could have been used in the way I have indicated. We have been told that the scheme was too costly, and probably that is correct. In its report on the Radium Hill water supply the Public Works Committee said:—

> Therefore, including the pipeline, the total cost of providing water at Radium Hill would be approximately £480,000, which was within the amount allowed for the purpose in the loan from overseas for the development of the field. . . . The estimated capital cost in every case was far in excess of the sum being made available to the State.

The committee could not have considered what was the best scheme, having regard to all the circumstances, but had to consider a cheaper scheme in order to bring the cost within the amount provided for the development of the field. That was a great pity, because if my suggestion to take water from Peterborough had been adopted there would have been a good supply for railway purposes between Peterborough and Cockburn, as well as for small towns along the line. People who live in those areas endure considerable hardships, much greater than citizens in other parts of the State, particularly those in the metropolitan area, where there are reticulated water schemes. The possibility of giving those towns a permanent supply of water should have been considered in connection with the scheme covered by the Bill. If my proposal had been adopted not much pumping would have been required. Peterborough is 1,747ft. above sea level and Olary only 929. I do not suggest that the fall is sufficient to cause water to gravitate from Peterborough to Olary and then to Radium Hill, but not much pumping would be necessary. The length of the pipeline from Umberumberka Reservoir to Radium Hill is 52 miles. The distance from Peterborough to Radium Hill over the route I have suggested is 119 miles—67 miles longer than from Umberumberka. Even if the cost of the Umberumberka scheme were more than doubled and were £600,000 instead of £287,000 mentioned, in the final analysis we would still have a cheaper scheme. The water is to be obtained from the Broken Hill Water Board and will be enormously costly. I understand that the board showed much enthusiasm for the scheme, and I can understand that when I find that we are to pay £1 1s. a thousand gallons for the 50,000,000gall. a year to be supplied. One effect will be to reduce the cost of water to

the Broken Hill mining companies, which are now paying £1 3s. 9½d. a thousand to an all round price of about £1 1s. It is not a very big reduction, but is appreciable when one realizes the enormous quantities of water the companies use. It will mean that we shall have to pay well over £50,000 a year for the water alone, and in addition meet the whole of the capital cost of the works, to get that water to Radium Hill. There will be the cost of the pipeline from Umberumberka to Radium Hill, the cost of the pumping station at Umberumberka and also the cost of certain alterations to the pipeline from Umberumberka to Broken Hill. The whole of the capital cost will be the responsibility of South Australia, and will necessarily involve interest and sinking fund payments.

We are told that the cost does not matter very much because the radium to be derived from the mine will meet the capital cost of the development, which, of course, will include the cost of the water. Even though the mine may be so profitable that it can carry such a burden, the Government might have considered whether it could have used some of the profits to provide an improved water supply for people on the Cockburn line. I have always expressed doubt as to what the position would be if Broken Hill experienced a water shortage. The history of Broken Hill shows a long series of water shortages, and about every second or third year great difficulty has been experienced in providing water for the town and the mines. I am not so sure that the completion of the pipeline from Menindee on the Darling to Broken Hill will completely solve the problem. A glance at the map of New South Wales and Queensland will show that the Darling has its rise in country, which in the main, has an insecure rainfall. I have been told that the Darling has been known to go dry at Menindee, and I suggest that any dam there would not hold up a sufficient quantity of water because there are no gorges within hundreds of miles which could be used for the construction of a reservoir. When the Menindee Lake is full there is a large expanse of water, but I have been told that it is only 12ft. deep at the deepest point. When one realizes that evaporation in that country is between 8ft. and 9ft. a year, the storage value of such a huge open space would not be very valuable to carry in the event of a drought. I have some knowledge of Broken Hill conditions. It does not matter what the Broken Hill Water Board or the New South Wales Government say in an agreement, to which the Premier of New South Wales has already affixed his signature, in the final analysis it is what the Broken Hill unions say that stands. I do not say that disrespectfully, because I think that Broken Hill is one of the best conducted towns in Australia. It is because of the powerful union organization which exercises discipline over its members and, through them, over the town generally. They have an unwritten law which none dare break, and generally speaking, it is a pretty good law. If the time comes when water is scarce in Broken Hill, I prophesy that the unions will say "No water for South Australia until our needs are met." Clause 14 of the agreement includes the following:—

> The board shall not be liable in damages for any breach of this agreement by reason of the total or partial failure or temporary cessation of the supply of water from any cause whatsoever or by reason of the fact that the water supplied is at any time unfit for dietetic purposes and the board shall at all times be entitled to discontinue the supply whenever it deems it necessary for the efficient working of the Broken Hill water supply generally. The board shall restore the supply as soon as reasonably practicable.

This is the kind of Bill for which I cannot develop much enthusiasm. The Premier omitted to mention one or two points in his second reading on which I desire to be clear before voting for the third reading. The first is the price to be charged to the users of this water at Radium Hill. It would be completely unfair to charge these people, who have no say in the scheme, £1 1s. a thousand gallons. The only fair thing would be to apply the test applied at Broken Hill where the people pay 2s. 6d. a thousand gallons. There is, of course, a tremendous loss on the scheme, which cannot be borne by the Broken Hill Water Board because it has no source of revenue other than from the water sold. Under the Broken Hill Water and Sewerage Act the difference in cost is made up by payments from the New South Wales Government and the mining companies in the following proportions:—The Government 13/59ths and the mining companies 46/59ths. This year the mining companies are expected to pay £1 3s. 9d. a thousand gallons compared with 2s. 6d. by the ordinary consumer. The only satisfactory way of assessing the value of water at Radium Hill is to treat the citizens the same as those at Broken Hill by charging them 2s. 6d. a thousand gallons.

The other point I have in mind is whether any consideration has been given to provide water for Cockburn from the pipeline which

will pass either through or near the town. This is an important railway town where the residents who serve the railways, and serve them well, have to suffer many inconveniences and disabilities. If there is any water to spare from the scheme, provision should be made for a better reticulated supply there. At present they get their water from railway departmental sources. When a drought occurs water has to be carted from elsewhere. High prices are necessarily charged by the Railways Commissioner because it is not his job to supply water to towns. I do not like the Bill, but there are so many facets associated with the problem, on balance I think it is better that it is passed.

Mr. CHRISTIAN (Eyre)—I do not think we have an option but to pass the Bill, especially because, among other reasons, the pipeline is practically an accomplished fact. In view of the Leader of the Opposition's statement, I only wish to point out that the Public Works Committee examined the several alternatives which could have been adopted to provide a water supply for Radium Hill. The capital cost involved in these alternatives was so staggering that again there was really no practical alternative. Broken Hill's population is practically static at 33,000. For many years the people there have been entirely dependent on the supply from the Umberumberka reservoir, which has never seriously failed them, but added to that source will be a scheme from the Darling, which was recommended to the Broken Hill authorities by our Engineer-in-Chief, Mr. Dridan. He is fully conversant with the quantities of water that can be secured from the Darling and he assured the Public Works Committee that, taking the good years with the bad, it could rely on getting a reasonable supply at all times from the Broken Hill Water Board. The pipeline is off the Umberumberka reservoir, but should that source of supply fail we shall be able to draw water from the Darling, as reticulated to Broken Hill.

Mr. Pearson—Will it be necessary to dam the Darling?

Mr. CHRISTIAN—Yes, that is part of the scheme. It is unlikely that both Broken Hill's sources of supply will fail simultaneously. The Broken Hill Water Board and the New South Wales Government are perfectly satisfied to supply to South Australia a quantity of water required at Radium Hill. If they had any doubts about the ability to honour the agreement they would not have entered into it. I fully appreciate the points made by the Leader of the Opposition, but I assure the House that the Public Works Committee was perfectly satisfied with the feasibility of the scheme, and all the evidence tendered by the several witnesses in South Australia and Broken Hill showed that it was sound.

The Hon. T. PLAYFORD (Premier and Treasurer)—The Leader of the Opposition assumed that investigations into a water supply at Radium Hill were not successful, but the cheapest water we shall have there will be obtained from the semi-saline underground catchments in the area.

Mr. O'Halloran—That supply will be limited.

The Hon. T. PLAYFORD—Yes, but it will provide a substantial amount of industrial water required for the mechanical treatment plant to be established. The Leader of the Opposition has sufficient knowledge of water prospecting to realize that the chances of obtaining a supply of bore water in our north-eastern areas are remote. The bore water obtainable near Radium Hill will be suitable for running the plant, and to use water reticulated from any other source would cost over £1 a thousand gallons. The Leader of the Opposition asked whether it would be possible to supply water to Cockburn, and what the cost will be to residents at Radium Hill. The bulk of the 50 million gallons a year to be supplied by the Broken Hill Water Board will be used for domestic purposes and the sewerage scheme. Only about 8 million gallons will be needed to augment the requirements of the treatment plant. The amount supplied may be limited strictly to 50 million gallons, but when we lent the services of our Engineer-in-Chief to Broken Hill a few years ago he recommended a scheme to assure Broken Hill of an entirely adequate supply. The Umberumberka reservoir has much silt in it. There is no doubt it can supply the 50 million gallons we contemplate for Radium Hill, but the Broken Hill Water Board has agreed, if the necessity arises, to pump water into the Umberumberka main to see that our supply is maintained. I believe more than 50 million gallons will be available to us. If so, we can take a better view of the price of water at Radium Hill and of the possibility of supplying intervening townships. If the supply has to be rationed we may defeat our object if we make water available under terms which lead to an extravagant use of it. I assure the Leader of the Opposition that

both the points he has raised will be examined. I would have liked to authorize a supply of water *via* Peterborough to Radium Hill, but the limited finances available to the Government would have meant cutting funds for other sources, thereby seriously jeopardizing the main job of the State of providing water where it was most urgently required. Further, the cost of the supply had to be certified by the Auditor-General.

Mr. O'Halloran—Capital or annual cost?

The Hon. T. PLAYFORD—Both. The Auditor-General had to certify, under the agreement, what the costs were. Under those circumstances we had to get water to Radium Hill at the cheapest rate possible. After the costs had been taken out and surveys made in connection with three alternatives, this scheme was found to be the cheapest. As far as we can find out, the Premier of New South Wales has not yet signed the agreement, although its terms have been agreed between the parties and the agreement has been signed by me and forwarded to him. Therefore in Committee it will be necessary for me to move some small amendments. I thank Mr. O'Halloran for his prompt attention to this Bill, which will have an influence on the development not only of his district but of the State generally.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Ratification of agreement."

The Hon. T. PLAYFORD moved the following amendments:—

After "of" to delete "the" and insert "an"; after "agreement" to insert "in the form"; to delete "and ratified" and to insert "Upon being duly executed the agreement in the said form shall be deemed to have been ratified by the Parliament of South Australia."

Amendments carried; clause as amended passed.

Clauses 4 and 5 passed.

Schedule.

Mr. O'HALLORAN—I take it that the operation of the by-laws referred to in clause 8 of the schedule will mean after the expiration of three years we shall pay the same rate for the water as is prescribed by the Water Board for payment by the mining projects in Broken Hill?

The Hon. T. PLAYFORD—After the three years for which the price is provided in the schedule, this project will be classed as a mining undertaking for the purposes of the payment for water from Broken Hill. The fact that we are sharing with Broken Hill in the cost of the water will tend to decrease its price both to us and to the mining companies.

Schedule passed.

Title.

The Hon. T. PLAYFORD moved—

To delete "ratify" and to insert in lieu thereof "authorize the execution by the Premier of South Australia of"; and before "made" to insert "intended to be."

Amendments carried; title as amended passed.

Bill read a third time and passed.

EMPLOYEES' REGISTRY OFFICES ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

STAMP DUTIES ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

BUILDING ACT AMENDMENT BILL.

Returned from the Legislative Council with an amendment.

HIGHWAYS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 26. Page 1688.)

Mr. O'HALLORAN (Leader of the Opposition)—This Bill makes an important and sudden change of policy. For many years the Government allowed the Highways Commissioner an entirely free hand on matters relating to road construction and maintenance. It now proposes to set up a Government department. I have no quarrel with the proposal for I have always said that that should be the position. I am pleased that there is to be Ministerial control of the department. Large sums of money are being spent on roads and it is essential that the best possible value should be obtained from it. I do not suggest the present staff of the department is incompetent or have not secured the best results from the expenditure entrusted to the Highways Commissioner, but perhaps in some respects the department is seeking a more perfect type of road than circumstances warrant and our means permit. It results in some money which could be better expended on improving roads generally being spent on

making perfect roads, where probably something a little less perfect would do for a few years.

America has some magnificent highways, and I understand that the cost of construction of some of them was about £100,000 a mile. Usually these highways are constructed by Federal authorities from an important point in one State to an important point in another State. On ordinary roads they do the best they can at least possible expense. When I was in rural areas in Maryland and Virginia I saw that many of the roads were sealed on top of the macadam laid down by pioneers centuries before, and they were rendering a good service. Probably they were constructed at a relatively low cost. Ireland is supposed to be a backward country, but I travelled over 1,100 miles of roadway and did not once get off a sealed surface, yet compared with South Australia it is a poor country. If Ireland can provide sealed surfaces on practically all her roads we should be able to do more on our roads with the money we spend. They seal the surface of an old macadam road. They are not perfect highways, but they are a great improvement on the dusty tracks which people in the back country of South Australia must traverse. In my electorate, outside the main streets of two towns there is not a yard of sealed surface, and that applies in a number of other country districts. The residents of those areas have been paying motor registration fees and petrol tax for many years in the hope that one day they would have bitumen roads, but if a disproportionate amount of the revenue is to be spent on perfecting roads in concentrated areas of population they will hope in vain for bitumen roads. If we have a Minister in charge of roads, and he is responsible to Parliament, probably there will be a benefit from future expenditure on roads. Again I stress that I am not criticizing the department.

According to the Estimates for the year 1953-54, motor taxation will yield £2,200,000, but that does not represent a full year at the higher rates recently agreed upon. It is expected that the petrol tax will yield £1,675,000, and carried forward from 1952-53 general revenue there will be £500,000. This makes a total of £4,375,000 available for expenditure this year. An amount of £650,000 was included as the amount expected to be derived from the new motor taxation. It is expected to collect £1,100,000 over the full year, which will make another £450,000 available for road expenditure. Altogether there will be paid into the Highways Fund about £4,825,000. We can expect to get a little more from the Commonwealth from the petrol tax than the £1,675,000. In any event we shall have nearly £5,000,000 for expenditure on road work this year, and the same amount should be available for many years to come. This money is collected as a result of legislation passed by the South Australian and Federal Parliaments, therefore we should have some control over its expenditure. This is what the Bill proposes. It should not be forgotten that the existing system of unfettered freedom for the Highways Commissioner has operated for many years, but the Government has not told us why it has suddenly decided to make the revolutionary changes proposed in the Bill. We are entitled to know the reason. Is the Government satisfied with the present administration? If not, it should tell the House in what way it is dissatisfied. It is not sufficient for the Government to say that unless the law is altered neither Parliament nor the Government will have any direct control over the expenditure of the very large sums of public money involved, as the Premier stated in his second reading speech.

The Bill provides that the Commissioner shall submit a report each year on the activities of his department. It is to be hoped that this report will include reference to work actually done and not merely an account of revenue and expenditure. Probably after the new Minister is appointed he will furnish details to the House of road expenditure proposed. When the Commissioner makes his report to Parliament he should say not only how much has been spent on various sections, but how many miles have been constructed. There is too much tendency for Parliament to vote money for public works without being told later how much has been done.

The Hon. M. McIntosh—Of course, one mile of road might cost 10 times as much as another mile.

Mr. O'HALLORAN—The Commissioner's report should explain why. It is interesting to note that the Commissioner has power to acquire, by agreement or compulsion, any land for roadmaking purposes, and the Railways Commissioner and the Harbors Board have similar powers, but the Government has no power to acquire land for increasing production. The Government has no power to see that the land of this State is put to the best productive use. Road costs have soared in recent years. It is generally understood that

a mile of road costs about £10,000, but the Minister last week informed the member for Stuart that it would cost £15,000 a mile to construct a bitumen road between Quorn and Port Augusta. I do not know whether that indicates that costs are still increasing or whether local circumstances influence costs.

The Hon. M. McIntosh—The nature of the country and the availability of metal comes into the question.

Mr. O'HALLORAN—Clause 4 repeals subsection (1) of section 20, but I should like the Minister to clarify the position. It was not made clear how this will bring transactions in regard to the purchase of materials involving less than £1,000 under the provisions of the Supply and Tender Act. Careful administration will be required of the clause enabling the new Minister to insist on contracts being let for certain types of road work. I do not object to this as a general principle, but the day-labour system is the best method of road construction. Of course, under some circumstances the contract system is better. The day-labour system may not always be the cheapest, but if properly planned and supervised it produces the best results. I have been told that a contract was let for taking up some tramway tracks on a route in the metropolitan area where buses have replaced trams. The contract included the restoration of the roadway, and although the work was completed only a few months ago, the road has already broken up. That indicates there must have been some faulty work. At one time country road work was almost universally carried out under the contract system, but some shrewd contractors were able to apparently conform to the specifications but carry out a job far below the standard required. For the economical construction and maintenance of our roads the State should de divided into several districts, each with a gang equipped with plant and machinery.

The Hon. M. McIntosh—That is part of our present policy.

Mr. O'HALLORAN—I am pleased to learn that. I have said before that this should be done and that men should be encouraged to make work in the Highways Department their life avocation. To make this possible it would be necessary to provide housing and amenities in the various districts so that employees' families could reside with them.

The Hon. M. McIntosh—That is a decided policy at present.

Mr. O'HALLORAN—I am pleased to hear that, and I support the second reading.

Mr. PEARSON (Flinders)—I support the Bill, which is one of the most important measures that have come before the House this session. It was brought down as a further step to implement the policy enunciated by the Premier in his policy speech. Parliament has already taken action to increase the number of Ministers, and this Bill is an essential corollary of that policy. I agree heartily with the Leader of the Opposition, who represents a country constituency—and I am sure other country and probably the metropolitan members will agree—that it is gratifying that the Government has brought down this measure. Like other members who have already spoken on this Bill or who by way of questions have indicated their views, I think, it is quite clear that this change of policy is not aimed in any critical way at the Highways Department, but the Government policy on roads, enunciated as it is has been at various times and in various forms over the period during which I have been interested in politics, has been broken down somewhat and Parliament has only had jurisdiction over it to the extent of providing a fund for highways work. The implementation of that policy lay with the Highways Commissioner, who, perhaps, did not see the problem in the same light as that in which Parliament saw it, nor always have the detailed knowledge of the roads which was available to members who knew their constituencies well. Road policy as such can be much better implemented under the control of a Minister who sits in Parliament than by the rather remote control which has existed up to the present, and that is complete justification for the inauguration of this new policy and the introduction of this Bill.

The second reading explanation made some important points. Firstly, the sum available to the new Minister would seem to be reasonably adequate, at least for the commencement of the implementation of a roads policy. During the Budget debate I forecast that the new Minister, on coming into office, would not find an empty bank account and I produced certain figures from the Auditor-General's report and other sources together with a forecast of motor registration receipts, but the Treasurer interjected, "I can assure the honourable member that the position is far from healthy." That statement disturbed me, for I had felt that some real funds would be available for road work. I am somewhat relieved, however, to see the approach made to this problem in the second reading explanation and to hear the figures quoted by Mr.

O'Halloran this afternoon. If those funds are available—and I have no reason to doubt that they are—the incoming Minister will at least have something substantial on which to go to work.

The money being provided, the responsibility for its expenditure will rest directly with the Minister, for almost every clause provides for the transfer of authority from the Commissioner to the Minister. That does not mean that the Commissioner will become redundant, but rather that the responsibility for policy will be somewhat taken from him or at least reside with him in conjunction with and under the supervision of the Minister, while the implementation of that policy and the administration of the Department will, I imagine, still rest largely with him. The point that must please all members is that the Minister will be readily available to members in the course of their Parliamentary duties. In saying that I do not suggest that the Commissioner is hard to see or difficult of approach, for my own associations with the present Commissioner have been on a most cordial basis and I have no reason to complain that at any time I have not been shown the utmost courtesy and a readiness to discuss my district's problems; but the proper approach is to the Minister and therefore I welcome the fact that he will be in the House and in direct contact with members. I am in hearty accord with the proposal to restore in somewhat greater measure the old practice of calling for tenders for the supply of materials and the carrying out of road work. That is one matter on which I disagree with Mr. O'Halloran, for I am quite satisfied that better results, economically as well as qualitatively, can be achieved by the contract system than by the day work system.

Mr. Hutchens—How about the time when contractors were not available?

Mr. PEARSON—There are certain circumstances under which certain policies, however desirable, must be abandoned, but there are people prepared to lease from the department certain equipment, to be responsible for its care and maintenance and to operate it. That is not a new practice, for some district councils are providing plant in that way at present. The district council of Tumby Bay began that policy some years ago, simply because it was not able to get the labour necessary to operate its plant and the output per man per day for the plant was not considered satisfactory. The council devised this method, which has worked out very well.

Mr. Hutchens—Is it not a fact that protests were made because the council was not doing the work, the ratepayers claiming that it was more profitable for it to hire out its machinery?

Mr. PEARSON—I do not think so. The council, forced into exploring ways and means of getting the work done, arrived at this solution which has been copied by other councils. Although many of them were sceptical at the outset, they have all recognized the effectiveness of the method and are pursuing similar policies today.

The Hon. M. McIntosh—In some instances we find contractors who are much more expensive, although in other instances the reverse may be the case.

Mr. PEARSON—Possibly, but contracting depends entirely on there being some degree of competition, otherwise tenderers can name their own price, but in the ordinary course of business, whether in private industry or in real estate, if a job is to be done tenders are called, and I see no reason why Government work cannot be done on that basis with just as good effect. At present a contractor is working in a moderately large way in my district, and at the other end of the same stretch of road a departmental gang is working, so we have a good opportunity of comparing the results. The contractor with his moderately small plant is doing a colossal amount of work compared with the Highways Department gang, and that is not merely my opinion but that of all who travel along that road.

The Hon. M. McIntosh—One swallow doesn't make a summer, nor can one such case be taken as typical of the position throughout the State.

Mr. PEARSON—I do not suggest that, but merely use it as an illustration of what I think is a perfectly apparent effect. Of course, one swallow does not make a summer, nor does one instance where a day work job works out better than a contract job prove that the day work system gives better results.

The Hon. M. McIntosh—If you had to wait for a job to be done on a contract basis you might not have a road at all.

Mr. PEARSON—I am merely saying that I welcome the provision that the private contract system shall be used as the Minister directs. If the Minister is wise—and I believe he will be—he will see that tenders are called for most of the jobs to be done, and then he can choose between them. If he is not satisfied

with the tender or the tenderer, he can resort to day work and use his plant and machinery in that way. That clause has been inserted in the Bill for a definite purpose and it emphasizes the fact that private contracting can be used to a greater extent than it has been in the past. I could say many things on the merits of private contracting, many of which might be contentious, but I do not wish to make a long speech or stir up contention on matters which may not be particularly relevant to this Bill. However, I point out that in most cases by some means or other, private contractors are able to get better value from the money spent than gangs of workers who are not particularly interested in the ultimate cost of the job. That is only common sense, having regard to the frailties of human nature.

We in South Australia have arrived at the stage when we must decide on a policy of medium roads for medium loads. I have taken some time to arrive at that point of view, but I am satisfied that considering the thousands of miles of roads which require sealing in this State—and after all a sealed road is the only satisfactory road in the long run—we cannot hope to lay down roads which will carry any tonnage at any speed. If we attempt to do so, the result will be a few miles of road actually made, and, of course, those roads will be in and about the metropolitan area. It may be argued that road transport may increase in size, speed and activity during the next 10 years to the same extent as it has increased in the past 10 years, and what we might consider today to be the absolute ultimate in roads may prove very ordinary in 10 years' time. We shall have to decide to build a road which will carry a reasonable load at a reasonable speed and say to road users, "We will not allow you to carry on our roads a greater gross weight than so much, or to operate at a greater speed than so many miles an hour." We shall then have to say to importers of motor vehicles that it is useless to import a certain type because they will not be licensed to run on our roads. The exact way we do it is a matter of consideration, but we must decide on a policy of a medium road for a medium load.

Mr. Christian—Don't they limit the length of loads on semi-trailers in other States?

Mr. PEARSON—I am not sure.

The Hon. McIntosh—They have by far the longest and widest loads.

Mr. PEARSON—We should not consider the length of a vehicle or the number of wheels operating, but the distribution of the load over the road surface. The tandem type of semi-trailer with eight wheels at the rear can do as much damage to a road as the same type of vehicle with four wheels at the rear. The accumulated weight of the unit is on a certain area, and if there is any weakness in the road in that area there must be a subsidence. I completely agree with the provisions of the Bill and there is no need to criticize it, but perhaps it could have gone a little farther in some respects. In the main it provides for what I have advocated in this place on various occasions and I give it my full support. I am sure every country member wishes the new Minister well in the occupancy of his office and the operation of the provisions in the measure.

Mr. DUNNAGE (Unley)—This Bill will considerably affect my district where there is a big road problem. I commend the Government for introducing it; it is undoubtedly one of the most important introduced this session. I have no criticism of the work of the Highways Department. In my district we have got on well with the Commissioner and his staff and we hope he will continue to administer road construction and maintenance work. I do not criticize the Minister at present controlling this work for he has done a good job. It is said that the new Minister will not be a member of this place and if that is so he will not be available readily for the answering of questions. Education and roads are vital matters for members representing single electorates, and the new Minister to control roads should be a member of this place. Under the Bill a large sum of money will be spent. The Leader of the Opposition said it will be almost £5,000,000 a year. In addition to that, local government authorities will spend between £2,000,000 and £3,000,000 which makes road construction and maintenance a big item. Earlier, Mr. Hawker said that we should do more in the matter of research into road-making. In the eastern States miles of concrete roads have been constructed. It is expensive to put down a good concrete road, but once down there is little maintenance. I do not agree with Mr. Pearson that we should have medium roads for medium loads. If we allow private enterprise to operate trucks on our roads we should not have a limit of three or four tons. That would be absurd and the proposal should not be supported.

I travel over the State a good deal and most of the main highways are in good condition.

On almost all of them a motorist can travel at 50 miles an hour, which is fast enough for anybody. On the West Coast the subsidiary roads are in poor condition, as are some subsidiary roads elsewhere, and the new Minister will have to consider them as well as main highways. In the metropolitan area it is proposed to run bus services instead of trams, which will result in councils having to incur extra expenditure in maintaining roads in good condition. Trams now run on the Goodwood Road, Hyde Park Road, Unley Road, Glen Osmond Road, and Fullarton Road, and if they disappear in favour of buses the Unley Council will have these roads to maintain in good condition, which will cost many thousands of pounds. It is not right that the Tramways Trust should expect councils to keep roads in good condition for buses. It has been said that one road in the Unley district is not in good enough condition for buses, and £15,000 will have to be spent on it. An empty bus weigh eight tons and when full 12 tons. Bus services will operate on the roads from about 6 a.m. until midnight. On the road on which the Unley Council will have to spend £15,000 only light traffic is allowed at present, nothing more than three tons in weight, yet it is proposed to run the heavier buses on it. Another big problem is increasing costs, and increasing rates to the people living in these areas. It is very illuminating to compare present-day costs with those operating some years ago. On Monday night a report was submitted to the Unley Council by its town clerk which indicated the increasing costs. He took 1936 as his base year and compared it with 1952. Present-day labour costs are 436 per cent higher than those operating in 1936 when the rate was 2s. 2d. in the pound, whereas today it is 3s. 6d. A new assessment is now being made. If the Unley Council desired in 1952 to carry out the work done in 1936 it would have been necessary to increase the rate to 9s. 6d. The basic rate for 100 man-hours in December, 1936, was £4 1s. 4d., whereas in August, 1952, it was £13 9s. Up to December, 1936, the basic rate was £3 9s. and in August, 1952, it was £11 19s. The actual wage paid on that average basis was £211 9s. 4d. in December, 1936, as against £716 19s. in August, 1952.

Unley is one of the best equipped councils in the metropolitan area as regards its machinery. The Highways Commissioner has been very helpful to the council, but despite that it is still buying new machinery. Only recently it bought three new trucks, and for a street sweeper it paid £7,000. I feel sorry for councils like the Enfield Corporation which proposes to borrow £250,000 for drainage work alone. The Woodville, Marion, Mitcham and other councils will also be faced with a similar position and will have to borrow to undertake necessary works. Unley has been fortunate in that it was already a developed city before such high costs were ruling. I feel sorry for certain people in Mitcham, Burnside and Marion council areas because they will be unable to get a footpath provided even in the next 50 years, because the councils will be unable to afford the work. The Unley Council engineer who was asked on Monday night why he could not undertake certain work replied he was unable to get qualified men, and I suppose the same applies to other councils and to the Highways Commissioner. Ratepayers will be faced with increasing expenses as the years go by. It is about time some new method of making roads was ascertained, or councils decided to make a certain length of road with the best materials under the best conditions. I am inclined to agree with Mr. Pearson that tenders should be called by councils for certain works they undertake. I can remember the time when tenders were called to establish our tram service and groups of big contractors undertook to do these jobs. One of them was Smith and Timms. However, today such tenderers have disappeared, but if expensive works were again undertaken by contract no doubt other big contractors would be interested. The Unley council called for tenders for a fence, and in reply one was for £263 and the other £162, a difference of £101 on a small job.

Mr. Stephens—You don't call that fair tendering, do you?

Mr. DUNNAGE—Both were from reputable firms, and if only one tender had been received I suppose the council would have had to accept it. If that is a sample of calling tenders on a small job, one could imagine what would happen with jobs costing millions. Under the Bill the Highways Commissioner is to prepare a road programme for submission to Parliament. Members will then have an opportunity to study it before the Commissioner starts on a job. That is a good idea. If a member considers that alterations should be made, or that certain jobs should not be undertaken, he could then approach the Minister. It is proposed that the Minister should have power to authorize expenditure up to £5,000 in an emergency and if that is not enough he could authorize an additional £5,000. That is also a good idea,

because one can visualize the results of floods and tempests necessitating expenditure on repairs immediately. The Bill is a very good one and I give it my blessing. I am looking forward with pleasure to the appointment of the new Minister who will be in charge of roads, and with this Bill we shall be able to keep in closer contact with this activity.

Mr. MICHAEL (Light)—I support the Bill and consider it one of the most important measures placed before us this session. I believe the House is practically unanimous in agreeing to its provisions. It is no reflection on the work carried out either by the present Highways Commissioner or his predecessor. Over the years they have done an excellent job. Because of the growth of motor transport our highways are becoming a most important public utility. This growth has created immense problems. The appointment of a Minister in charge of roads with the powers suggested in the Bill is a move in the right direction. Not many years ago, if a man desired to go on the land a motor car was something he looked forward to purchasing when his financial position improved, but today it is unthinkable for such a man to be without a motor vehicle. It is one of the first things he buys. It is equally important that we should have good roads. Compared with other States, except Western Australia, South Australia's population is spread over a much larger area. We have to construct thousands of miles of roads that do not carry a great quantity of traffic. Our main roads carry much traffic, but to make the occupancy of our outlying areas possible we have to spend large sums on minor roads and that is why our road problems have assumed greater importance than in the past. The clause dealing with the calling of tenders is an excellent provision. I was chairman of a council for some years, and we always called tenders for jobs. There was just as much variation in the prices as shown by the figures quoted by the member for Unley. The calling of tenders safeguards extravagant expenditure. I have no objection to road works being carried out departmentally, but the practice of calling tenders keeps the department up to scratch. No tender would be accepted unless it was somewhere near the estimate prepared by the department's officers. If the tenders were lower than departmental estimates, this would be an incentive for the department to see why it could not carry out work more cheaply. Undoubtedly, much road work will have to be done by the department in outlying places, but greater co-operation between contractors and the department would be advantageous.

Mr. Stephens—You mean competition, not co-operation.

Mr. MICHAEL—If competition results in lower costs I am wholeheartedly in favour of it. By co-operation I mean that a contractor might be prepared to invest money in plant and machinery if he were assured by the department of continuity of work in a particular area. The department could tell him he would have work for years ahead provided he carried out jobs satisfactorily and at a reasonable cost. The member for Chaffey and I are concerned about the important road work necessary for the development of parts of our districts. The new Minister will be able to get a true perspective of the needs of the whole State and ascertain where the money available for road work can be best expended. Last week-end, in company with some other members, I travelled over some portions of the district of the Minister of Works, but I do not think we could find any part of South Australia where better roads are more badly needed. That shows the Minister has not spent money in his own district that should have been spent in others. It is easy for people to say that the roads in their district are the worst in the State. A few weeks ago Tommy Trinder said that the road near Kimba was the worst in the world, but last week one of my relatives said it was a good one. That shows that unless people have a wide experience of roads it is difficult to get things in their right perspective.

The Hon. Sir George Jenkins—You would not see a road worse than that north of Marree.

Mr. MICHAEL—If we are to get all the cattle to our markets that we should we must provide proper facilities to enable them to be brought here. We must consider constructing a better road between Marree and Birdsville. More research work should be carried out to ascertain the best method of road construction to meet the needs of modern traffic. It may be necessary to have some control over road vehicles. If it is proved that some types are damaging our roads, Parliament may have to restrict their use. I am glad that this Bill has been brought down and trust that it will be passed without amendment.

Mr. CHRISTIAN (Eyre)—I support the principles of the Bill, which re-establishes Ministerial control. I have always been a strong advocate of Ministerial control, but 15 to 20 years ago there was a tendency for the South Australian Parliament to relinquish control over Government business undertakings and many other activities for which the Government was responsible. The return to Ministerial control is a logical development because it has become apparent that even if the Government or Parliament were divested of authority Parliament still has to take all the kicks when things go wrong. If the people do not get what they consider fair treatment in regard to the expenditure of public moneys the whole of the blame is sheeted home on the Government and on Parliament. We hope for some improvement in the restoration of our highways from the new control. The additional moneys that will be available will be of great assistance in the State's road programme, and its allocation will be brought more directly under Parliamentary control than in the past. I am not casting any reflection on our previous administration, for our officers tried to allocate the money available equitably, but there has been too much concentration on some main roads. We have spent much money in taking out corners and eliminating steep rises or bumps on main roads, but we cannot afford any frills until we get more trafficable roads throughout the State generally. I hope the new control will concentrate more on greater mileages of good, serviceable roads throughout South Australia. I do not envy the new Minister his task. He will have many headaches and will deserve all the sympathy and consideration that Parliament can accord him.

I agree entirely with that proposal in the Bill which will enable more contracting work to be undertaken. We have seen many examples of contract work which has been carried out more cheaply and satisfactorily than that carried out by the department. I hope that contracting will not be limited to private contractors, for I have in mind an extension of the principle to local councils, most of whom have some miles of main roads running through their districts. The general policy has been for those councils to undertake on behalf of the department the maintenance and construction of those main roads, but instead of a local council being given that responsibility regardless of the cost at which it can undertake the work, we should try to get a number of councils to tender for it. That might put many councils and the gangs employed by them on their mettle, and I believe it would result in competitive prices being quoted by the several councils concerned. If the work were allotted to the council submitting the most favourable tender, that council would get the bulk of the work for that year, and, if plant were required, the department might be able and prepared to lease it some of its plant. If that method were found satisfactory in a particular year, other councils would do their best in subsequent years to submit a price lower than they had submitted previously, and we would get some real competition which would result in keeping down the cost of roadmaking to a more reasonable level and in our getting much better value for our money. The very low return received in many instances from main roads expenditure for work done by local councils has become notorious. Whether my suggestion is feasible I do not know, but I advance it so that it may be explored and, if found satisfactory, applied generally.

Section 18 of the Highways Act provides that all the property, both real and personal, under the control of the department shall be vested in the Commissioner. Prior to 1936 that property was vested in the Minister, and, although we are now restoring Ministerial control, we are in no way altering the holding of real and personal property. Both the Minister and the Commissioner are holding the property in the interests of the taxpayers, and it may not matter very much in whom that property is actually vested, but it appears somewhat anomalous to restore Ministerial control while leaving the property in other hands. In much of our legislation where Crown property is involved, it is in many instances vested in the Minister who, for the time being, has the authority to administer that department.

The question of roads has suffered a more severe flogging in debates this session than ever before, but it has become a live one. The matter of the materials used in roadmaking is so important these days that we must pay more attention to it. I have frequently referred to new materials which should be tried and referred to experiments conducted by local councils on Eyre Peninsula in trying to discover the best materials to do the most lasting job. The Streaky Bay council used an admixture of clay which provided a good sealing element on their ordinary graded roads. On this matter I have received from the Minister

a written reply which I do not think does justice to my suggestion. He says:—

The discovery of clay as a binding material has been known for centuries. If used in sufficient quantities corrugations would be unlikely. There would be one fundamental defect, however. The road would be entirely impassable in wet weather.

There is not much logic in that statement, nor does it disclose any profound knowledge of what is entailed in my suggestion. You have only to get your materials in the right proportions to obviate the difficulties mentioned in the Minister's reply. In saying that, I have in mind the fact that engineers in this State and other States have concentrated for many years on finding the right mixtures of materials for use in earthen banks for dams. In the course of an inquiry by the Public Works Committee into water conservation projects, members went to Victoria and were shown much experimental work which had been done on the development of suitable materials. Earthen banks have been built and the materials tested in laboratories to ascertain the amount of compaction they would stand and the amount of the impermeability of such materials. It was found from that work that an admixture of 18 per cent clay not only formed a material impermeable to water but also gave a good surface. On one occasion members visited Leigh Creek when the aerodrome there was under construction. The gigantic work in progress was being done on a scientific basis, materials being collected from all over the place and the correct admixture of clay added to it. The whole of the 15in. depth of materials was spread over the runaway and was compacted with sheep's foot and pneumatic rollers, using water as the consolidating agent. The runaway was to be capable of taking the largest planes likely to use that aerodrome, and it was not a sticky job either, as the Minister would have us believe must result from the use of such methods. Today we have these examples of works which prove not only that, if you get the correct mixture of clay, rubble and other materials, the roads have a good surface which is not corrugated, as has been proved at Streaky Bay, but also that they do not become impassable in wet weather.

I feel I am duty bound to make this reply to the Minister's statement because I consider the materials are an important factor in the quality of the roads constructed. We cannot afford to use or let local councils spread dry rubble on the roads and expect it to last. The department under the new Minister should concentrate on the question of the materials used, and no council should be allowed to spend public moneys received by way of grants from the Highways Fund unless the materials it proposes to use measure up to a certain standard. It is far better to get the right materials together and mix them if necessary, and so get the right proportions of the various components which together make a good road surface. I have much pleasure in supporting the Bill and I look forward to great things as a result of the new administration and the additional revenue available to it.

Bill read a second time.

In Committee.

Clauses 1 to 13 passed.

Clause 14—"Correction of error in numbering of section 27c of principal Act."

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

After "amended" to insert "(*a*)" and at the end of the clause to insert the following paragraph—

(*b*) by striking out the words "Commissioner of Crown Lands" in the penultimate line thereof and by inserting in lieu thereof the words "Minister of Lands."

This is a drafting amendment arising from the alteration some time ago of the title of Commissioner of Crown Lands to Minister of Lands.

Amendments carried; clause as amended passed.

Clause 15 passed.

Clause 16—"Application of Highways Fund."

The Hon. T. PLAYFORD—I move—

After "amended" to insert the following:—

(*a*) by striking out the words "agreement with" in the second and third lines of paragraph (*d*) of subsection (1) thereof and by inserting in lieu thereof the words "Act of or agreement or arrangement with";

Paragraph (*c*) of subsection (1) of section 32 of the Highways Act authorizes expenditure of moneys in the Highways Fund in defraying the cost of any work required to be executed by the State pursuant to any agreement with the Commonwealth relating to road work. The Commissioner of Highways has suggested that this term "agreement" be amplified to include any Act of the Commonwealth or arrangement with the Commonwealth, as money is now made available pursuant to Commonwealth Statute.

Amendment carried; clause as amended passed.

Clauses 17 to 20 passed.

Clause 21—"Expenditure by councils."

The Hon. T. PLAYFORD—I move to insert the following paragraph before paragraph (*a*):—

(*aa*) by striking out the words "agreement with" in the third line thereof and by inserting in lieu thereof the words "Act of or agreement or arrangement with."

This amendment is for the same purpose as the amendment to clause 16, and is recommended by the Highways Commissioner.

Amendment carried; clause as amended passed.

New clause 3a—"Duties of officers."

The Hon. T. PLAYFORD—I move to insert the following new clause:—

3a. Section 17 of the principal Act is amended by striking out the words "inspector, subject to the direction of" and by inserting in lieu thereof the words "officer who is so directed by."

Section 17 provides that inspectors of roads are, subject to the Commissioner, to carry out certain duties. The office of inspector of roads does not now exist and the new clause substitutes the term "officer" for "inspector." This amendment also has been suggested by the Commissioner of Highways.

New clause inserted.

Title passed. Bill read a third time and passed.

[*Sitting suspended from* 6 *to* 7.30 *p.m.*]

HARBORS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from December 1. Page 1765.)

Mr. TAPPING (Semaphore)—I support the Bill because it is a step in the right direction. It provides a means of raising more revenue to help the Harbors Board system generally. It deals only with pilotage fees and the registration of fishing boats, and not with dues and stacking of cargo rates, which are covered by regulation. I am proud to support the Bill because 90 per cent of the fishermen operating in the Port Adelaide reaches and up the gulf towards Port Wakefield come from the Port Adelaide district, and I have some knowledge of their requirements and dislikes. The imposition of a fee of £5 will not create a burden. Since 1932 the fishermen have been paying a fishing fee. Under regulation it has been fixed at 25s. a year for boats up to 30ft., and 40s. a year for boats in excess of 30ft. The imposition of the fee in the Bill will serve a purpose as for years in most ports improvements have been necessary to provide havens and berths to enable the fishermen to sell their catch. It is interesting on a Sunday afternoon to see fish being sold at Port Adelaide to people who come from near and far to buy. They are pleased to pay for fresh fish almost twice as much as is charged in fish shops.

About 25 years ago approximately 90 per cent Australians were engaged in the fishing industry in this State and the remainder were mostly Italians, with only a few Greeks. However, there has been a change, and today in my district all the fishermen are Italians. Earlier I mentioned the prices received by the fishermen at the bridge steps at Port Adelaide on Sundays but in fairness we have to remember the elements to which they are subject and also the fact that they have lean periods. I suppose that an annual fee on fishing craft would bring in not more than £500 annually, but apart from that it might be said that because fishermen were registered by the Harbors Board their overtures would be more sympathetically treated. I am convinced beyond doubt that if the Bill becomes law the fishing fee will disappear entirely and a registration fee to which I have referred will take its place.

An important phase of the Bill relates to pilotage fees. Although I do not subscribe to a harsh increase, for many years the fees charged have been small and not in keeping with the economic position confronting the State. Some time ago I brought up a question from the Merchant Service Guild and among other things referred to the remuneration paid to pilots. I give the following information relating to the fees in South Australia compared with those operating in the other States, taken from a letter I have received from the guild:—

There has been an increase of pilotage fees in Sydney and Melbourne over the last three years of approximately 300 per cent, and where a pilotage fee of £22 8s. is paid at Port Adelaide the corresponding fee in Sydney or Melbourne would be approximately £300. Therefore, we can appreciate that the State has lost thousands of pounds annually because of our low pilotage fees.

I subscribe to their being increased. The only objection I raise is that the Minister in his second reading speech did not indicate what the new tariff would be. However, he assured the House that the new charges would be reasonable and comparable with those in the

other States. The importance of pilots' duties, warrants higher fees. Sometimes a pilot may be held up for some hours outside the harbour because some malady is suspected on an incoming ship. I feel that the shipowners and the stevedoring companies would not object to increased charges. Because of the contour of the Port River, and the fact that the inner harbour is nine miles from the Outer Harbour, the pilot's job is most difficult. Over the years they have been free from serious accidents, although some ships have run aground. We must appreciate that the pilot has big responsibilities in berthing a ship. The Port River is narrow compared with the entrances to other Australian ports, and this adds to the pilots' difficulties. Because of the siltation, dredging is almost continuous, which makes the case for increased fees stronger. It is worth while making a comparison of the charges in South Australia with those in other States. In his second reading speech the Minister said that for a steamer of 10,000 tons gross and 6,000 tons net the pilotage fee for it to be brought into the inner harbour and out again would be £34 here, £78 at Fremantle, £40 at Hobart, £100 at Sydney, £140 at Brisbane, and £225 at Melbourne. Owing to an oversight by someone here, over the years South Australia has lost thousands of pounds, because the pilotage rates could have been increased years ago. If we assume that a steamer brings in a cargo of 5,000 tons to the inner harbour and takes out another 5,000 tons, the pilotage fee of £34 would amount to approximately 1d. a ton. No-one would suggest that such a rate on a huge cargo would be a burden on the consumers. I hope that the House will agree to the fees being increased.

Mr. McAlees—The shipowners could not be charged too much. They can afford it.

Mr. TAPPING—But if an increased charge is imposed someone has to pay, and in the end it is the consumer—you and me. If the Government increases the pilotage fees as proposed, the pilots should receive favourable consideration for an increase in salaries. My opinion is that pilots in all the other States are treated better than those here. In reply to a question by me some time ago, the Minister endeavoured to prove that South Australian pilots were treated well compared with those in the other States. It would be wrong to increase wharfage fees too much, because it would have an adverse effect upon consumers. I give the Bill my wholehearted support because I believe it is a step in the right direction and that the increases projected are long overdue.

Mr. STEPHENS (Port Adelaide)—I was surprised that the Bill was introduced so late in the session. We had the Minister's second reading speech only last night and the Bill was not on my file until after lunch today. Therefore, I have not had much opportunity to study it. Under the Act the maximum and minimum pilot fees were fixed, the rates being £20 and £2 10s., respectively. Under the Bill it will be left to the Harbors Board to fix the maximum, but the minimum will remain the same. We should always keep in mind that pilots do not take any financial responsibilities with the ships they handle. If anything happens to a ship, even while the pilot is in charge of it, he is not responsible, and no claim can be made against him by the captain or owner. The captain is still responsible, although the pilot is actually in charge of the ship. Therefore, the Harbors Board should be reasonable in fixing charges for the services of pilots. Another clause deals with the registration of fishing vessels. It includes the following:—

> Providing for the registration of vessels used by any persons in the course of their business as fishermen and prescribing a fee not exceeding £5 a year for the registration of a vessel used as aforesaid.

When does a vessel become a vessel used in the business of fishing? Many waterside workers in Port Adelaide, and other people too, go fishing when work is slack. Fishing is not really their business, but when they get a good catch they sell the fish. I suppose the boat they used would have to be registered as a fishing vessel. The Harbors Board may have some difficulty in deciding when a vessel should be registered under this clause. The fee must not exceed £5, but I do not know what the smallest fee would be for, say a dinghy.

The Hon. McIntosh—One good catch would be sufficient to pay the fee.

Mr. STEPHENS—Perhaps, but some men may be like me. I have often gone fishing without getting a feed even for myself. However, I may get one good haul and be charged with using a vessel that was not registered. I hope the board will not be too hard on the amateur fisherman or on the man using a small boat. I have introduced many deputations to the Minister of Marine about fishing and to the Minister of Agriculture on matters concerning the Chief Inspector of Fisheries, and eventually satisfaction has been obtained.

Many fishermen at Port Adelaide draw alongside lighters, and the Harbors Board assists them by providing fresh water supplies and cranes to lift their gear to and from their boats. I am sure the fishermen greatly appreciate what has been done for them, but I hope the board will be reasonable in fixing fees for fishing vessels and for the services of its pilots. I support the second reading, but this Bill, like others, should not have been brought down in the last day of two of the session. I came in this morning to peruse it, but it was not placed on members' files until lunch time. I tried to obtain the *Hansard* pulls of the Minister's second reading speech, but they had not been printed. I hope the Minister will see that in future Bills are not introduced in the dying hours of a session. Other members are interested in this measure, because it affects fishermen at Port Augusta, Port Pirie, and Wallaroo, but they have not been able to study it.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Regulations."

Mr. GOLDNEY—Have fees been charged previously for the registration of fishing vessels?

The Hon. M. McINTOSH—No, but the proposed fee is entirely a token one. Parliament has been asked to spend much money to provide fishing havens, but the maximum fee will be only £5. The general taxpayer has to find the money to provide facilities for fishermen, so it was only reasonable that they should make some contribution.

Clause passed.

Title passed. Bill read a third time and passed.

WHEAT PRICE STABILIZATION SCHEME BALLOT BILL.

His Excellency the Governor's Deputy, by message, recommended to the House the appropriation of such amounts of the general revenue of the State as were required for the purposes mentioned in the Bill.

The Hon. Sir GEORGE JENKINS moved—

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution:—

That it is desirable to introduce a Bill for an Act to enable the Minister of Agriculture to hold a ballot on a wheat price stabilization scheme.

Motion carried.

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

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

That this Bill be now read a second time.

It is a short Bill to enable the Minister of Agriculture to conduct a ballot of growers on the establishment of a wheat stabilization scheme. It has always been the intention of the Government that, when agreement had been reached between the various State Governments, a ballot of growers should be conducted on this question, particularly in order that the Commonwealth Government should be informed whether the wheatgrowers of Australia were prepared to allow the Commonwealth to market their wheat and retain the £9,000,000 at present in the Stabilization Fund, but, although there has been considerable negotiation between the Commonwealth Minister for Commerce and Agriculture and the State Ministers of Agriculture, we have been unable to reach agreement. Although at the last meeting of the Agricultural Council the terms of the Bill were substantially agreed upon, since then, after discussion, it has been found impossible to reach complete agreement; consequently and because the Federal House will soon rise and there will be an election early in the new year, the Commonwealth Government desires the States to conduct a ballot on this question to ascertain the feeling of wheatgrowers on it. In passing this legislation the House will commit itself only on the question of a ballot, and, if as a result of that ballot, it is decided that further legislation is necessary, another Bill will be introduced next session and its terms and conditions will be open for full discussion then.

As members have been informed, the details of the proposed stabilization scheme have not yet been completely agreed upon in all respects by all the Governments of Australia but, there is already a fair amount of agreement and it is quite possible that complete agreement will be reached in the near future. The Bill does not contemplate that a ballot will be taken until complete agreement is reached, and the power conferred upon the Minister to hold the ballot is conditional on such agreement. This is indicated by the first provision in clause 2 which states that if proposals for the stabilization of the price of wheat are agreed to by the Governments of the Commonwealth and of all the States the Minister of Agriculture shall direct that a ballot be held.

Among the matters on which agreement has not yet been reached are the question whether the £9,000,000 now held in the Stabilization Fund are to be used for future price stabilization and on what basis the premium for Western Australian wheat is to be allowed. When the ballot is held a direction will be given to the Returning Officer for the State for the purpose and a list of wheatgrowers who delivered wheat to the Australian Wheat Board in the season 1951-1952 or 1952-1953 will be prepared and this list will be the voting roll for the purpose of the ballot. As in previous cases the ballot will be conducted by postal voting. The ballot paper will be in a form which will be fixed by the Commonwealth Minister for Commerce and Agriculture and it will have either attached to it or printed on it a short summary of the proposals on which the ballot is to be taken. The object of having the ballot paper in a form fixed by the Commonwealth Minister is to ensure uniformity throughout the whole of Australia. It is proposed that voting will be by marking a cross opposite the word "Yes" or "No" on the ballot paper and the other details of the procedure at the ballot will be determined by the Returning Officer.

Clause 3 provides for a vote of money out of the General Revenue for the purpose of meeting the expenses of the ballot. Clause 4 provides that regulations may be made for carrying the Bill into effect and, in particular, they may provide for compulsory voting. The Government is informed that such compulsory voting may ultimately be agreed upon between all the Governments concerned and if so, it is desirable that South Australia should have the power to carry it into effect. When this matter was discussed at the last meeting of the Agricultural Council, the Commonwealth Minister was keen that the voting should be compulsory in order that there should be a known majority of wheatgrowers either in favour or against the proposals.

Mr. Stott—Will there be only one question on the ballot paper?

The Hon. Sir GEORGE JENKINS—Yes—whether the wheatgrower is in favour of the scheme or not.

Mr. O'HALLORAN (Leader of the Opposition)—I am prepared to continue the debate on this Bill, but perhaps after I have spoken the Minister may consider an adjournment necessary so that members who have not had the opportunity of perusing the Bill may be able to consider it before coming to a final decision on it. I would not have been prepared to continue the debate but that, through the courtesy of the Minister, I had had an opportunity to study a copy of the Bill this afternoon. Personally, I am satisfied with its provisions. In fact it happens to be the policy sponsored by the Labor Party for many years that, where primary producers desire, they shall have the right to participate in a stabilization scheme, and the only effective way of ascertaining whether they desire to have such a scheme is by ballot. Consequently I offer no objection to the power being vested in the Minister to conduct a ballot if and when agreement has been reached on the nature of a stabilization scheme, but the position is not so innocent as the Minister told us, for, as I understand it, after the wheatgrowing States have agreed on the basis of the scheme, a skeleton of it will be submitted to the growers on the ballot papers when they are asked to vote "Yes" or "No" on it.

The Hon. Sir George Jenkins—That is so.

Mr. O'HALLORAN—The fact that it is a scheme of which the growers have been asked to approve will mean that, if they approve of it, when subsequent legislation is introduced into the House it will be necessary for us to follow substantially the outline of that scheme, for if we depart in the slightest degree from it we shall be committing a breach of faith with the growers.

Further, we have had previous experience of the difficulties created by this kind of inter-Government agreement. Conferences have been held and agreements made between the various State Governments and between the Commonwealth and the State Governments, and then a Minister has come to this House asking us to ratify an agreement and telling us that we are not permitted to alter it substantially because by doing so we would create difficulties with the other signatories to it. Although my Party favours this type of legislation, its members do not altogether approve of the way the Australian Wheat Board has conducted the stabilization scheme and the marketing of wheat during the past two or three years. Firstly, we believe that sufficient regard has not been had to the interests of the rest of the community. We believe the Wheat Board has been inclined to attach too much importance to the interests of farmers and not enough to the interests of other sections of the community, particularly the manufacturing section.

The SPEAKER—I think the honourable member is widening his argument on the Bill.

Mr. O'HALLORAN—Yes, but it is probably the last opportunity I shall have of making an effective protest against things which may be done.

The SPEAKER—I think the agreement will be a subject for close examination if the ballot is agreed to, but not otherwise.

Mr. O'HALLORAN—If the Bill is agreed to I shall have no choice and the scheme will be a *fait accompli* but I bow to the Speaker who I think is, as usual, right. In my remarks there is a note of warning and I hope those responsibile for the drafting of the agreement will heed it and see that the scheme ultimately submitted as the result of the ballot will have regard to the interests of wheatgrowers. The wheat industry is important and is responsible for much employment and the production of a commodity to be exported overseas to help maintain Australia's trade balance. Any scheme which has the interests of the industry at heart is worth consideration, and as the ballot gives the farmers an opportunity to decide on the scheme I support the Bill.

The Hon. Sir GEORGE JENKINS (Minister of Agriculture—I remind the Leader of the Opposition that when the Agricultural Council meets there are five representatives of the Labor Party and one solitary member of the Liberal Party present, so he can be assured that the interests of the consumers are properly cared for.

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

TRUSTEE ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time. Its purpose is to enable the terms of superannuation or benefit funds established by private undertakings to be varied by a vote of the employees interested in the fund. A considerable number of employers in the State have created superannuation or benefit schemes in the form of trusts for their employees. It has been brought to the attention of the Government that in the course of time these schemes frequently require alteration to bring about more effective administration or to meet new circumstances, and that in most cases an alteration cannot be made without obtaining the consent of every beneficiary to the alteration. This is a costly and difficult procedure, and often almost impracticable. The Government believes that these schemes have a real value in the life of the community and that they are worthy of assistance. That such schemes would of their very nature require alteration from time to time is borne out by the very frequent alteration which it has been found necessary to make to the Superannuation Act.

The proposal in the Bill is that a scheme should be capable of being altered by a three-quarters majority vote of the employees concerned present and voting at a meeting of which all such employees have had notice. In addition, the rights of a pensioner, annuitant, or other person actually in enjoyment of benefits under a scheme are safeguarded by a provision that such rights are not to be prejudicially affected without his consent. The matters which I have mentioned are provided for in a new section 35b of the principal Act, which is set out in clause 3. Subsection (1) enables the trustees of an employee's benefit fund to alter the instrument creating the fund subject to the consent of the beneficiaries. Under the section "beneficiaries" means persons who are entitled or prospectively entitled to a benefit under the terms of a fund by virtue of their employment, and are actually in that employment. Subsection (1) also provides that the consent shall be obtained by a vote of beneficiaries at a meeting of which four weeks' notice has been given to every beneficiary, and that consent shall not be deemed to have been given unless a three-quarters majority present and voting at the meeting are in favour of it. Under the subsection a notice of a meeting must give details of the proposed alteration.

Subsection (2) provides for a person nominated by the trustees to preside as chairman at a meeting of beneficiaries unless and until some other person is elected as chairman by the beneficiaries. Subsection (3) provides that a certificate given by the person presiding as chairman at the time the beneficiaries voted shall be *prima facie* evidence that the meeting was duly summoned and the consent duly obtained. Subsection (4) provides that where an instrument is altered pursuant to the section, the property of the trust shall be held on the trusts of the instrument as altered. Subsection (5) provides that where a person is entitled in possession to a benefit under a fund, his rights shall not be prejudiced or diminished without his consent in writing. Subsections (6) and (7) provide that the section shall apply to

every benefit fund unless it is expressly provided that it shall not apply. It also applies to benefit funds created before or after the passing of the Bill. Subsection (8) contains definitions of various terms.

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

MENTAL DEFECTIVES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 27. Page 553.)

Mr. O'HALLORAN (Leader of the Opposition)—This Bill has been introduced to make easier the circumstances of our unfortunate fellow citizens who become mentally affected. The present law insists that a certificate be granted by a Justice of the Peace at various periods and the obligation is on him to see the person before signing the certificate, but this is often inconvenient and it is proposed that longer periods shall elapse between the issue of certificates. The rights of the individual are still adequately protected under the Act and will not be prejudiced by this Bill. The Act has been amended several times since it was consolidated. In 1939 it was amended twice, and was again amended in 1941, 1945, and 1950, so it is about time it was reprinted so that those who frequently refer to it can do so more easily. It has taken the Government a long time to appreciate the inconvenience of the present provision for weekly examination of patients and to propose monthly examinations instead. In studying the Act I could find no definition of receiving houses. The Government should consider whether receiving houses should be specifically defined when bringing forward further amendments. This Bill has passed the scrutiny of another place and I see no reason for not passing it.

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

ANATOMY ACT AMENDMENT BILL.

Having obtained leave, the Hon. T. Playford introduced a Bill for an Act to amend the Anatomy Act, 1884-1934. Read a first time.

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

That this Bill be now read a second time.

The Government will not ask the House to pass this legislation this session. The Bill is an unusual one.

Mr. O'Halloran—Of an exploratory nature?

The Hon. T. PLAYFORD—No, it closely follows legislation in the United Kingdom. I believe it will receive the support of every member after he has examined it. No harm can come from its passing, and a considerable number of people every year may benefit. Its purpose is to make provisions for the operation known as corneal grafting. Honourable members are no doubt aware that there is a very valuable surgical procedure by which the cornea of a deceased person's eye is grafted on to the eye of a living person, thereby improving or saving the sight. The City Coroner has recently drawn the attention of the Government to the fact that the removal of eyes from a body even for such a meritorious purpose as this is probably not within the law. Certainly, the Anatomy Act makes no provision for it whatsoever. He has pointed out that the United Kingdom Government has found it desirable to pass legislation dealing with the subject and that at a recent medical conference in Adelaide a resolution was passed that State Governments should be approached with a request for the enactment of similar legislation. The Government is of opinion that the law of the State should make provision for corneal grafting and at the same time give proper protection to the feelings and interests of the relatives and friends of deceased persons. The Government is accordingly introducing this Bill, which follows the Act of the United Kingdom, the Corneal Grafting Act, 1952, almost exactly. The details of the Bill are as follows:—

Clause 3 makes an amendment to the long title of the principal Act which extends the scope of the long title to include provisions dealing with corneal grafting. Clause 4 enacts new section 18a of the principal Act. Subsection (1) of section 18a provides that a person lawfully in possession of a body, for example, an executor, may authorize the removal of the eyes to enable them to be used for corneal grafting if the deceased person has at any time expressed a request in writing that his eyes be used for that purpose or has expressed the request orally in the presence of two witnesses during his last illness. Subsection (2) provides that a person lawfully in possession of a body may authorize the removal of the eyes for corneal grafting unless the person has reason to believe that the deceased had objected to his eyes being so dealt with, or the surviving spouse or any relative objects. Subsection (3) provides that

the removal must be done by a legally qualified medical practitioner who must have satisfied himself that life is extinct.

Subsection (4) provides that where the person lawfully in possession of the body believes that an inquest will be necessary, he may only authorize the removal of the eyes with the consent of the City Coroner, who may give his consent on such conditions as he thinks fit. This is the only provision which differs from the English Act. That Act provides that no authority may be given at all where an inquest may be required. The City Coroner has recommended that it should be possible to give authority in these circumstances, subject to his consent. The Government feels that under these conditions an inquest will not be prejudiced and has accepted the recommendation. Subsection (5) provides that a person such as an undertaker entrusted with a body purely for the purpose of its interment or cremation shall not have power to authorize the removal of eyes.

Subsection (6) provides that the authority under the section may be given on behalf of a person having the control or management of a hospital by an officer or person designated in that behalf. Subsection (7) provides that the section shall not be construed as rendering unlawful any dealing with a body which would otherwise have been lawful. Clause 5 makes a consequential amendment to the principal Act. Clause 6 provides that the Bill will come into force three months after it is passed. This provision will enable the Bill to become generally known before it becomes effective. Surgical science has advanced to such an extent that corneal grafting is successfully undertaken in this State and in other countries. As a result many persons who would otherwise be blind have recovered the inestimable privilege of restored sight. Grave doubts exist whether in South Australia anyone under present law can give the legal authority for this operation to be performed even where such a provision has been inserted in a will.

Mr. Stephens—It has been done.

The Hon. T. PLAYFORD—Yes, but there are grave legal problems associated with it which in Great Britain could only be resolved by the passing of an Act. The Government is introducing this Bill now so that its contents may be thoroughly studied by all members and made known to the public so that, if any objections are raised or any amendments desired, they can receive consideration next session.

Mr Stephens—Will it be considered during the special session next year?

The Hon. T. PLAYFORD—No special session will be called to consider it, but it will be considered some time next year. I commend the Bill for study by honourable members and ask leave to continue my remarks.

Leave granted; debate adjourned.

DA COSTA SAMARITAN FUND (INCORPORATION OF TRUSTEES) BILL.

Adjourned debate on second reading.

(Continued from November 26. Page 1685.)

Mr. TAPPING (Semaphore)—I support the Bill, the main purpose of which is to incorporate the trustees of the Da Costa Samaritan Fund, which was established in 1898 under the will of Louisa Da Costa, the original bequest of £6,000 forming the nucleus of the fund. Today, because of wise investments, it has reached a total of almost £80,000, which speaks highly of those responsible for the investment of the money. According to my information the money was originally bequeathed so that amenities could be provided for the benefit of convalescent patients at the Royal Adelaide Hospital, and such patients have enjoyed many benefits. The incorporation could have been carried out with benefit many years ago, for the welfare of a fund of this nature should be watched closely. I commend the trustees who have performed such sterling services over the years.

One of the purposes of the Bill is to afford protection to those trustees. For a number of years the assets of the fund have been invested in Commonwealth stocks, city properties, and shares in the Adelaide Steamship Company Limited. Although the returns from these investments are reasonably good today, they may fall at some future time, in which case the value of the assets would deteriorate, and the incorporation is necessary to save the trustees from any embarrassment which might arise as a result of such deterioration.

The second purpose of the Bill is to protect the fund, and, although the trustees have given excellent service over the years, we do not know who may be appointed trustees in the future. Men appointed in good faith, but with little business acumen, could in all innocence be parties to transactions which might result in a depreciation in the value of assets comprising the fund. Thirdly, the Bill provides that the accounts of the fund shall be audited by a licensed auditor approved by the Chief Secretary, and this provision will result

in some liaison between a Government department and the auditor. Although I do not desire to disparage the efforts of the present trustees, we must look ahead and afford every protection to a fund of this magnitude.

The Bill also provides for the appointment of new trustees and inquiries will be made about prospective appointees. The appointment of a chairman is also covered, and, although these things may have been carried out satisfactorily in the past, the Bill provides for a business-like set-up. The Bill also contains provisions dealing with the convening of meetings and the keeping of the minutes of those meetings. The trustees are to receive for their services the sum of £60 a year, a provision which merely perpetuates the payment of a fee which has been made over the last 50 years

Bill read a second time.

In Committee.

Clauses 1 to 17 passed.

Clause 18—''Transfer and conveyance of property to trust.''

The Hon. T. PLAYFORD—I move that the following new subclause suggested by the Legislative Council be inserted:—

(2) No stamp duty shall be payable upon any such transfer, conveyance, or assignment.

As this a money subclause, it could not be inserted in the Bill by the Legislative Council, and it is necessary that I move for its insertion.

Amendment carried; clause as amended passed.

Remaining clauses (19 to 26) passed. Title passed. Bill read a third time and passed.

COLLECTIONS FOR CHARITABLE PURPOSES ACT (RED CROSS SOCIETY).

Consideration in Committee of Resolution received from the Legislative Council (for the wording of resolution see page 1665).

The Hon. T. PLAYFORD (Premier and Treasurer)—This resolution deals with a sum of money collected by the Red Cross Society during the war. It now desires to use the money for general purposes as it is no longer required for the special purpose for which it was collected. It is desired to issue a proclamation in connection with the matter. The proclamation was approved in another place, and approval is sought here. I move—

That the resolution be agreed to.

Mr. O'HALLORAN (Leader of the Opposition)—I have no objection to the resolution but it would be more satisfactory if I knew the purpose for which the money was collected. If it is no longer needed for the special purpose there can be no objection to its beings used for general purposes.

The Hon. T. PLAYFORD—The following is a minute forwarded to the Attorney-General by the Parliamentary Draftsman:—

The Red Cross Society desires that the sum of £27,000 raised by it for the building of a tubercular hospital shall be used for other purposes. It appears clear from the letter of the Red Cross Society that the money raised is not enough to pay for a hospital and in any event the proposed hospital is now unnecessary. The society desires that the money should be used partly for payment to the Tubercular Soldiers' Aid Society and the Tubercular Sailors, Soldiers, and Airmen's Association, and partly for the operaton of blood transfusion services by the Red Cross Society. Some legal authority for applying the money to a purpose other than that for which the public subscribed it is necessary. If the Government desires to deal with the matter by a Bill I will of course draft one. Before doing so, however, there are two matters which I should point out. (*a*) The Bill is not necessary. The Collections for Charitable Purposes Act (s. 16) provides that the Governor can by proclamation authorize the application of funds collected under the Act to purposes other than those for which they were collected. The making of such a proclamation must be approved by resolution by both Houses of Parliament. The simplest and most appropriate method, therefore, of dealing with the Red Cross Society's proposal is by a proclamation, as was done in the case of the money raised by the Schools Patriotic Fund. (*b*) The proposals of the Red Cross Society have not been investigated or reported on by any governmental authority. The Advisory Committee under the Collections for Charitable Purposes Act thought the matter to be beyond its scope but it appears from the minutes in this docket that the committee doubts whether it is desirable that the funds should be diverted to the Tubercular Soldiers' Aid Society and the Tubercular Sailors, Soldiers, and Airmen's Association. No doubt the committee was right in thinking an inquiry into this matter was not one of its statutory functions. Nevertheless, the committee is a suitable body to advise the Government on these proposals of the Red Cross Society. In order that the Government may be supplied with adequate information before taking any action in Parliament I suggest that the Advisory Committee be requested by the Government to investigate the proposals of the Red Cross Society and advise the Government whether the committee considers it expedient to carry them into effect.

When the money was raised the present Commonwealth tuberculosis scheme was not operative. Now the Commonwealth, in conjunction with the States, provides special pensions and financial assistance for the States. The Commonwealth has been remarkably

generous, and that applies to both the present and previous Commonwealth Governments. The sectional tuberculosis scheme which the Red Cross had in mind has now been taken up on a much wider basis nationally, and satisfactory results are being achieved.

Mr. O'HALLORAN—The explanation of the Treasurer is eminently satisfactory to me and I have pleasure in supporting the resolution.

Mr. FRANK WALSH—Some years I was interested in this matter and I suggested that the Red Cross erect a memorial by establishing modern laboratories at the Bedford Park institution. It was said that if it was necessary to segregate civilians and ex-servicemen there was ample room available. The Red Cross people proposed to erect a hospital on a site between the present Repatriation Hospital and the Centennial Park cemetery. Can the Treasurer say if any land was purchased for the purpose?

Mr. GEOFFREY CLARKE—I warmly appreciate the proposal but there appears to be a grammatical error in the proclamation. It says that "money to the amount of £27,034 6s. 8d. held by the Australian Red Cross Society . . . are not and will not be required for those purposes." I suggest that the "are" should be "is."

The Hon. T. PLAYFORD—In the docket there is a letter from the Red Cross Society and it states that tenders were called in 1948 for the erection of a hospital. One tender submitted was for £370,000, but obviously that was beyond the resources of the South Australian Division of the society and after consultation with the Prime Minister the original offer was withdrawn and the society offered to contribute £60,000 for a suitable component of a tuberculosis hospital. That is when the £27,000 was raised by public appeal. Later the Commonwealth took up tuberculosis as a national service and the offer to assist the Commonwealth became no longer necessary. So far as I know the society did not at any time own land, but proposed to build the hospital on Commonwealth land. I will have the matter raised by the member for Burnside investigated so that when the proclamation goes before His Excellency the Governor it will be in accordance with the high standard of all proclamations issued in South Australia.

Resolution agreed to.

HONEY MARKETING ACT AMENDMENT BILL.

Consideration in Committee of Legislative Council's amendments—

No. 1. Page 2 line 26 (clause 4)—Leave out "after" and insert "upon."

No. 2. Page 2, line 26 (clause 4)—After the word "day" insert "subsection (2) of section 21 of."

No. 3. Page 2, line 27 (clause 4)—Leave out "as regards any honey sold or delivered."

No. 4. Page, lines 28, 29, and 30 (clause 4)—Leave out "cease to continue in force and this Act shall cease to continue in force from the day so proclaimed" and insert "be repealed."

The Hon. Sir GEORGE JENKINS (Minister of Agriculture)—These amendments are drafting amendments only. Clause 4 of the Bill provides that a poll of honey producers may be held on the question whether the principal Act should continue in operation. The scheme of the clause is that if producers vote against the continuance of the principal Act they will cease to be bound to deliver their honey to the Honey Marketing Board after a proclaimed day falling within three months of the poll; and that after a subsequent proclaimed day, the principal Act will cease to operate altogether. The object of this scheme is to release producers from the operation of the principal Act as soon as possible after the poll is decided, while keeping the Act in force so as to give the Board an opportunity to wind up its affairs. As orignally framed the clause which was rather hurriedly drafted during the passage of the Bill through the Assembly, did not convey this meaning very clearly, and these amendments are for the purpose of clarification. I move that they be agreed to.

Amendments agreed to.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 1) (FEES).

Returned from the Legislative Council with the following suggested amendments:—

No. 1. Page 1, line 17 (clause 4)—After "amended" insert "(*a*)."

No. 2. Page 1, line 20 (clause 4)—At the end of clause 4 add the following passage.—

(*b*) by adding at the end of the definition of "commercial motor vehicle" the following passage:—The expression "commercial motor vehicle" shall not include—

(*a*) a vehicle which is fitted with an apparatus of the kind commonly known as a fork-lift, and constructed or adapted solely or mainly for lifting and moving goods by means of the fork-lift:

(*b*) a vehicle which is fitted with a crane and is constructed or adapted solely or mainly for the lifting and moving of other vehicles or goods by means of the crane.

No. 3. Page 5, line 15 (clause 5)—Add the following paragraph:—

(*c*1) Paragraph (13) of section 9 of the principal Act is amended by inserting therein after the word "organization" in the third and fourth lines of subparagraph (*a*) the words "or by a municipal or district council."

Consideration in Committee.

Amendments Nos. 1 and 2.

The Hon. T. PLAYFORD (Premier and Treasurer)—These amendments are to be considered together. Amendment No. 2 declares that fork-lifts and mobile cranes will not be regarded as commercial motor vehicles within the meaning of the principal Act. This means that they will not be subject to the scale of registration fees prescribed for goods-carrying vehicles in general, but will be governed by the lower scale applicable to cars and passenger vehicles. The amendment was inserted at the instance of the Government. Its justification lies in the fact that fork-lifts and mobile cranes on the whole make considerably less use of the roads than other commercial vehicles. They are often used within the confines of private property for considerable periods. It should be noted that a vehicle with a crane on it is not necessarily within the terms of this amendment. If, for example, a vehicle is primarily a goods-carrying vehicle with a crane fitted to help in loading and unloading, it would be subject to the rates applying to commercial vehicles. If, however, the sole or main purpose of the vehicle is to lift or carry goods or other vehicles by means of the crane, then it would be covered by the amendment. I move that these amendments be agreed to.

Mr. CHRISTIAN—Will not amendment No. 2 apply to vehicles fitted with a crane and used to attend to motor breakdowns? It would be wrong to exempt such vehicles from registration.

The Hon. T. PLAYFORD—The amendment as passed by the Legislative Council is not in accordance with the Government's desire. I thank the honourable member for drawing attention to the position and move—

That the Legislative Council's amendment No. 2 be amended by striking out in paragraph (*b*) "other vehicles or."

Amendment carried.

Amendment No. 1 and amendment No. 2 as amended agreed to.

Amendment No. 3.

The Hon. T. PLAYFORD—The object of this amendment is to exempt from registration fees vehicles owned by local governing bodies and used solely for fire-fighting. At present fire-fighting vehicles owned by fire-fighting organizations are exempt, but not those owned by district or municipal councils. This is obviously an equitable provision which removes an anomaly.

Amendment agreed to.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

Returned from the Legislative Council with the following amendments:—

No. 1. Page 1, line 18 (clause 3)—Leave out "on" and insert "while the workman in the course of."

No. 2. Page 1, line 20 (clause 3)—After "employment" insert "(whether such journey is to or from work)".

No. 3. Page 1, line 20 (clause 3)—Leave out "if such journey is taken" and insert "is being conveyed."

No. 4. Page 4, line 9 (clause 7)—Leave out "being" and insert "living."

No. 5. Page 4, line 32 (clause 9)—After the word "in" insert "subsection (5) thereof and in."

No. 6. Page 4, line 34 (clause 9)—After "thereof" insert "in each case."

Consideration in Committee.

The Hon. T. PLAYFORD (Premier and Minister of Industry)—The amendments made by the Council to this Bill are all minor alterations of the language used or drafting amendments. None of them makes any alteration in the rates of compensation proposed or in the substance of any of the other clauses, and I recommend that they all be accepted.

Amendments Nos. 1 and 3 merely make alterations in the grammatical composition of the provision which entitles a workman to compensation for an injury received on his daily journey to or from work, if such journey is taken by a means of transport provided by the employer or under arrangements made by the employer. I am satisfied that the amendments make no appreciable difference to the meaning. The justification (if any) for them lies in the fact that some persons may regard the amended mode of expression as preferable.

Amendment No. 2 makes it clear that the provisions making compensation payable for injuries on journeys applies to the workman's journeys both to and from work. Some honourable members thought that the Bill as drafted only applied to journeys to work and not to

journeys from work. Although the Government did not share these doubts it was willing to clear them up by an express declaration that the clause covered journeys both to and from work.

Amendment No. 4 makes a clerical correction. During the preparation of the Bill, owing to a clerical error the word "living" in the expression "expenses of living" was transcribed as "being" and it was necessary to restore the word "living."

Amendments Nos. 5 and 6 are consequential drafting amendments inserted by the Government. They are in harmony with the general intention of the Bill.

Mr. O'HALLORAN (Leader of the Opposition)—In the brief time I have had to examine the amendments I have found, as the Premier stated, that they do not alter the principles of the Bill as it left this House. Evidently another place did not think some of the clauses were clear and decided on greater clarification. I trust the Committee will accept the amendments.

Amendments agreed to.

REAL PROPERTY (COMMONWEALTH TITLES) ACT AMENDMENT BILL.

Introduced by the Hon. T. Playford and read a first time.

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

That this Bill be now read a second time.

It has been introduced to deal with a problem which arises in connection with recent legislation of the Commonwealth creating the Commonwealth Trading Bank of Australia. Honourable members doubtless know that the Commonwealth Bank Act of 1953, among other things, subdivided the activities of the Commonwealth Bank and created a new bank under the name of the Commonwealth Trading Bank of Australia to carry on the general banking business formerly carried on by the Commonwealth Bank. The Commonwealth legislation also provided for the transfer to the Commonwealth Trading Bank of some of the assets and liabilities of the Commonwealth Bank relating to the business carried on by the Commonwealth Bank in its general banking division. Among these assets are a large number of mortgages registered in the Lands Titles Office and other real property in South Australia. The Commonwealth Bank Act, 1953, automatically makes the Commonwealth Trading Bank the owner of these assets, but it does not contain any provision requiring the Registrar-General to register the Commonwealth Trading Bank as the owner, and it may be that it was beyond the power of the Commonwealth to enact any such registration.

The question has arisen whether the Registrar-General is obliged to recognize the Commonwealth Trading Bank as the owner of all the mortgages and lands formerly vested in the Commonwealth Bank and, if not, what is the appropriate procedure? The matter has been discussed with the Registrar-General and legal representatives of the bank and it has been agreed that the simplest solution would be to settle the matter by legislation extending the operation of the Real Property (Commonwealth Titles) Act of 1924. This Act was passed for the purpose of enabling the Commonwealth or a Commonwealth authority to obtain a registered title to land vested in or acquired by the Commonwealth from some other party; but it did not cover the case where lands already owned by a Commonwealth authority became vested in another Commonwealth authority by virtue of a Commonwealth Statute. It is proposed in this Bill to enact provisions setting out the procedure for transferring mortgages and land and interests in land from one Commonwealth authority to another.

The procedure will be that the transferee authority will make a written application to the Registrar-General of Deeds accompanied by a schedule of the mortgages or property to be transferred and a certificate that they are vested in the transferee authority by Commonwealth law. Such an application will be dealt with and registered in the usual manner by the Registrar-General as if it were a duly executed and stamped memorandum of transfer of the mortgages or property to which it relates. In consideration of the fact that the Commonwealth Bank gratuitously performs some valuable services for the State Government, it is proposed by this Bill that the transfer of the assets from the Commonwealth Bank to the Commonwealth Trading Bank will be registered without payment of the usual fees under the Real Property Act. The Bill does not affect the rights of any persons and seems to be the most convenient way of dealing with what would otherwise be a troublesome legal problem.

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

POLICE OFFENCES BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 1396).

Mr. TRAVERS (Torrens)—I regret that I have again to intrude myself on members with regard to this subject. On a previous occasion

I dealt with many aspects of this Bill, and I feel, as a member of the Committee that sponsored it, that I am called upon to deal with a number of further aspects of it. My approach to them can probably be said to fall into four categories. Firstly, there are a number of clauses which perhaps call for some comment. Secondly, there is the amendment to the clause relating to indecent publications which is on the file in the name of the member for Burnside and to which I propose to give some attention. Thirdly, a number of things have been said by the member for Norwood, some in his speech in this debate, some in the press since that time, and some amendments appear on the files in his name. I purpose giving them comprehensive attention also. Fourthly, I shall deal with some assorted gentry who seem to have jostled their way into the lists through the medium of the press to express their political opinions on subjects about which they have made it quite clear they know nothing.

Mr. Macgillivray—They speak as individual free citizens.

Mr. TRAVERS—With regard to those expressions it may be pertinent if I applied to myself a sentiment found in an old French adage, and for the benefit of those gentry who have jostled their way into this contest including a number of professors of mathematics, botany and the like, I shall give the adage in English and not the original French. It says something about "this strange animal which is dangerous because, when attacked, it defends itself." Those gentlemen who have entered the lists will perhaps pardon me if, having been attacked, I defend myself, and, sincerely hope that if any of them get hurt, as people who enter the lists are apt to, they will not greatly mind. I shall return to those gentry later and have something to say about the extraordinary lack of logic not to mention the lack of knowledge, they have displayed.

The member for Norwood spoke about clause 5, which deals with proof of lawful authority and other matters and which states:—

Where this Act declares that any act done without lawful authority, or without 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.

The member for Norwood apparently sees something sinister and vicious in that provision but in the ultimate result it does not matter two hoots whether that clause remains or is deleted for it adds nothing to the law, which already provides precisely the same thing in section 56 of the Justices Act.

Mr. Macgillivray—Then why is it inserted in this Bill?

Mr. TRAVERS—For the benefit of gentlemen such as the honourable member who sit as Justices of the Peace and are apt to overlook section 56 of the Justices Act. It will ensure that they do not make the mistakes so often made by justices. The committee considered whether that clause should remain and came to the conclusion that, as the legislation was in the nature of a complete self-contained set of provisions, it was desirable to include it. This legislation will be administered throughout the State by justices and magistrates and it was thought desirable that justices and policemen should not have to search in the Justices Act for what could easily be found in this legislation. For that reason the member for Norwood has made no startling discovery when he attacks that clause by suggesting that it ought not to be there. Actually, its counterpart has been part of the law since the passing of Act No. 6 of 1850, so it is not very new. Had the member for Norwood been in this House early in 1850 his present comments might have been very much to the point, but now they are rather too late to have any effect.

The member for Norwood had something to say about clause 6, which makes it an offence for any person to assault any member of the police force in the execution of his duty and provides a penalty of a fine of £100 or imprisonment for 12 months, or both. Subclause (2) provides that any person who hinders or resists any member of the police force in the execution of his duty shall be guilty of an offence. The honourable member has given notice of an amendment to halve the penalty for a first offence. The committee carefully considered the question of having some proper co-ordination of penalties, and it did not very much concern the committee what penalty the court imposed on a man as long as it was just, but under the Criminal Law Consolidation Act even common assault is punishable by the penalty provided in subclause (1) of this clause, and if we cut this penalty by half and tell the world that a policeman may be assaulted at half rates so to speak, we shall

immediately create an open season on policemen. Before one starts to meddle with penalties one must consider their proper co-ordination, and that is precisely what the committee did. When one looks at clause 6 and considers the facts, it is obvious that the penalty for assaulting a policeman should be a salutary one. If we are to have a police force to enforce the laws we must protect its members, and they will not be protected if we enable hooligans to attack them or do not provide a salutary penalty for such offenders. We will not get recruits for the police force unless policemen are protected. Everyone knows that this type of attack is frequently made as a result of mob violence and in cases where men gang up on a policeman. During my legal career I have acted for the dependants of a policeman who had died as the result of an assault during the execution of his duty. For these reasons this clause should present no problem to members.

Mr. Macgillivray—Would it include special constables whilst on duty?

Mr. TRAVERS—Yes. The next clause to which exception was taken was clause 14, which makes it an offence for any person not being an aboriginal native of Australia, or the child of an aboriginal native of Australia, without reasonable excuse to habitually consort with an aboriginal native of Australia. Mr. Dunstan put forward a fantastic argument. He mentioned that the clause would include Dr. Duguid who is well disposed towards aborigines. He has indicated his intention to amend the clause so that it will apply only to people found wandering without reasonable excuse in company with aboriginal natives and without lawful means of support and no fixed place of abode. This clause was included at the express wish of Mr. Penhall, Protector of Aborigines, who found that something of the kind was necessary. We will not protect the aborigines if we limit the clause to the operations of those who are in reality deadbeats, because they would be the only people wandering with no lawful means of support and no fixed place of abode. We must realize that it is an offence in law to supply liquor to an aborigine and an offence to have sexual relation with an aborigine. Therefore, the desirable thing seems to be to prohibit or regulate an association which is apt to lead to that sort of thing, and that is the object of the provision. If a white man is found lying on the banks of the River Torrens with a black gin it is a good deal more serious than if she is found wandering about with him. The clause covers the man lying on the banks of the River Torrens with the gin, but the amendment does not. If he is not a deadbeat, he may be a smart Alec who is prepared to sell liquor at black market rates to aborigines and would not come within the amendment. He would not be without means of support and would have a fixed place of abode. Under the amendment we would not catch a man like that, but we would under the clause, and it is desirable to have a provision which will extend to the man who is living on his wits by selling liquor to aborigines instead of simply punishing the poor deadbeat who cannot get any whites to associate with him and wanders at large. The amendment has nothing to support it.

Mr. Dunstan next took exception to clause 16 which says that any person who, in any public place, without lawful excuse, has in his possession any instrument for gaming or any instrument constructed as a means of cheating shall be guilty of an offence. I emphasize the words "without lawful excuse." The honourable member suggests that the provision should be altered so that the prosecution will have to prove that the man in question had no lawful excuse. That would leave us in an extraordinary situation. If a man were found with a spinning jenny heavily loaded to stop at the appropriate place at the appropriate time and he happened to be sitting on a chair in King William Street with the jenny in front of him, and £5 in sixpenny pieces in his pocket, and when the police caught him said "I was just on my way to get the thing repaired, but I got tired so I sat down" the prosecution would have to prove that he was there for an unlawful purpose. It is not the practice of the law in general to ask the prosecution to undertake proof in a case like that. Where there are matters peculiarly within the knowledge of the man who is found in suspicious circumstances the law usually takes the view that it is not unfair to ask him to give an explanation. If he satisfied the special magistrate that in the circumstances I have mentioned he was on his way to get the thing repaired, got suddenly tired and sat down to have a rest, he would be acquitted, but if the special magistrate disbelieved the story he would be convicted. That has been the fundamental principle of police offences over the years. When one has a peculiar personal knowledge of a thing and he is found in suspicious circumstances it is not unfair to ask

him to give an explanation. By and large, if he is not found in suspicious circumstances he is not called upon to explain, but if found in suspicious circumstances it is common practice for him to do so. The committee has continued the same practice.

The next clauses to which Mr. Dunstan took exception were 22 and 23, which deal with offences against decency and morality. He put forward a somewhat powerful plea for the right of people to be indecent within their own homes if they wished to do so. Within limits that right is preserved to people but not completely. Offences such as indecent assault occur in private places, and they, as well as buggery in private places, are still punishable. In principle why should not the offence of indecency, which does not involve going to those limits but to something less, be punished? There seems to be no reason for distinguishing between the two classes of case. It is amazing how people will rally around and put forward extraordinary propositions as soon as there is a suggestion to amend the law. Clauses 22 and 23 are in part designed to cover the frequent kind of offence which occurs these days of indecent conduct, such as the singing of indecent songs in a flat to the annoyance of people in an adjoining flat, or in a hotel or lodginghouse to the annoyance of people in an adjoining room. In these days when housing is not so plentiful this sort of thing is occurring a little more frequently. I suggest that there is nothing more offensive to one lawfully occupying a flat than to hear someone insisting on singing bawdy songs in an adjoining flat. The clause controls this sort of thing.

Mr. Dunstan—The matter is covered by my amendment.

Mr. TRAVERS—Yes. This section seems to show the odd hysteria that spreads among people, particularly those who do not trouble to read the Act to find out what it means. An article was published in the *News*, on Saturday, November 21, by Mr. Ivor Francis, under the heading, "Art.—Law Hits at Culture." It explains what a frightful business it is if he has a lewd picture in his flat which can be seen by and is offensive to people in the adjoining flat, and that it is some kind of interference with his liberty. I invite honourable members to read the article. Is there anything unreasonable in preventing a person from exhibiting an indecent picture inside his own premises in a position in which it must be seen by others? The section uses the expression "offend or insult." It does not make it an offence merely to do that kind of thing. It needs the additional element of offending or insulting. If the people would only read the law or take the trouble to seek legal advice, we would not have read nearly so much about this Act. I have already pointed out that section 75 of the Justices Act overrides all these provisions, and if any prosecution is brought which ought not to be brought, even though the picture was offensive, the magistrate has full power to say, "The charge is trifling and I dismiss it."

The next section relates to unlawful possession. I was greatly surprised to read in the *News* just after the previous debate on the subject that Mr. Dunstan was reported as saying, "I oppóse the Police Offences Bill because it strikes at British justice." The section dealing with unlawful possession was instanced as one of those alleged strikings. All that the Bill does in relation to the unlawful possession section is to make things a little easier for the defendant than they have been for the last 114 years; otherwise, it remains the same. This very section was first introduced into the law of England in 1839 by Statutes 2 and 3 of Victoria, chapter 71, section 24, and has been there ever since. It has been the law of South Australia for 109 years, and is the law in every other Australian State and, as far as I can ascertain, in every part of the Britsh-speaking world. It is therefore a little late to start talking about that section striking at British justice.

Mr. Dunstan—But you are amending it yourself.

Mr. TRAVERS—Yes, to make it easier to declare the law so that it will no longer be subject to doubt. It has been construed in the past by a number of judges as meaning that when a defendant is found in possession of goods reasonably suspected of having been stolen he has to prove his innocence "beyond all reasonable doubt;" but my friend opposite was in disagreement with the law as laid down by our own Chief Justice when he said that the onus was on the defendant to prove his innocence beyond reasonable doubt. The learned Chief Justice took that view and held in the case Stewart *versus* O'Sullivan that the defendant had to prove his case on the balance of probabilities.

Mr Dunstan—There is a High Court decision against it.

Mr. TRAVERS—There is not, and if my friend wants a reference to the decision of the Full Court of New South Wales, which explains the High Court's decision I refer him to

ex parte Patmoy in which the Full Court of New South Wales gives a full explanation of the High Court case and explains the facts and the law of the case and indicates that it is not a decision in point. I prefer to follow the law as laid down by the Full Court of New South Wales. The reasons for the original introduction of this section were explained fully in the judgment of Lord Justice Blackburn in 1865 in the case of Hadley *versus* Birch. I recommend my friend to read it before he makes any further statements about this alleged blow to British justice. If all members take the view that it is such a blow I shall not want to be the odd man out, but it has been the law everywhere else for over a century. The committee has taken the law as it found it, and set at rest the doubts which exist as to what the burden of proof is on the defendant, namely, whether he has to prove his innocence beyond reasonable doubt or on balance of probability. The committee made it a little easier for him in that henceforth he has only to prove his innocence on balance of probability. This provision does not require a man to prove his innocence merely because he is in possession of goods. It is analogous to the instance I mentioned a little while ago of the man with the spinning wheel. No-one would question a man going down the street with a spinning wheel wrapped in brown paper because there would be nothing suspicious in that, but if he were found sitting at a chair with a wheel in front of him and money on a table one would become suspicious and would be entitled to call upon him to explain. Likewise, if one found a man down at heel and broke with a bottle of plonk sticking out of one pocket and a diamond tiara sticking out of the other, one would be entitled to call upon him to explain where the tiara came from.

The next clause relates to search warrants. This, too, came in for some criticism from the member for Norwood, but section 56 has been the law of England for many years, and the law in South Australia for 40 years. I have heard no criticism about it or any suggestion of abuse, and it seems that if a thing has worked successfully for 40 years a committee called upon to revise the laws and bring them up to date would probably not serve any useful purpose by suggesting alterations. Clause 80 deals with arrests without warrant and is designed to give the person arrested some benefits that are not now available to him. At present, if he is arrested at night, there may be no magistrate available. The practice is for the police to telephone the police magistrate to see whether it is convenient for him to deal with an application for bail. I have no complaints to make about the readiness of the magistrate in a proper case to come in to hear an application, but I complain about the absurdity of the system that calls upon him to do so. This clause is designed to overcome this great inconvenience, and often impossibility. I believe there are far too many arrests at night. People are arrested and taken into cells under circumstances in which it is difficult for them to obtain bail, resulting in their having to spend the night in a cell. I am not sure that there is not some truth in what has been put to me from time to time that if a man is arrested at night the policeman's name appears in the *Police Gazette*, which is considered some honour to him, but in many cases it is not necessary to arrest at night. For instance, where an offence has been investigated over a period and it is eventually decided to take proceedings there seems no need to make an arrest at night. A summons would be the proper procedure there, but under clause 80 a person arrested under those circumstances will be at liberty to arrange for a justice of the peace to attend to hear an application for bail.

At present the police may grant bail and make an entry in their bail book if it is granted, but the police sergeant in charge will rarely take upon himself to grant bail if there is any opposition to the application. Similar machinery applies in a judicial inquiry by a justice of the peace. An entry has to be made in the police bail book and the defendant has to attend the court the following morning. Clause 85 is designed to abolish what seems an unnecessary provision, which requires that any action taken against a policeman for any unlawful act under the Police Act has to be commenced within two months and notice has to be given within 10 days. That is often inconvenient in practice, and the period has been extended to six months, with a provision that if notice has not been given and no injustice has been suffered the court may dispense with the notice.

I now turn to the provision about indecent literature. It is necessary for all members to realize precisely what the committee had in mind. I am not concerned about the people who have been writing to the press on this subject, for it is obvious that they have not read or understood the clause. The committee considered that those who do not traffic in literature of the type that is likely to deprave

have nothing to fear. That is the effect of the clause, notwithstanding all the trash that has been put forward to the contrary by certain gentlemen writing to the newspapers. Secondly, the committee had in mind that if it be a fact, as some people have told me, that there are really no filthy, depraving or indecent strips or articles published we need not worry unduly about passing this clause. In any case, it will be a safeguard for the future if any such publications appear. Of course, anyone who chooses to look around knows that they do appear and in plenty. Let us get down to a sensible discussion of this clause, because those who have been following the newspapers have certainly not yet been treated to a sensible discussion. What are the effects of clause 33? Subclause (2) states that any person who does certain things with what is described as indecent matter will be within the scope of the provision. That is the first step. There must be indecent matter and the person has to do certain things with it. The second essential is that it must have a tendency to deprave. Subclause (3) provides that "in determining whether any matter is indecent, immoral, or obscene, the Committee *shall* have regard to—", which is mandatory. In other words, when the Committee inquires whether it is indecent matter it "must" and not "may" have regard to certain matters including that contained in paragraph (*c*) which states:—

The tendency of the matter to deprave or corrupt any such persons, class of persons, or age group.

There is a combination of two things—the performing of certain acts with what is indecent matter and the tendency of that matter to deprave or corrupt. The next step is to inquire into what type of things come within the expression "indecent matter". The answer is found in subclause (1), which defines "indecent matter". Therefore, there are three logical steps. There must be indecent matter which has a tendency to deprave, one of various acts must be performed and if the matter comes within the description of indecent matter the question arises as to who it might tend to deprave. There again, the answer is quite clear and plain. The clause does not alter the law as it has existed since 1868, as I shall shortly prove, except that it extends the provision to relate to the depraving of children and adolescents. Those who suggest the contrary are simply talking nonsense.

Let us now consider the class of people whom this matter might tend to deprave. This clause makes a departure from what has been formerly the law in this way; it places upon the magistrate the burden of examining a document. He must consider for what class, section or age group the publication was intended. There has been reference to the Bible and I, with many thousands of others, regret that that was ever brought into the debate. The works of Chaucer and other famous works were mentioned. With all respect to the honourable gentleman who did so, that was completely beside the point because the magistrate is charged with the plain and simple duty—and one of the minor duties he must perform in the course of his daily work—of examining the publication and deciding for what particular type of person or class it was published. If the magistrate came to the conclusion that the Bible, to use the example—and if I may be pardoned for pursuing it against my wish—had been published for the age group of 14 to 18 years and for no-one else and was indecent—if my blasphemy will be pardoned—and tended to deprave, the magistrate would ban it. If he did not come to that conclusion he would not ban it.

There has been much discussion about what is obscene and that "obscenity" has not been defined. A lecturer of the University wrote in a plaintive wail to the newspaper stating what a pity it is that we are not told what obscenity is. It is a pity he did not ask his co-signatory of the letter, Professor Blackburn, to examine the law and tell him what it is because it has been clearly laid down for many years. In Victoria a few years ago, when the book *Love me Sailor* was published, proceedings were taken by way of an indictment in the Supreme Court for the publication of an obscene libel. The common law in England, which has been imported into Australia, was invoked in Victoria in 1948 in that prosecution. The common law provides for an indictment to a Supreme Court for the publication of any obscene libel, that is, any obscene publication, obscene book or obscene writing. This clause makes some offences punishable summarily instead of their being referred to the Supreme Court. That, by the way, has been the practice and law here for years so there is nothing revolutionary in that. Secondly, it provides that the magistrate must examine a publication and decide whether it is one that seems to have been printed especially for youths and adolescents, and if so, then he must apply the self-same test to it that he would apply if he thought it were published for an adult. I would like

to refer members to the head note in the Victorian case of *R. v Close*, which was the prosecution in the *Love me Sailor* case. It reads:—

Obscene libel, consists in the publication of any indecent, lewd or filthy matter, which tends to corrupt the morals of society.

There are the same two elements which have been imported into this Bill—indecent matter which tends to corrupt, which is provided for in subclause (3) (*c*) of clause 33. That is the common law which this handful of professors are so worried about. The headnote continues:—

Not only must common decency be outraged by the publication but the public morality also must be endangered.

Therefore, it is not mere indecency that is required. These writings by the gentlemen at the University about every indecent book being banned from book shelves is so much rubbish. The two necessary elements are indecency and the tendency to deprave, but these gentlemen do not trouble about that. What a pity the shoemaker does not stick to his last and the mathematical professor to the working out of his sums instead of sticking his neck into something he does not understand. The headnote continues.—

That is to say, it is not everything that is filthy that comes within the criminal law.

It is a pity these gentlemen at the University did not inquire about that. The headnote continues:—

There must also be a tendency in the matter charged as obscenity to deprave and corrupt.

That merely reflects the contents of clause 33 (3), (*c*), and represents the law as it has been laid down. That case followed a decision in 1868 in which an explicit explanation was given of what constituted obscenity within the meaning of the law. Chief Justice Cockburn, in the case *R. v. Hicklin*, dealt with it, and it is a thousand pities those who have been so interested in this matter have not troubled to examine it properly. It is not a question of merely looking at a book and seeing whether there is a little indecency in it. I scarcely recognized myself as I read some of the things written about me by some of these gentlemen. I was depicted as a wizened prude and a killjoy trying to remove every suggestion of indecency from every publication, but that is not my aim nor that of the committee. The committee's attitude is that, if an indecent thing which tends to deprave is churned out for the special consumption of children, it should be banned. I wonder how many of these gentlemen who are so keen to preserve this constitutional right to be indecent, which seems to be the aim of this campaign on which they have embarked, have children of their own?

Mr. Dunstan—Will you read the whole of subparagraph (*b*)?

Mr. TRAVERS—I suggest the honourable member read it as well as the authority which I have given, and perhaps he will then withdraw his amendment.

Mr. Dunstan—I will not. You have been skating over it the whole time and will not read the words.

Mr. TRAVERS—Two points are involved. Is the matter obscene, and, if it is obscene, does it tend to deprave? If so, the magistrate can do the rest. Let us look at what has been said by some of these gentlemen. The argument has been advanced in all seriousness that in a prosecution under this clause an expert should be called before the court to say whether the matter has literary merit in it, and that brings me to deal with the amendment of the member for Burnside.

Mr. GEOFFREY CLARKE—On a point of order, Mr. Speaker!

Mr. TRAVERS—I shall not trouble about the amendment, for I will deal with it in due course, but I can well imagine my friend's anxiety in not wishing to have it dealt with. The question has been raised in the press, about the horrible situation of having a magistrate on the bench who is not an expert in literature. That looms large in many letters in the press, but do members think that, if a document depraves, it is any solution to be able to say that the depraving was accomplished in a perfect literary style? It is poor comfort to the youngster who has been depraved to be told, "You will find a perfect iambic pentameter running through these indecent blandishments." If members care to read the rest of the head note in *R. v. Close*, they will find that point mentioned. Literary merit is beside the point in considering the question of depraving. Can we imagine a barrister in the Criminal Court speaking in defence of a man charged with rape and saying, "This man should not be punished, for his blandishments were in perfect English prose"?

Mr. John Clark—That is absurd.

Mr. TRAVERS—Yes, but it is on a par with what is being said here. The question of literary merit is quite beside the point. All this talk about exempting literary merit is nonsense. This morning's *Advertiser* contained

the following paragraph from a letter over the signature of three professors of the Adelaide University and represents a perfect masterpiece of logic:—

Apparently, unavoidable indecency is to be condoned in a work of sound scientific value, but not in a work of sound literary value. What is the moral justification for such an attitude?

I ask members to pause and think about it. Regarding a work from which medical students are being instructed and from which it is their job to learn, amongst other things, all about the most intimate genital parts of male and female, which are depicted and described, these three learned gentlemen from the University would say, "Because you exempt that, why in the name of logic can't you exempt a poem about the self-same thing?" I say it is fantastic, and those gentlemen simply do not do themselves justice. It is somewhat unfortunate that a number of professors who are, after all, employees of the University, should take it upon themselves to write to the press, giving the University as their address, holding out to the world that here is the University speaking. As a member of the Council of the University I take strong exception to it, as I think every other member of the council would. Some of those gentlemen are servants of the University, some are not; some attend one or two hours a week to give lectures. The matter was never referred to the council and they had no authority to speak on behalf of the University. Their letter was designed to convey the impression to the public that it was the University speaking, but I want members to know some of the Chairs occupied by some of those gentlemen so that they may assess how persuasive their opinions would be on law and politics—because that is what this boils down to. I suggest that they would be the very last people in the world from whom any of us would seek an opinion if we wanted guidance on questions of law or politics. I refer to the the Chairs of music, botany, history, physics, mathematics, philosophy, medicine, geology and chemistry. Be it said to their credit that none of those gentlemen was a party to the masterpiece of logic published this morning. Only the professors of law, English and French put forward that masterpiece of logic that if you are going to show an indecent picture to medical students why, in the name of logic, cannot you write poetry about it?

Mr. Shannon—It is worthy of note that the Chair of law was not represented.

Mr. TRAVERS—It was, and all I can say is that the young gentleman who occupies that chair has extremely good academic qualifications and I think he would have spent his time more appropriately in reading *R. v. Close* than writing that letter in collaboration with some of those gentlemen. I am sorry to have to embark upon any discussion on this subject for, as a member of the Council of the University, I should have preferred the matter to be discussed by the council. However, seeing that these gentlemen did, if I may again use words I used earlier, "jostle their way into the lists" on a matter which is purely political, and of which I think I have shown they know nothing, it was only just to this House that I, as a member of the committee that drafted and brought forth this Bill, should say what I have said about it.

Mr. JOHN CLARK (Gawler)—Although I am only the third speaker in this debate I feel, following the numerous letters and the publicity given this matter as mentioned in such kindly terms by the previous speaker, as if I were about the twenty-fifth. Those gentlemen who have written letters to the press had a perfect right to do so. Those who wrote articles in the press including some from this House, also had every right to do so. Although I cannot agree with everything Mr. Travers said, before I conclude he will find that in some matters there is quite a deal on which we can agree. I cannot agree that this is a purely political matter, particularly in regard to what are called indecent publications. I cannot agree either that, according to his argument, lawyers have a supreme right to judge literary compositions; indeed, I would be inclined to think the reverse. We heard the Professors of Music, French and Philosophy mentioned, and I have a strong feeling that they would be far better judges than many members of the legal profession.

I did not rise to join issue with the statements made by Mr. Travers tonight, but I did not think that persons who used their right to freedom of expression and freedom of speech should be spoken of in such derogatory terms. Listening to the two legal luminaries I was reminded of David and Goliath, and I remind the House that David did take his sling, find a small smooth stone, and slay Goliath. I do not say that will happen here, but it is a possibility. All of us will agree that the greater portion of the work proposed by the Bill is necessary, but Mr. Travers suggests that we will disagree over the details. Already that

is obvious, although we have had only two speakers. Mr. Macgillivray referred the other day to the legal mind but I do not think there is such a thing. There is a legally trained mind. I have not got one of them so my views as well as those of most members will be the views of the ordinary layman. If I take the extreme view in some instances, and I am told that they are maximum penalties, I must ask what use is there in prescribing penalties unless they are to be enforced. This Bill is an important piece of legislation and deals with many offences, and consequently many people. Mr. Travers said that it streamlined the legislation, but if so I prefer the old model. We are told it is supposed to consolidate and amend some enactments related to what are commonly called "police offences," and to the powers of the police force. I support giving the police more power. I have the highest regard for our police officers. I have many friends amongst them, and our police force is probably the best in Australia. When I have visited other States I have seen things pass without attracting the attention of the police which would not get by here.

The Bill is designed to remove anomalies and inadequacies, but a study of it will indicate a number of anomalies. Probably, in comparison with the previous legislation, there are more. Some penalties in the Bill will not be inadequate; in fact they will be the reverse. Some are astonishingly severe. Whatever the committee did, it certainly did not err on the side of leniency. I wonder what were its terms of reference. Was it asked to be more severe with penalties and to act towards increasing revenue? It appears to me that that will be the obvious result of the Bill. Not for one moment am I anxious to give anyone a chance to evade just penalties, but why are the penalties so severe for minor offences? In the legislation we find such phrases as "idle and disorderly persons", "rogues and vagabonds", and "incorrigible rogues". These picturesque but we are told archaic terms have been removed, but there is nothing picturesque about the archaic penalties that have been retained. Is this a return to the bad old days but in more modern language? We should be thankful that they are maximum penalties, but they are high maximum. Courts are influenced by maximum penalties, and so they should be. Mr. Travers suggested that the Bill in many cases will give the courts more elbow room, but I suggest it will give too much.

A brief reference is necessary to the peculiarities and anomalies in some of the clauses. Commendation is necessary for some wise and just amendments. Clause 80 is a particularly good one. It is good to see that persons arrested without warning on suspicion of committing an offence may now be brought before a justice and given the opportunity to obtain bail more quickly than previously, and much more conveniently. This is my idea of traditional British justice. Clause 85 is also a good one. It deals with proceedings against a police officer for a wrongful act or omission. At present proceedings must be commenced within two months after the act or omission, and 10 days' notice must be given. It is proposed to make the commencing time six months after the act or omission. No notice is necessary. This is another instance of true British justice. I should like members to examine clause 6, which deals with the offence of assaulting or resisting the police. I want to protect the police. There have been shocking examples in recent months of crowds standing by and allowing police officers to be maltreated. The fine for assaulting or resisting the police is to be increased from £20 or six months' imprisonment to £100 or 12 months' imprisonment, or both. Indeed, even offensive language is regarded as hindering the police. Apparently such language is considered to slow down the officer's movements or hinder the quick thinking of his thought processes. I have many friends in the police force, but they have never shown any signs of being so affected. The same law applies to special constables and appears to be too harsh.

Clause 7 relates to disturbing the public peace, for which the general maximum proposed is £50 or imprisonment for three months instead of much lower penalties. Disturbing the peace includes disorderly behaviour, fighting or offensive language. Possibly not many members of this House have not at some time fought or got very close to it. A fine of £50 is provided under clause 22 for indecent language. These are reprehensible offences, but are not the penalties too high—for instance, £50 or imprisonment for three months for fighting or bad language? Clause 8 provides for the shocking offence of challenging to fight. It is not the offence of fighting, but the mere challenge to fight. A few moments of heated blood could cost a man £50 or three months' imprisonment, instead of the previous penalty of £20, which I always thought was too high. Since I have been a member of the House I have noticed that some members may have felt in that mood, but

consciousness of Standing Orders and the dignity of the Chamber would prevent such a thing. To fine a man £50 or imprison him for three months for offering to fight is ridiculous. I have had a lifelong interest in football, and am chairman of my district football association, and have wondered what effect this provision will have on our tribunals which try offences committed on the football field. Will a man who puts up his fists during a match make himself liable to penalties not only from his football association, but also under common law as well? If the increased penalties are justified, why is no increase provided in clause 9 for drunkenness, although I am not suggesting there should be? I cannot see much difference in the gravity of the two offences, although probably many would say that drunkenness was much more serious. Under clause 10 a defendant must prove beyond reasonable doubt that he has lawful means of support. If found guilty he is liable to a penalty of 12 months as against the present term of three months. I believe that some of these offenders, although not all of them, should be helped and not hindered. This onus of proof provision savours too much of totalitarianism.

Mr. Fred Walsh—We are tending toward a police State.

Mr. JOHN CLARK—Yes. It is the most objectionable of all forms of Government. Under clause 11 the law is extended to protect proprietors of restaurants and lodging houses as well as hotel licencees against persons who attempt to evade payment for services rendered. This alteration should have been introduced before. It is good to see that the penalty for such offences is to be reduced. But why should some penalties be reduced and others increased? I have already mentioned that the penalty for drunkenness has been left untouched. Surely the cost of getting drunk has increased just as much as the cost of meals has increased, and yet the penalties are increased in some instances and decreased in others. There does not seem to be any great justification for the increases or decreases.

Clause 16 relates to the carrying of gaming instruments in a public place. Under the present law this offence can be committed only by a known or reputed cheat loitering in a public place or near licensed premises, but under this Bill it will apply to almost anyone anywhere. Will it be safe to carry a pack of cards? On Parliamentary trips the member for Port Pirie usually carries a pack of cards so that members can enjoy a game of bridge. Shall we have to warn him that in future it is most inadvisable for him to have these cards upon his person? I have two small dice in my pocket now that I am taking home for my little daughter so that she can play ludo and snakes and ladders. Possible Parliamentary privilege may save me when carrying them in the Chamber, but if this provision is carried to its logical conclusion will I be safe in appearing in the street with such dice in my pocket?

Clause 25 relates to prostitution, the penalty for which is a fine of £20 or imprisonment for two months. Let us compare the penalties for fighting and prostitution. Fighting is usually done in the heat of the moment, but surely prostitution is premeditated, at least by professionals. We find rightly a penalty of £100 or imprisonment for a male person living on the proceeds of prostitution, but I would like to see the penalties increased. I cannot think of any occupation lower than that of living on the proceeds of prostitution. Clause 50 is the height of silliness. It provides a £10 penalty for ringing doorbells, but this is done only by children or halfwits. Normal people do not make a pastime of ringing doorbells. The children's parents will have to pay any penalties, and I can envisage an instruction in the *Education Gazette* to teachers, in addition to their multitudinous duties, to give anti-doorbell ringing lessons.

Contrary to the opinion expressed by Mr. Travers I do not consider one needs much legal knowledge to understand whether anything is indecent or fit to be read or seen. Clauses 33, 34 and 35 deal mainly with the publication and dissemination of indecent reading matter. Clause 33 defines what is included under indecent matter, and is wide enough to include almost anything from printing to sculpture, excluding matter printed for the advancement of medical science. Secondly, it applies to any person who prints, publishes, sells, offers for sale, or has in his possession for sale any indecent matter and gives or delivers, or causes to be given or delivered, to any person any indecent matter. The penalty is a fine of up to £100 or imprisonment for up to six months. I have often wondered why the relevant sections of the Childrens Protection Act have not been enforced. Although I have never favoured substitutes for parental authority, I favour assistance to help those who need help or lack parental authority. I am sorry that many parents either do not know what is wise

for their children to read, or do not care. Perhaps the provisions of the Children's Protection Act have not been rigorously enforced because these publications of atrocious rubbish involve big business. There have been outcries in all States about the sale of pernicious reading material. Questions have been asked in this House and in others. Only a few weeks ago the Federal member for Kingston, Mr Galvin, raised the question in the Commonwealth Parliament. Several questions were asked by Mr. Cremean (Hoddle, Victoria), of the Minister representing the Minister for Trade and Customs. He asked firstly:—

Is it a fact that religious bodies and social welfare organizations have expressed adverse opinions on, and have passed condemnatory resolutions concerning the continued flooding of the Australian market with grotesque, lurid, sordid, and frequently indecent syndicated American comic strips?

Mr. Harrison replied; "Yes." The second question was:—

Is it desirable that prompt action be taken to curtail the distribution of this undesirable literature?

Mr. Harrison replied:—

Action has been taken and will continue to be taken by the Commonwealth Government to prohibit the importation of such material. However, these publications do enter the country as first class mail matter in the form of pulls, proofs, tearsheets, newspaper cuttings and single copies of newspapers. As the detection of these goods entering in this manner would involve a virtual censorship of mail I am unable to agree with this course of action. The Commonwealth has no power over the reproduction of the material in question in the various States. I consider that the most effective means of controlling the distribution of the material is by concerted legislation by the various Governments to prohibit the publication and sale of literature of this type.

The third question was:—

Why are dollars made available for the purchase of such printed material or of the plates for subsequent reproduction of the material in Australia?

The Minister replied:—

Under current exchange control policy which has been maintained in this regard since 1941, dollar exchange is not provided for the purchase of, or to meet royalty payments on printed material or of plates for subsequent production of comic, feature or adventure strips of U.S.A. origin. It is understood the usual practice is for Australian newspaper companies and publishers to clear their commitments for reproduction rights of such materials against payment in Australian currency to blocked accounts in Australia in the name of the American suppliers.

Obviously the Federal Government considered that some restriction was necessary and this is the restriction. I want to go further and attempt to prove that this restriction definitely is necessary, perhaps not as suggested in the Bill, and that the type of printed matter that it is desirable to ban should be prohibited because it is not fit to be read. I am concerned that apparently the court is to be the judge or arbitrator of whether the matter is indecent or not. Mr. Travers stated plainly that a justice or magistrate would decide. Without wishing to cast slurs on those gentlemen. I suggest that in many cases they are not qualified to judge alleged indecent publications. The clause as worded affords me some concern. No-one is keener than I to curtail the publication of undesirable literature but this clause is too indefinite. It is not very easy to say just what is obscene; it depends to some extent on our current standards. I fear the danger of blanket censorship, which has always been abhorrent to our British way of life. I believe the amendment suggested by Mr. Dunstan will amply fit the Bill. I understand he intends to increase the age in his amendment to 16 years, which will bring the clause in line with the Children's Protection Act. I do think 14 years is too young. I have no desire that works of literary merit should suffer. Despite Mr. Travers' scathing, skilfully worded utterances, I do feel that we must consider works of literary merit.

It was not my intention to interject during his remarks but I thought it was the height of absurdity when he spoke of the action of raping in perfect English prose. That would seem to be an incredibly difficult accomplishment for anyone. I have a keen desire to prohibit the publication of these increasingly inferior sexy, crime and blood stories. They are alleged to be mysterious. I, like other members, enjoy a mystery but the only mystery about this type of book is how it manages to get published and read when published. Members need only walk past bookstalls or go through bookshops and study the covers on some of these publications to realize without opening them that what I am saying is true. They have lurid and suggestive covers, on practically all of which are semi-naked female figures either dead or reclining. In their semi-nakedness, the most noticeable thing about them is their over-ripe busts like over-large torpedoes. The covers are works of art of a particularly sexy nature.

I have in my possession one publication to which I shall not refer by name but it has a cover of the type mentioned. I had best give some example of the type of literature that is being placed in the hands of teen-age

children. As a matter of fact, I discovered this book in the hands of three young boys I know extremely well whose ages range between 15 and 16 years. Although some adults may read it with a certain amount of enjoyment—and as a matter of fact it is written in reasonably good English—I do not think the paragraphs I shall read are suitable for teen-agers. I am not reading these quotations with the idea of contaminating the pages of *Hansard*. If I wished to do that I could choose from publications that are very much worse than this. The following is a mild specimen of the type of literature I am attacking:—

Her buttocks jerked nicely under the tight piece of silk that wasn't big enough to be called a pair of tights.

That is nice reading for a 15-year-old boy! I do not think any member would be anxious to discover his growing son or daughter reading the following example of a seduction scene—at least that is what I assume it is:—

Leisurely she undid the zipper that held the sharkskin moulded to her. Then she shrugged the gown down so that it dropped to her feet. Underneath she was wearing a full length slip. She did the same thing with the slip and that left her in a strapless bra. and pants. She stepped out of the gown and slip on the floor and walked across towards me. "Still no dice?" she asked. A dame is a dame. But not this one. This one was different. She did things to me no other dame had ever done. She made me feel weak at the knees, she gave me a catch in the throat. I lunged off the stool and caught her in my arms. She pressed her body against mine, soft and yielding. Her lips were full and dewy. Right then she was a woman, she was a million things. She was the answer to the boredom, the loneliness, the long nights listening to the boys downstairs playing dice, the nights spent watching dames like Mamie do their strips in reverse. She was desire fulfilled.

The following are some examples of the newspaper puffs published to advertise this type of story. The first states:—

On a lonely farm they shared a woman who coveted her husband's brother.

Members can guess what sort of story that would describe. Another stated:—

He was a successful Florida doctor respected in the community and with an extremely attractive wife, yet he came near to breaking his doctor's oath when he fell in love with an adolescent wanton.

Another states:—

She was a redhead starlet at Magna Studios. She didn't have a gun. She didn't need one. She had all the weapons that have ruined men since time immemorial and she knew how to use them.

Members need not read these books but need merely read these literary puffs to realize that they would not be suitable for adolescents, but young people read them. In my long experience as a teacher I learned that young boys and girls who are keen on reading will read anything, and once they get a taste for this stuff they will find it hard to get rid of it. This type of literature is the worst possible for human nature and there are many similar publications.

Some magazines are supposed to be published only for men. Some are genuinely funny, but many overstep the bounds of decency. Some people say they are an insult to womanhood, but many are an insult to manhood as well. Then we come to the so-called "picture" true confession magazines and strips which are the worst form of this type of literature. They concentrate on emphasizing peculiar sexual perversions, and tell of heroines who should have the services of a psychiatrist and heroes requiring the attention of a doctor or who would be better off if a surgeon's pruning knife were used on them. I could tell of some so-called comic strips which are published both for children and adults, but again I wish to stress the fact that I do not by any means include all publications of this nature. Some comics do us good by taking us for a while away from this troubled world, but others have plenty of strip and very little that is comic. We find in some of them plenty of blood, murder, and sudden and incredible homicide, and in many all the signs of perversion in both sexes.

That is the type of literature being sold today, but members should bear in mind the fact that it is big business. In Australia only a small group of comic books is printed exclusively for children, and in this regard I must pay tribute to two publications *Boy* and *Eagle*, which combine modern ideas with wholesomeness. Boys and girls do not consider them old-fashioned because they are bright and modern as well as wholesome and clean. The stuff to which I refer comprises comics which are read by all age groups, including children. A friend of mine who is at the Woomera Rocket Range rather surprised me recently by telling me of the enormous number of comics sold there, and most of them were certainly not bought by children. In Australia during 1952, 60,000,000 copies of these comics were sold throughout Australia and that number does not include comics especially produced for children. The proceeds from the sale of these comics were about £200,000 a

month or £2,400,000 a year; therefore members will agree with me when I say it is really big business.

What is happening in other countries? I consider these publications a dreary waste of newsprint, but the *New Statesmen* of December 1, 1951, said that 700,000,000 copies of comics had been printed in England in 1948 and, as more newsprint is available there now, the number is probably greater; therefore it is certainly big business there. Apart from the evil influence of this type of publication on young people, there is another aspect worth noting—the effect of the sale of the great bulk of these publications on the employment of our local artists. Most so-called comics published in Australia either come from overseas or comprise material in story and picture form which is received from overseas. They are re-published in Australia under licence, and 95 per cent of them are imported. Generally speaking it has been found that Australian work of this type, if it can get published, has better drawings and story content than the overseas product, but such publications are up against big business, for it is cheaper to buy syndicated pictures and stories from overseas than to employ local artists. In the Federal House on May 28, 1952, Mr. Fitzgerald said that 180 persons had up to that time received full time reconstruction training in commercial art. I have gone to some trouble and have learned from reliable sources that, of those students who had the ability and who were trained as artists, at least one who graduated under the scheme is now an unskilled railway labourer. Another is a railway cleaner, another a farmhand, another a clerk; all worthy occupations, but those students have proved that they have artistic ability but are being denied the opportunity to make use of it and of the training their country thought fit to give them, because of the flood of cheap, syndicated, inferior, imported art material; 700,000,000 in England, 60,000,000 in Australia and an incredibly high figure in the U.S.A.

It is of interest to note just what type of literature these comics are. *Parents' Magazine* of New York in 1952 gave its annual rating of comics. This magazine has a committee that evaluates comic books, and this is not just a newspaper stunt. It is a committee which includes representatives of religious bodies, civil organizations not particularly religious, and other worthy citizens who have some idea of literary values. In 1952 they took 471 comic books—more than that are sold in America, but they took the best they could find—and divided them into four groups:—first-class—no objection, second-class—some objection, third-class—objectionable, and fourth-class—very objectionable. Of the 471 books examined this competent committee could put only 34 per cent in class 1. We should not make the mistake of thinking that we get only class 1 in Australia, or only comics from that 471, for we get quite a large bulk of the cheaper variety that this committee did not bother to examine. A comparable committee here would probably put a much lower percentage in class 1.

Members may ask what is the reaction in other countries to this type of matter. It is not good. There has been a world-wide stirring up of feeling against it. In 1949 Sweden passed an Act preventing the circulation amongst young people and young persons of printed matter which might have a brutalizing effect or otherwise involve serious danger to young persons. That is substantially the amendment suggested by the member for Norwood, which I believe completely covers the pernicious reading material we are considering. This action was later endorsed at a conference under the auspices of Unesco in 1952, attended by delegates from 24 countries. West Germany passed similar legislation recently; France in 1949, and Germany and other countries have done the same since. In some of the Australian States laws are being considered for the same purpose, so I suggest there has been a world-wide feeling against this sort of publication, and that this is not merely a local pressure group stunt. Apart also from the sexually indecent and bloodthirsty type of publication—and we cannot possibly estimate the effect of these on some children and some grown-ups—we must regret the influence of what we may call the cultural future of an increasingly large percentage of our future citizens. We know that many children—and adults—are under the spell of these inferior comics, and that in this type of literature human life is cheap and violence at a premium. In many of these books articulate English is vanishing. May I draw the attention of the House to some words which I fortunately found recently by M. A. Potier, head of the French Department of Judiciary Affairs, who said:—

One is led to wonder with some anxiety what a society of such children grown to manhood would be like. One is then compelled to ask what stories would have to be devised in order to amuse children of the following generation.

I ask members to take a good look in their spare time at some of the articles I have been talking about and answer that question. We find there images and groups of drawings, often of the worst type, taking the place of text altogether. They are easy to read; New Australians would have no language difficulties with this type of publication, which represents the great bulk. Here and there a few words emerge from the speaker's mouth, but there are whole pages of violent scenes without a word—merely grunts or ejaculations, onomatopoeic exclamations, bangs and grunts, the whish of bullets, the impact of blows, the hurtling of bombs, and yells, not forgetting the screams of terror scattered throughout the pictures. Reading these things the reader weakly abandons himself to sensual impressions. I have often wondered, and I put this suggestion to members in all sincerity, whether the constant mass absorption of such forms of written matter will give us a future generation unaware of real English and conscious only of sound echoing sense influences ingrained in them by their reading.

[*Midnight.*]

I suggest I am not illogical in saying that. If we carry it to its conclusion it is not too much to expect to have a race of people speaking in grunts, snorts and other odd noises. On the other hand, I do not suppose that in the last 100 years or more there has ever been better material published, especially for children, than some other present-day publications. They are beautifully written, illustrated, and printed, and not particularly expensive. In the English language we have the noblest language ever moulded by the mind of man. It is a language that all children and adolescents should learn to read and love, but rubbish is read as if it were good, and the use of the beautiful English language decays. This type of reading is not only full of murder, but murders the English language. It would be difficult for any honourable member to find very much comical in the type of comics I condemn. I do not mean all comics, for many of them are amusing, but many have no laughter in them. Potier said:—

Laughter is nowhere represented in these pages. The heroes smirk. They never laugh. In this type of childrens' press, laughter is no longer an attribute of man . . . childhood is the age of laughter. The artists who draw the pictures in these papers, so capable in representing terror, cynicism or cruelty, must reproduce laughter. If laughter has lost its rightful place in the adult world, it must find an unattackable refuge in the children's paper.''

We will agree with him and say that there are some which make us laugh, and are really funny. We need only think of Flook, Bluey and Curly, the Potts and many other old friends. Our South Australian newspapers are singularly free from blame in the type of comic they publish, but a good look at some of the other Commonwealth newspapers shows that they are not all free from this particular sin. From the cruder type of comic, and the sexy type of literature, the coming generation learns that nothing is cheaper than human life, that sex is all-important, and that the gun, or some more murderous weapon, is also all-important. Portrayed in their pages, seduction, murder, rape and sexual perversions are the normal habits of man. I object to that. We should not be told that everybody in the world is like that.

All States have agreed that something must be done to halt this flood of rubbish. I am not a prude. I read a great deal and I believe William Faulkner is the greatest American novelist writing today, but many would not call his stories free from perversions. If I were asked to make a decision on the matter I would say that probably Grahame Greene is the greatest novelist in England, and many think him sordid. I do not want to lay myself open to the charge of prudery for attacking these publications because of prudery. A number of comics are funny. I specially refer to the great mass of rubbish masquerading as comics. It is time we removed the mask. I may be accused of exaggerating, but I have lived and worked amongst boys and girls for many years. I have children of my own and I think I know the types of material that are best for boys and girls to read, and the sort they should not read. I have seen the effects of some of the rubbish that has been read. Who would willingly expose his children to the diphtheria or typhoid germ? Are we prepared to contaminate the children with this poisonous reading matter? I would like to see them kept as long as possible from the ''contagion of the world's slow stain.'' If the Bill is handled properly it will be of untold benefit to the State, but if treated like the relevant sections of the Children's Protection Act it will be of no benefit. If treated without discretion, or by people who do not know a work of art from a ''D'' class newspaper, it can do inestimable damage. It must be

free from possible influences of doubtful pressure groups. For that reason I support Mr. Dunstan's amendment, and I thought Mr. Travers would accept it. I believe it completely and justly covers and controls all offensive publications. I think it covers the matters Mr. Travers wants covered. I have spoken at length, but much more could be said about the Bill, and probably will be. There is much good in it, but it contains too many anomalies. I hope they will be ironed out in Committee and proper consideration given to proposed amendments. I feel strongly on this matter, and the facts I have gathered on nasty periodicals should be placed before members. I support the second reading and hope that in Committee anomalies will be ironed out to make the Bill the measure it is meant to be.

Mr. BROOKMAN (Alexandra)—I commend the Government for introducing the Bill. It is an outstanding piece of legislation and there has been an admirably lucid explanation on every clause. The Minister's second reading speech made the position particularly clear, and there have been explanatory speeches from honourable members who have thrown further light on the provisions. Undoubtedly, the Bill will make the administration of justice by the courts much easier. However, we seem to have become slightly unbalanced in the discussion on the legislation. Clause 33 deals with indecent literature. When it was discussed in the Legislative Council only passing reference was made to it. I have great respect for the work of the Upper House, and if it does not object to anything I then believe there is not much wrong with it. Therefore, we must not overstress the importance of this clause. I have several reservations about it, but do not feel terribly strongly about it, nor can I see a tremendous amount of harm being done by the passage of this legislation. We have had lucid explanations of the clause, particularly from the member for Torrens. In Committee I shall closely watch its passage and with my layman's knowledge try to decide what is good and what is not. I do not want to see good literature interfered with in any way by this legislation. I believe it has a place in the community, but not if it is placed before children in such a way that it would deprave them. There is plenty of literature which could deprave children if placed before them, but which should be available to the general community. The clause extends the law regarding the control of indecent literature, but how far it extends it will be made much clearer in Committee. It is clear that some of the trash being sold on street news stands will be prevented from being sold in future. I do not suppose it will be missed by any sensible person, or even by the stupid ones. It is disgusting nonsense, and I do not suppose much harm will be done if those publications are culled from the news stands. However, in removing the worst of this literature we shall then be leaving something else which becomes the worst type available to the public. By culling the worst we shall bring into focus other publications which in time may be deemed undesirable. I believe that the process of tightening the law may be extended to unnecessary lengths.

In dealing with legislation of a social nature we sometimes tend to wrap our citizens in cotton wool and try to cushion them from the effects of the world at large, doing so without full awareness of conditions in other countries which are more liberal and easy going about such matters. They are not by any means bad countries in themselves, and it would be hard to prove that their laws are demoralizing, although theirs are looser than ours. I was particularly struck by the experience I had with the Australian Army in the Middle East, where our soldiers were surrounded by the most appalling, filthy and demoralizing influences one could find anywhere in the world. The Middle East could not be surpassed anywhere for filth and immorality. Very few Australian soldiers there had left our shores before, but I was greatly impressed by their normal, healthy attitude. Of course, many were involved in some immorality, but most of them retained a healthy and sane outlook and were relatively unaffected, beyond perhaps being disgusted.

It is our job to make laws, but we generally appeal to the experts on special matters. Who are the experts in subjects such as this? According to the member for Torrens, our professors of literature, law and botany are not qualified to judge on these matters, but I wondered whether he was not a little hard on those gentlemen who wrote to the newspapers giving their views. After all, everyone is entitled to do that.

Mr. Travers—I do not object to that, but to holding themselves out as representing the views of the University.

Mr. BROOKMAN—Yes, they gave their address as the University of Adelaide. The honourable member said he was a member of the University Council and, as such, objected to that being done. However, I suggest that this topic should not be a subject of this

debate. It is something that should be thrashed out on the University Council, for it concerns the University only. I must admit I have not read the letters in the newspapers as carefully as the honourable member has, but I did not consider them to be an attack upon him. Apparently we should not take the advice of professors in framing these laws but should we accept the opinions of a lawyer? A lawyer can certainly explain and draft legislation, but he is not necessarily the person to provide our inspiration on this subject. I believe the social scientist can guide us best. Social science has grown up rapidly in the last few years.

When any legislation is brought before the House I always try to find where I can get facts and information about the subject. If it is an agricultural matter I go to the agricultural scientist. When dealing with social matters we should go to the social scientist. Until a short time ago my idea of the social scientist was of someone visiting the sick and needy, but I now realize what a misconception that was. Undoubtedly, the social scientist is becoming a strong force in all communities. I include economists and anthropologists under the term "social scientist," though that term covers many other branches of science. Social scientists will be able to tell us before long just what effect certain literature and the closing of hotels at 6 p.m. is having on the community. At present we have to judge these matters entirely by our own observations. In many cases we cannot judge accurately, though we do our best to obtain all the information available. In future we shall be able to say to social scientists:—

Here is a problem for you to investigate. See if you can give us a satisfactory solution.

Of course, Royal Commissions get all the information and facts that are possible, but I believe commissioners in future will make much more use of the services of social scientists. For instance, a Royal Commission on lotteries could ask them what effect a lottery in this State would have on the community. I suppose the most eminent person who has spoken with authority lately on sex has been Dr. Kinsey. Many people may say he is not a scientist, but whether he is or not, he has enlarged our knowledge of sex problems. In one chapter Stuart Chase, a prominent expert on social matters in America, states—

Dr. Kinsey has broad shoulders. Already he has immortalized himself by documenting a whole new department in the science of man. He has not said the last word about sex, but he has produced by far the most important and extensive survey to date.'

The work commenced by Dr. Kinsey will undoubtedly be followed up and in a few years we shall know much more about this subject. Dr. Kinsey's work is undoubtedly of a scientific nature and has advanced our knowledge to a great extent.

Mr. Shannon—And his own bank account.

Mr. BROOKMAN—I doubt that because his standard of living has not altered. He has advanced science in some respects and I believe that in a few years' we will be able to speak with more assurance on these matters. We express our personal opinions but I do not think any member will claim that he could not be further instructed in the effects on the community of legislation which seeks to control the publication of literature. I commend this measure, which is of great importance and well drafted. I have no strong feeling about any of the clauses. Clause 33 has been discussed almost to the exclusion of other clauses, but I do not know whether any great harm will be done by either its passage or defeat. I shall listen with interest to further debate when the Bill reaches Committee. I support the second reading.

Mr. HUTCHENS (Hindmarsh)—I support the second reading. I have listened with interest to members and particularly to Mr. Brookman, whom I congratulate on his clear and reasonable remarks. Like myself, he is not clear on one or two matters. Mr. Travers referred to a letter appearing in the press, the signatures to which were above the address of the Adelaide University. It is regrettable that a member of this House should have used some of the expressions he did, as, for example, "A shoemaker should stick to his last". We should welcome views expressed by every section of the community. The essence of democracy is that every citizen should be considered equal in the eyes of authority and his views on all legislation should be encouraged. Mr. Travers may have some justification for complaining that the signatures appeared over the University address if the letter were for the purpose he suggests. I sign many letters with the address of Parliament House, but I do not think any person would imagine that I was writing on behalf of the Parliament of South Australia.

Mr. O'Halloran—If a number of persons collectively express their views in the press they must use a common address.

Mr. HUTCHENS—That is so, and I believe that is possibly the situation in which the professors found themselves. I acknowledge that many desirable improvements will be effected by the passing of some of the provisions, but there are some objectionable clauses which if not amended in Committee, will compel me to oppose the third reading. I join with other members in expressing thanks to the committee for its work and for the explanation of the clauses supplied in roneod form, which was of assistance to members. I was interested to hear Mr. Travers say that clause 14 was included at the request of Mr. Penhall whose desires, I am afraid, ran away with his judgment. The clause provides, in effect, that a person not an aboriginal or a child of an aborigine must not associate with a male aborigine. If he does so for companionship sake he is in danger under this clause. I recall that in the country town where I was reared there was a full-blooded aboriginal in the football team of which I was a member. He practised three times a week with the team and played with it on Saturdays. Under this clause we could have been found guilty of a breach of the law. I am concerned with the effect of the clause on the half-caste children at Colebrook Home and on those aboriginal children who attend our public schools and churches and are being taught that there is a brotherhood of man. Yet they are unable, under the provisions of the clause, to associate with people not aborigines and are therefore to be denied the practice of the racial equality they are taught. This clause must be seriously considered before it is passed. It has been said that the law would not be interpreted in this way, but recently I heard Mr. Macgillivray, speaking on another Bill, say that Parliament should see that our laws are framed in such a manner that they could not be misunderstood. The member for Torrens said it was necessary to pass this law in order to catch the "smart alec" who was out to hawk liquor to the aborigines, but I remind members that for many years the sale of liquor to aborigines has been prohibited by the Licensing Act, and I would have thought that was sufficient. A person may, with the best of intentions, be associating with an aborigine, but under this clause he could be prosecuted and penalized. The clause will tend to prevent the assimilation of aborigines into our community.

I was impressed by the statement of the the member for Norwood that he believed the committee framed this law to protect aboriginal women, but that under the Aborigines Act adequate protection was provided in this respect, and no subsequent speaker has proved that he was wrong on that point. Recently we read in the press of a young talented aboriginal woman who has been accepted for a role in a film, and all members are familiar with the talent displayed by Albert Namatjira, the aboriginal painter. Another young aborigine is following in his footsteps, and the development of his talent could benefit the whole of the civilized world, but that may be prevented by the operation of this clause.

Clause 67 deals with the powers of the police regarding arrest and search and says that the Commissioner may issue general search warrants to members of the police force as he thinks fit, but I consider this clause will bring us nearer to the Gestapo system which operated during the war in Germany because, as the member for Norwood explained, if it is passed in its present form any respectable person may be called out of bed in the early hours of the morning and his home searched without a police officer's first having established reasonable grounds for his suspicions. It constitutes a real danger to our freedom.

Possibly the most discussed clause in the Bill is clause 33 which deals with the publication of indecent matter. In criticizing this clause I do not wish to criticize personally the members of the committee which recommended the provisions of this Bill. That committee comprised the Parliamentary Draftsman, who is renowned for his skill in drafting legislation in this place, Mr. L. F. Johnston, S.M., a man well versed in the law, but at the same time having his feet well on the ground, Police Inspector T. O'Sullivan, an experienced police officer, and Mr. J. L. Travers, Q.C., the member for Torrens, who has for many years been accepted by the public as an able and outstanding member of the legal profession. These gentlemen have given this matter great attention and have seen the need to attack certain types of indecent publications. A means should be provided to prevent the distribution of these alleged comics and indecent publications to children and adolscents. The honourable member for Torrens rightly referred to this public filth as sex and slaughter, and to man's exploitation of man. I feel this type of thing must be attacked for it is dragging down the respect of our youth for motherhood, human decencies, and the sacredness of marriage. For too long has this matter been allowed to run unchecked: I would wholeheartedly support

the committee's recommendations in this regard, but I believe they are too wide to be effective. Mr. Dunstan made it clear that there should be an attack on this type of literature and claimed that an amendment of the Children's Protection Act would be sufficient to control it. I feel, however, that clause 33 is too wide. I was not satisfied with the explanation given by Mr. Travers and I mention this because I want his help when we reach the Committee stage. Clause 33 (3) (*b*) concludes:—

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 interpret that to mean that if it detrimentally affects any group it is offensive. For example, if it has an ill-effect upon children in a reformatory school the publishers can be prosecuted.

Mr. Travers—It is only offensive if it appears to have been produced for their benefit.

Mr. HUTCHENS—I do not think that is what is desired. It is too wide and it could prejudice some very desirable types of literature. Mr. Dunstan referred to the classics which might be endangered by the passing of this legislation, and I believe he was right, for the clause says, "may." If a person is preparing an article for publication, even though he still proposes to amend it to meet the law, but it is found in his possession, he can be prosecuted and the charge must be sustained. The classics are too valuable to be endangered. They have done much for the advancement of our civilization, but under the clause as worded it would be impossible for a person to write such works. Surely we have not reached the stage where the last classic has been written. The clause is so wide that it does not meet my desires, or that of many other members, which is to stop the circulation of this filthy literature printed for the consumption of children and adolescents, whom the clause does not even mentioned.

My remaining comments can be made in the Committee stage, but I hope that reason and judgment will be brought to bear and that many of the amendments foreshadowed will be carried.

Mr. GEOFFREY CLARKE (Burnside)—At the outset I must say a few words in refutation of what Mr. Travers said about "these gentry who have jostled their way into this matter"—scarcely an appropriate way to refer to eminent scholars, even though they do not all have the legal qualifications which seem necessary in order to appreciate the intent of this Bill. It has been said that letters to the press have given the appearance of being the official view of the University, but we have not heard the contents of those letters. To use a Parliamentary phrase, "I have in my hand" an exact copy of one of them. In the whole of this letter the word "University" does not appear. I propose to read it, for I feel that the fears of these scholars and gentlemen have not been properly understood. The right of academic freedom, which is an essential freedom of all University life, should be preserved at all costs. A professor reserves, under all circumstances, the right to say what he believes, and his justification is his belief in that view. If Universities are to be told that they must toe the Party line, that their music or their clowning must follow the ideology of Communism, as has been insisted on in Russia, it is a very bad thing. If people in the University are not free to express their views, as long as they sincerely believe them, it is bad.

Mr. Travers—They should not hold themselves out as expressing the University's views.

Mr. GEOFFREY CLARKE—The phrase I took exception to was "these gentry who have jostled their way into this controversy." The letter referred to reads:—

We, the undersigned, view with concern those provisions of the Bill to amend the Police Act, now before Parliament, which deal with literature.

It was not suggested that there were eminent authorities on literature in this group, among whom there were a doctor of laws, a professor of laws, a professor of English literature and a professor of the French language. The letter went on:—

We admit the necessity of controlling publications calculated to deprave the minds of the young, but is there any need to frame the law in terms wide enough to cover the whole literary field?

There is nothing seriously wrong with that. It continued:—

What possible objection can there be to extending to works recognized by competent authorities to be literary, artistic, scientific or scholarly merit the exemption now proposed to be given to medical works and medical works alone in section 33 (1) of the Bill?

Such literary, artistic, scientific or scholarly works are hardly likely to come to the hands of the adolescents, whom the Bill is designed to protect, or to do harm to anyone sufficiently mature to be interested in them. We are told to trust the administration not to prosecute the classics, as they could easily do under the terms of the Bill.

I disagree with Mr. Travers' statement that the classics are not read in these days.

Mr. Travers—I did not say that. One of the professors said I said it.

Mr. GEOFFREY CLARKE—I did not hear the honourable member deny it in his remarks and I took it he held the view. If he does not, and accepts that the classics are widely read I will willingly withdraw. Any bookseller will say that the new editions and translations of the Penguins, now produced at popular prices, are amongst the best sellers. The classics went into discard in the last 20 years or so because the translations were dull. They have now come into prominence again. The letter continued:—

In this case it is not a question of trusting the present administration. In the first place, the Bill, if enacted, will remain on the statute book for future administrations to use, perhaps, for all sorts of purposes foreign to the professed objects of its sponsors.

The Attorney-General wrote to a representative of the booksellers association stressing that it was not intended to use the extreme powers included in the Bill, and therefore they need have no fear that it would be harshly administered. The letter continued:—

In the second place, prosecutions are initiated and conducted not by Cabinet Ministers but by their subordinate officials, whose zeal is likely to exceed their qualification as literary experts.

Members who have taken an interest in book censorship will recall the ridicule heaped upon witnesses in the court after books brought into the Commonwealth were censored under Customs regulations. The censoring was done by officials who had no knowledge of the matter at all, yet they said that certain books were objectionable. The letter continued:—

Thirdly, experience has always shown the need for very precise definition of the powers entrusted to such officials, no matter what administration is in office. And, in the fourth place, if it is a question merely of the good faith of those in office, why has it been necessary throughout the ages to struggle for such safeguards of constitutional government as Magna Carta, Habeas Corpus and the Bill of Rights. To sum up, we agree with the objects which the sponsors of the Bill say they desire to achieve.

That is not a damaging statement. The letter continued:—

We seek to prevent only what they say they have no intention of doing. What, then, can be their objection to saying so in the Bill? We refuse to believe that the resources of the English language are inadequate to the task of framing a law to deal with cheap trashy periodicals without at the same time creating the risk of a general censorship of scholarship literature and art.

I have no great feelings on the Bill as such. In fact, I heartily support almost every word of it. All I want is about a dozen more words added. Opposing views on the legal aspects of the Bill have been put by Mr. Dunstan and Mr. Travers. It is customary when a Bill of a technical or difficult nature is before the House for members to disclaim expert knowledge of it, and then to expound views on the matter of which they disclaim knowledge. I trust I can disclaim being an authority on indecency. The Bill does go too far in some clauses which are laudable in their intent, and are designed to suppress the so-called comics which have come in for so much criticism. If this legislation were administered strictly we would closely approach a European police State, and one could be spied on, prosecuted and severely punished for reading something which may be regarded technically as indecent, even though the work may be accepted as a classic by the *literati* of the world.

There is widespread concern at the publication of trashy matter for children. All members share in the concern. I have not seen any indecent or obscene matter intended for children. Although many comics are mushy and poor in literary and artistic style that does not make them obscene. I doubt whether any bookseller who is cultured and well read will sell such things as trashy comics. They may be sold at a second rate bookshop or on a street corner. Booksellers generally have come in for some criticism because they pander to the salacious appetites of the public, when in fact they do no such thing. Booksellers generally are worthy citizens. It was a great mistake on the part of the people who prepared the Bill not to ask the booksellers for their views. If there are misunderstandings about the Bill and unnecessary fears, and if scholars have misunderstood its purport, the misunderstandings could have been simply and easily avoided had those people been asked to express their views on the measure. I cannot imagine that a Bill affecting the wool, wheat or honey industry would be introduced without interested parties expressing their views on it. As the Chief Secretary properly said the other day, there is a grave responsibility on parents to see that the minds of children are directed towards good books in the same way as they are directed towards good habits and friendships. No Bill, however grandmotherly it becomes, can take the place of the parental guidance which is so

fundamental in the happiness and contentment of our family life. In the main, parents realize their responsibilities, but some may need reminding of it.

It has been said in defence of the very wide powers in this Bill that they are necessary to suppress obscenity and indecency. I make no mental reservations or equivocations whatsoever, as we are obliged to say when we are sworn in, when I say I generally support the Bill. Many works of artistic or literary merit could be proscribed under such legislation as this. Indeed I go so far as to affirm that not a library in this State, including our Parliamentary Library, would completely avoid offending under a rigid interpretation of this Bill, and no person with any pretensions to scholarship is likely to avoid having in his possession books or works which could fall under this ban. The whole difficulty about this problem is to determine when vulgarity becomes obscenity and when rudeness becomes lewdness. Mr. Travers quoted the legal maxim which lays it down that the modern test of obscenity is—has the matter a substantial tendency to deprave or corrupt by inciting lascivious thoughts or arousing lustful desire in an ordinary reader? Those conditions vary at different times—the outlook, mood, and the physical health of a person which may cause lascivious or lustful thoughts to arise in him one day and on the next day leave him cold. In matters of taste there can be no fixed rule. An authority of international repute says this:—

There are, in the field of aesthetics as in all other fields of human endeavour, no absolute criteria of what is beautiful and what is not. If a man forces his fellow citizens to submit to his own standards of value, he does not make them appear any happier. They themselves alone can decide what makes them happy and what they like. You do not increase the happiness of a man eager to attend a performance of *Abie's Irish Rose* by forcing him to attend a perfect performance of *Hamlet* instead. You may deride his poor taste. But he alone is supreme in matters of his own satisfaction.

An attempt to reduce all literary and artistic works to the level of the nursery is taking it rather far. Books have been named in this debate which are likely to offend against the provisions of the Bill. Equally outstanding examples could be drawn from the plastic arts. Indeed some of Australia's own painters and etchers could be found to have published works of art which might be regarded as offensive to classes or sections of people. Because we are concerned with the effect of these things on children it does not mean that all writing and all the kinds of plastic arts must be subjected to standards which will not offend children. Some States have attempted in a separate Act to do what this Bill attempts. I think a great deal of the misunderstanding of this Bill could have been avoided if obscene publications had been dealt with in a separate measure. That has been done in several other States, and it is not too late even now to consider that method of dealing with this vexed subject. It is a big Bill and with 99.9 per cent. of it we shall be able to agree, but there is not unanimous agreement on clause 33. If it were suggested that the amendments are designed to increase or encourage the sale of pornographic material, that would be foreign to my viewpoint. I am sure that no member would do anything by way of amendment to increase the sale of undesirable literature. During the debate tonight Mr. Travers mentioned the Bible, and I would not have mentioned it but for his bringing it up. It is said that Annie Besant once compiled a list of 150 passages from the Bible which might be said to be obscene, but if read in their context, as indeed such episodes must be treated, there would be no suggestion of their corrupting or offending any persons or classes of persons. It has been put to me that if all these passages were printed in a pamphlet for the purpose of publishing obscenity for obscenity's sake, it would be an offensive publication. I entirely agree with that, but that is impracticable, because the Copyright Act would prevent it. Members may recall that the authorized edition of the Bible is a Crown copyright, and it could not be reproduced wholly or in part without the consent of the Crown. Similarly, taking passages from other publications which might be regarded as obscene and publishing them in the form of an obscene leaflet would offend against the Copyright Act as well as the ordinary law which deals with such things. Therefore there is no danger if the amendment I have foreshadowed is passed.

The whole effect of the Bill is bound up in the view which the court will take of the book or published material which is the subject of the charge. I fear that unless some saving clause is provided to protect books of accepted literary or artistic merit this will develop into a censorship of books. The censorship of books, when pressed for by warped or intolerant opinion, is the negation of democracy. Censorship does not end with a banning of the salacious or obscene, but seeks to prevent

the expression of opinion of any kind—religious, political or scientific which may be offensive to classes or sections of people. I instanced earlier actual examples which have appeared in our daily papers of action taken by Communists to be sure that their composers and writers toe the Party line and follow the Communist ideology in art, science or music. One has read recently of the banning of certain books in the United States of America by zealots in a cause, and the ridicule heaped upon those who sought to indulge in this witch hunting. If a book incites sedition or connives at treason there is ample provision in the law to deal with it. It would be wide enough to stop obscenity and the publication of sordid details of divorce actions if it were rigorously applied. I am sure that if some of this objectionable stuff that appears in some of our less reputable papers were thoroughly examined there would be ample cause for prosecutions under existing legislation.

I grant the necessity for some tightening of the law. No-one will oppose the measure if that is required, but the desirable efforts towards the raising of cultural and moral standards will not be advanced by what is in effect censorship of books. I have on the files an amendment which will remove the fear which many genuine booklovers, librarians, and art lovers have about the wide provisions in the Bill and which has not yet been allayed. I commend most warmly the intentions behind this provision, and I share the concern of all people who desire that children shall be kept from demoralizing influences.

I stress again the strong obligation which rests on parents. There are only two alternatives before us. One is to pass a small amendment and the other, which is more drastic, is to pass a separate Bill. This is not a subject to be passed over lightly. Every member is anxious to see an insidious influence in the community wiped out, but we must be sure we are doing it by the right methods. I support the Bill. I find little to quarrel with 99 per cent of its provisions, but members will be able to discuss amendments in Committee. Mr. Travers said:—

> The member for Norwood shed some crocodile tears this evening about the horrible possibility of some of the classics that few read but many talk about being banned if the section dealing with indecency were passed.

Mr. Travers—I repeat that.

Mr. GEOFFREY CLARKE—It seems that the honourable member believes that the classics are not widely read, but I refute that suggestion. They are read by a wide section of the community and I am sure if the honourable member consulted any bookseller he would confirm my view that people of all classes and ages read the classics.

Mr. CHRISTIAN (Eyre)—It is with great trepidation, in fact almost with fear and trembling, that I enter into this debate. I feel ill-qualified to discuss the intricacies and complex provisions of this legislation effectively, but we have had learned discussions by legal experts. Mr. Dunstan fully analyzed the Bill and I enjoyed listening to his opinions of what would be its effect. Mr. Travers gave us a splendid exposition—in fact it was a legal thesis—of the purposes of the Bill. I am sure the House is greatly indebted to those members for enlightening us. It is my responsibility, as a member, to give some attention to the problems involved. I must ask myself whether it is desirable to adopt some of the more drastic provisions. I acknowledge the monumental work performed by the committee, of which Mr. Travers was a member, in revising the provisions of the Police Act and formulating the clauses of this Bill. It did a remarkable job.

I feel that running through the Bill is a strong tendency to tighten up considerably the existing provisions and to increase penalties very substantially in some directions. One is left with the impression that we are increasing the general restraints upon the community. I have to ask "Will the proposed laws bring more perfectly honest people under the scrutiny of the police?" I know it is always acknowledged that the honest, law-abiding citizen has nothing to fear from legislation of this kind or from the activities of the police, but the average citizen is more readily intimidated by the attentions of the police than are members of Parliament and we should not in any way lessen his appreciation of his personal rights. I do not want to do anything to impair the strength of our democracy which has existed long enough now to allow less restraint and restrictions being laid upon the community. In other words, our democracy should have developed a greater, and not a lesser, sense of social responsibility in our citizens. It is my belief that we vitiate or weaken any trend towards the development of such higher sense of responsibility by placing the individual under too many restraints. He begins to feel that he exists for and belongs to the State, that it is supreme and that he must simply obey all authority. That is contrary to our cherished beliefs in the rights and freedom

of the individuals and contrary to our concept that the State exists for the benefit of the individual and not *vice versa,* a concept which is paralleled by a loftier and more profound quotation by the author of most of our beliefs in the importance of personality and human right, namely, "Man was not made for the Sabbath but the Sabbath was made for man."

I contend that any legislation which sets up the State's authority over our rights beyond what is reasonable and absolutely necessary introduces the thin end of the wedge of the police State. That is something I am quite certain no member wishes to see introduced into our form of democracy. We have seen too much of that on the other side of the world where people at one time held the same liberties and privileges we hold today but which were gradually encroached upon until ultimately they were completely filched away and the totalitarian State as we know it was superimposed on the democracy previously existing. If there is anything in this legislation which promotes that tendency I will oppose it. I agree that we must have police to control wrong-doing and they must be able to handle the criminal element for the protection of the community but we do not want anything which in any way restricts or intimidates the freedom and rights of a citizen to think and speak as he likes, so long as he does not break the law in so doing. Those are cherished ideals which we must endeavour to preserve.

There are only one or two clauses to which I shall refer. The phraseology employed in clause 4, far from acknowledging the rights and supremacy of the individual in the State, places him in an inferior position. We should study the clause to see whether that element can be eradicated. Subclause (1) (*c*) provides that "public place" includes "every road, street, footway, court, alley or thoroughfare which the public are allowed to use." "Allowed to use" by whom?

Mr. Travers—That definition has been in existence for years.

Mr. CHRISTIAN—Is it any more right because of that? Many years ago people were more or less regarded as chattels of the State and obeyed the authority of the State. We have developed from that position and today the individual is acknowledged as supreme and people are the real sovereigns of the realm who control the State through their freely elected Government. I suggest no authority has the right to say that people are not allowed to use the roads or streets. It is their right to use them and if we desire to be consistent in the beliefs to which we give lip service we should employ that term.

Mr. Travers—The clause refers to private property over which people habitually pass and on which no protection is provided.

Mr. CHRISTIAN—While that may be Mr. Travers' contention I suggest that "public place" in this instance also includes every public highway, road and street, otherwise the definition is incomplete. The clause may also include private property.

Mr. Travers—The clause does not say "public place" but "public place includes."

Mr. CHRISTIAN—The point I am making is that the phraseology is wrong and it should not be stated that people are "allowed to use" a public highway or road. It would be better to state, in effect, public highways or roads to which people "have right of access and a right to use" rather than to continue phraseology which is completely out-of-date and not consistent with our concepts of human rights. Clause 6, which is founded on section 21 of the Police Act, contains a new provision. In my study of this clause I discovered that the definition of the word "hinder" includes a new provision not contained in the present Act. It states:—

> Where in the hearing of a member of the police force engaged in the execution of his duty a person uses offensive or abusive language to or concerning such member, he shall be deemed to have hindered such member in the execution of his duty.

That is a wide application of the meaning of that word. I would not object to it if its administration were confined to the people it is designed to deal with but it is not always so confined. While, generally speaking, we have a wonderfully efficient, fair-minded police force, which is equal or superior to any in Australia, there are always a few black sheep and there have been examples of abuse of power by some members of the force. Here is a type of situation where abuse could creep in. Some years ago I saw a type of abuse whereby people could have been prosecuted under this provision. It was during some celebration in the city and there was a procession along King William Street. Everyone was crowding as near as possible to the route of the procession to see what was going on, and that was quite legitimate on the part of free citizens so long as they did not interfere with the procession. Two young fellows mounted the pedestal at the base of a tram standard so as to get a better view. They did not impede the procession nor did they obstruct the view of

anybody else, but I saw a burly police officer smack those two young fellows across the face with his big, heavy glove. Had I been close enough at that time and expressed my disgust at and disapproval of that action—in the heat of the moment I may have said a few things, as most red-blooded people would have—whatever I might have said could have been construed under this clause as hindering the police officer in his duty. We should have a careful look at what abuses could creep into the administration of this provision.

I find clause 22 somewhat difficult to accept. I have picked out only a very few provisions where it appeared to me anomalies existed or where there was something objectionable from the point of view of preserving the individual's rights. This clause contains a provision against profanity. I do not know whether the Bill contains a definition of profanity, but my conception of it is the use on proper occasions perhaps under provocation, of some robust Australian adjectives which might be justified in the circumstances. Under this clause that rather picturesque personality of our country highways, the bullock driver, whose necessary stock in trade is a number of robust Australian adjectives, may be prosecuted. This clause gives him the *coup-de-grace* completely, for he must go out of existence as the old bullock has a complete contempt for any milk-sop methods of trying to get him under way, for he understands and appreciates only the traditional methods of the bullock driver. That man will find himself open to prosecution under this clause, but do we intend to drive him out of business and prevent anyone else from expressing himself vigorously, even under great provocation? It is quite unnecessary to ban this type of thing when there is no harm whatever in it.

With regard to clause 33, which is the most controversial, I do not know the best method of dealing with the difficult problem it seeks to tackle. I entirely agree with other speakers that something must be done about banning undesirable literature for the sake of our juveniles, but what is the best approach to this problem? In the first instance the responsibility must rest with parents, for it is fundamentally their responsibility to guard their children against corrupting influences, whether in literature, company or in any other way, and it is only because in instances the influence of the home has broken down or become ineffective that the State must step in to protect young people from this type of corrupt influence. We know that people deliberately make a business out of this type of thing by appealing to sordid appetites through the type of literature they produce, and they expect to get a wide sale for that kind of thing because of its appeal. We must do something about clearing our bookstalls, streets and minds of all that kind of rubbish and rotten influences which are corrupting many of our young minds and have already done much harm in the community. If this clause were restricted entirely to achieving that object, excluding from the prohibition literature and examples in art generally which have real merit or value to the community, all would be well, but it goes too far. Cannot we approach the problem more directly and say that literature of that kind shall not go into the hands of our young people. Why must we adopt this oblique method of attack and the roundabout terminology of clause 33? Could we not frame a clause which goes directly to the root of the trouble without all these ambiguities and all these dreadful possibilities which have been envisaged and which could eventuate? Much depends on the administration, and we always have black sheep in our ranks. We should frame our legislation so that the possibility of abuse is small rather than so as to permit of abuses and injustices in its administration.

I am quite prepared to support the second reading, for I acknowledge that the greater part of the Bill is thoroughly sound, although I have some misgivings about the drastic penalties provided. For instance, one penalty has been increased from £5 to £50, which seems too drastic an increase. We should shoulder our responsibilities and carefully examine every clause to see that nothing escapes.

Mr. SHANNON (Onkaparinga)—I feel impelled to say a few words, having listened to one or two of my colleagues with whom I do not agree. I see no justification in calling into conference purveyors of this literature as the member for Burnside suggested. If they want to discuss the law with us, well and good, but do not leave out the rogues and vagabonds. Shouldn't they be consulted? Would it not be just as logical to consult everybody who comes within the ambit of this law? Why pick out one little section? Mr. Clarke suggested that we should have a special law dealing with offensive literature. Why not a special law to deal with brothels? After all, we have a Police Act, and it seems to me it has worked pretty well. We amended it in 1946, but have not found it necessary to do

so since. Mr. Christian's fears about clause 33 are not as well founded as he thinks. In other words, the existing law is much more round-about in its approach to this problem of offensive literature than the amendments proposed by the committee, which has simplified it considerably.

Mr. Dunstan—Enough?

Mr. SHANNON—I do not know. If the clause is so obnoxious and open to such possibilities of abuse, I suggest that the law as it stands is open to as much abuse if it is not administered with common-sense as all laws ought to be administered. This is one law where common-sense and a little shutting of the eye to some of the minor things that do no real harm is a good thing. There may be a few officious police officers, but in the main I think they apply common-sense in their interpretation of the law. Section 86 of the Police Act deals with rogues and vagabonds and paragraph (*f*) reads:—

who—

i. wilfully exposes to view in any street, road, thoroughfare, highway, or public place; or

ii. exposes, or causes to be exposed, in any window or other part of any shop or other building situated in any street, road, thoroughfare, highway, or public place; or

iii. offers for sale, or attempts to dispose of,

any obscene book, print, picture, drawing, or representation;

If Mr. Clarke is worried about the provisions of this Bill he ought to be worried about the existing law. If his fears are well founded we should have been doing something about it long ago; these artistic people, these publishers of old masters would have had some trouble long since if the law had not been administered with common-sense.

Mr. Stott—Do you think that needs amending?

Mr. SHANNON—No.

Mr. Dunstan—Clause 33 (3) goes further than that.

Mr. SHANNON—Although it is circuitous and involved—

Mr. Dunstan—It is 33 (3) that is called involved.

Mr. SHANNON—I do not find any difficulty in understanding what the committee is driving at. Sections 108, 109 and 110 of the Police Act deal with another aspect of undesirable or obscene publications. They cover about 2½ pages of the volume and deal with indecent advertisements, the publication of particulars relating to judicial proceedings for dissolution of marriage, restitution of conjugal rights, etc., or the publication of proceedings relating to questions of sexual immorality, unnatural vice or indecent conduct, and so forth.

Mr. Dunstan—They are clauses 34, 35 and 36 of the present Bill.

Mr. SHANNON—That is so. What we are out to do, and what all members should favour is the cleaning up of what could grow to be a real menace in our society. There are people in the world prepared to cash in on these publications and I refer to one mentioned by Mr. Brookman—the Kinsey Report—a distinct cashing in on sex. I have read a little about what his fellows in the medical world think about his reports. It is quite obvious that the value of a survey of any cross-section of any people in the world on that particular topic could give any sort of result—and anything but the truth. One would not expect a free and frank expression of the reactions of their marital state from decent people. There are always a few prone to boast of their prowess in this field. They go on record as abnormalities of the human being. I do not know whether the Kinsey reports are a proper record of human relationships.

Mr. Jennings—Have you read them?

Mr. SHANNON—No, but I have read comments on them by medical people competent to judge. From some investigations we can expect to get honest views, but in the field covered by the reports I do not think that honest views would be expressed. The people who gave their views would have a commercial interest, and they would not represent a cross-section of the community. I do not hold a low opinion of the human being. He is as good as can be expected in view of all the influences which tend to drag down the moral standards. I discount reports that it is necessary to have a pornographic type of literature. It can only provide an interest for people who are not able to take a more active interest in the matter. I was surprised to hear Mr. John Clark mention the outstanding proportions which the literature has reached in Australia. It should have frightened members into realizing that there is a vested interest associated with this pornographic literature. I knew there was a vested interest, but I did not realize its magnitude. This problem is a job for experts, and the committee comprised experts who knew the workings of the Police Act.

Mr. Dunstan—You would not suggest that they were experts on art or literature?

Mr. SHANNON—In this law we are not dealing with art as art.

Mr. Dunstan—I suggest we are.

Mr. SHANNON—Under the Act there is the same opportunity for the practices which the honourable member fears will take place under the Bill. If there had been instances of hardship under the existing law surely they would have been brought under the notice of the Government and amending legislation introduced. Instead of reducing the field in regard to indecent literature the scope is being widened. I am not a legal man, but as a commonsense legislator I suggest that in dealing with the matter we should see how it affects the lives of our people. We must provide protection for people who cannot protect themselves. I can see nothing in the Bill at which to quibble. Some people say we have gone too far in some directions and not far enough in others, but I am happy to accept the Bill as it stands. I shall support the second reading and the various clauses as printed.

Mr. QUIRKE (Stanley)—I support the Bill as it stands. We have been privileged to be given the knowledge on this matter held by Mr. Travers and Mr. Dunstan. They differ in their views but that is not unusual amongst members of the legal profession. After hearing them other members now have to make up their minds. I support the severe penalty to be imposed for assaulting policemen. At all times a policeman must be prepared to offer his life and unhesitatingly in the past that has been done. We must have some guardians of the law and we must protect them. Recently in other parts of the Commonwealth there have been extremely vicious attacks on policemen, and in anticipation of the attackers coming to South Australia we must have severe penalties. In America a policeman is not called upon, as our policemen, to struggle with the man to be arrested and physically overpower him, with usually the mob on the side of the man being arrested. The American system is not a bad one. If there is any resistance to the arrest the man is clipped behind the ear with a baton and carried away. There are people in Australia for whom that treatment is not too severe. I support that and all the other clauses, including contentious clause 33. Some people write and draw pictures for publication, knowing full well that unless they were objectionable and sexy they would not sell at all. It is said that the clause is too wide. The member for Norwood wants to pinpoint its application to those up to 14 years, but that would not interfere with those who print these things. They could still sell them to anyone over 14. Their intention is to hand out salacious literature. If something pornographic or obscene is introduced, why limit the provision to children under 14? It does not take away from the publisher the right to publish this stuff, but if the clause is sufficiently wide to catch those people I favour it.

Mr. Dunstan—It is wide enough to catch a lot more.

Mr. QUIRKE—We hear talk about articles of literary merit. I have been in France, England, America, Jamaica, New Zealand and South Africa, and there is nothing in this junk which can teach me anything. On one occasion I saw an objectionable publication, and at one time in our history the publisher would have been hanged. It was bad in every respect, and not only for children. It was rotten right through, and good trees should not have been used to make the paper on which it was printed. Works of literary merit which contained something which, if torn from its context, could be objectionable, could be penalized under this clause, but possibily never will be. There is a type of publication of so-called literary merit, but in order for it to be sold there is inserted something which does not improve it; but its inclusion guarantees its sale. That is done repeatedly. If these objectionable parts were removed, it would still be a work of literary merit. I extend my thanks to the members for Norwood and Torrens, and after hearing the two I support the arguments advanced by the latter and support the measure in its entirety.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Assaulting and hindering police."

Mr. DUNSTAN—I move—

To strike out "one hundred" before "pounds" in subclause (1) and insert in lieu thereof "fifty".

The Labor Party is not opposed to adequate protection being given to all members of the police force, but many members do not seem to realize that this clause deals only with minor assaults. Vicious assaults upon policemen can be dealt with under the Criminal Law Consolidation Act. We should prescribe a penalty commensurate with the commission of only a minor assault. Sometimes magistrates have said that the legislature has substantially

increased penalties and that therefore they must impose heavy penalties. I submit that a penalty of £50 would be sufficient for minor offences.

The Hon. T. PLAYFORD (Premier and Treasurer)—I hope the Committee will not accept the amendment because the safety of society depends upon the maintenance of a police force capable of doing its job. We must not fail to protect the police in the lawful execution of their duty. Magistrates will not impose a heavy penalty for a minor assault. Other States are in the absurd position that if a person is found robbing a bank, and a policeman attempting to apprehend him is shot, the burglar does not get any heavier penalty than if he had not shot him. We must not allow such a position to arise in this State.

Mr. TRAVERS—The premises upon which Mr. Dunstan based his amendment were completely erroneous. This clause does not relate only to minor assaults; indeed, it is the only provision in our laws dealing with assaults on police officers. The Criminal Code covers major offences, but not assaults on police officers. The maximum penalty must be sufficient to deal with the worst cases. If we cut the penalty in half we shall have an open season for assaults on policemen.

Amendment negatived; clause passed.

Clauses 7 to 13 passed.

Clause 14—"Consorting with aboriginals and half-castes."

Mr. DUNSTAN—I move—

In subclause (1) to strike out the words "without reasonable excuse habitually consorts with any aboriginal native of Australia" and insert in lieu thereof "is found wandering without reasonable excuse in company with any of the aboriginal natives of Australia and has no lawful means of support and no fixed place of abode."

Under the clause as it stands a person could not associate with an aboriginal native for companionship's sake because he would be guilty of an offence. It excludes however, aborigines exempted under the Aborigines Act and it would not be unlawful to consort with them. A person does not have to resort to the company of a class of persons on frequent occasions to be considered as consorting with them. He need only be in the company of one person on one occasion and another on another occasion to be brought within the purview of this clause. The clause does not exclude some members of the Aborigines Advancement League, who adamantly refuse to apply for exemption because they feel it an insult to be required to do so. It would include those who had applied for exemption but were on probation prior to obtaining it. Under the clause one will not dare walk home with them at night and Dr. Duguid will be in trouble because he has a couple of young female aborigines in his home whom he is bringing up with his family.

The Hon. T. Playford—That is a lot of ridiculous rot.

Mr. DUNSTAN—It is not. The clause makes habitual consorting an offence. You must have a reasonable excuse for being in the company of aborigines.

Mr. Shannon—Wouldn't Dr. Duguid have a reasonable excuse?

Mr. DUNSTAN—No, because the reasonable excuse must be something more than companionship. The Aborigines Advancement League has closely examined this provision and is more than a little perturbed by it. I have received many requests from the League to oppose it. A reasonable excuse must be a business relationship or something more than companionship. Take for instance "reasonable excuse" in relation to consorting with habitual criminals. What would be the effect of the provision relating to habitual criminals? What would the reasonable excuse be? There must be some reasonable excuse other than companionship in that case. Let us assume, for instance, that a young man is declared to be an habitual criminal and some one desires to befriend him. His reasonable excuse for associating with him would have to be more than companionship.

Mr. Travers—The English language does not say that.

Mr. DUNSTAN—It does, because it is companionship with habitual criminals that we are endeavouring to prevent by making it an offence to "consort." The effect of the clause will be that persons who desire companionship with aborigines not exempted under the Act will be in a dangerous position and it will be left to a magistrate to decide what is a reasonable excuse. Provision for consorting with aboriginal women is contained in the Aborigines Act, but this clause relates to aboriginal males. It is a most pernicious provision and we should oppose it.

The Hon. T. PLAYFORD—The amendment makes it an offence for any person who, not being an aboriginal native of Australia, or the child of an aboriginal native of Australia, is found wandering without reasonable excuse

in company with any of the aboriginal natives of Australia and has no means of support and no fixed place of abode. Why has the honourable member included those three limitations in the provision? They seem to be entirely irrelevant to the objectives of the clause and nullify its effects. I asked the Committee to vote against the amendment.

Mr. DUNSTAN—The Premier needs only to look at the Police Act to find the reasons for this amendment, for I am attempting to restore the position which has obtained under that Act. It contains a provision to prevent sponging on aboriginal tribes. That is the law which the committee sought to consolidate, but I consider it has gone too far and that the original provision was sufficient.

Mr. Travers—Mr. Penhall, the then Protector of Aborigines, did not think so, for he asked for the clause in its present form.

The Hon. M. McIntosh—As chairman of the board I did not ask for the retention of the provision in the Police Act.

Mr. DUNSTAN—Then perhaps the committee could be told why the clause has been introduced in its present form, for no explanation has been given up to the present.

The Hon. M. McIntosh—Its purpose is manifest.

Mr. DUNSTAN—No. The Premier has merely tried to draw a red herring across the trail of my amendment.

The Committee divided on Mr. Dunstan's amendment—

Ayes (10).—Messrs. John Clark, Corcoran, Dunstan (teller), Hutchens, Jennings, Lawn, O'Halloran, Stephens, Tapping, and Frank Walsh.

Noes (20).—Messrs. Brookman, Christian, Geoffrey Clarke, Goldney, Hawker, and Hincks, Sir George Jenkins, Messrs. William Jenkins, McIntosh, Michael, Pattinson, Pearson, Playford (teller), Quirke, Riches, Shannon, Stott, Teusner, Travers, and White.

Pairs.—Ayes—Messrs. Davis, Fred Walsh, and McAlees. Noes—Messrs. Macgillivray, Dunnage, and Heaslip.

Majority of 10 for the Noes.

Amendment thus negatived; clause passed.

Clause 15 passed.

Clause 16—"Possession of instruments for gaming or cheating."

Mr. DUNSTAN—I move—

To strike out in lines 1 and 2 of subclause (1) "without lawful excuse" and insert in lieu thereof "for any unlawful purpose."

There are many instruments of gaming and devices for cheating which are in themselves innocuous, and it seems to be an unsatisfactory provision to require that a person who has them in his possession should give lawful excuse for such possession because that places an onus upon the accused person. If anyone is in possession of something which may be used for gaming or cheating it is obvious enough that the circumstances in which that person has them in his possession will be sufficiently clear, so if we do as I suggest an unnecessary onus would not be placed upon the accused person. It seems hard that if one happened to walk around with loaded dice in one's pocket one may be required to give a lawful excuse for doing so. A man may carry a pack of cards in his pocket for the purpose of performing tricks. Is the onus to be placed upon him in those circumstances? The situation can be perfectly well covered by inserting "for any unlawful purpose," because if there were any objectionable device in the hands of some person which was going to be used for gaming or cheating it would be obvious that that was the case and the onus would be entirely upon the Crown to show the circumstances. So far I do not think there has been any abuse, but in some circumstances there might be and this amendment would clarify the intention of the clause.

The Hon. T. PLAYFORD—As I read this clause with the amendment, the person who held these devices that could be used for cheating would know and could justify the purpose for which he had them and no action could be taken unless the police could prove unlawful purpose. Possibly, they would have some difficulty. This clause is purely for the protection of the public against cheats and rogues. How many times have we had questions from members opposite about "Golden Pots" and other such things, requesting the Government to take action, but as soon as we attempt to tighten up the law we have an amendment which only makes it more difficult to convict the crook.

Mr. Dunstan—No, more difficult to convict the innocent.

The Hon. T. PLAYFORD—Under the clause any law-abiding person would have no difficulty in establishing that he was law-abiding. This type of provision has been in operation in many of the provisions of the Police Act and I doubt if the honourable member could cite one case where an innocent person had anything to fear. On the other hand it strengthens the

hands of the police in dealing with rogues and vagabonds and I hope that the clause will be supported.

Amendment negatived; clause passed.

Clauses 17 to 21 passed.

Clause 22—"Indecent language."

Mr. DUNSTAN—I move—

After "person" in line 2 of subclause (1) (*b*) to insert "who is—

(i.) in any public place, or

(ii.) in any occupied premises other than those where the defendant is at the time of the offence.

What I am concerned about is that under this clause the privacy of persons may be interfered with. I previously cited a case where some people were in private property and could not be heard from any neighbouring property or any public place, yet the police crept up outside, heard what was going on and burst in, stating that it was offensive to them. This appears to open the door to the snooper. Mr. Travers has pointed out that it is necessary to deal with those who are being offensive and can be overheard from neighbouring premises. My amendment covers that. I am concerned about what might take place within a private home. The conversation might not be offensive to anybody, yet the police can creep up, hear something and then charge the occupier with an offence. I do not want improper snooping in private places. If the conversation is in a public place, or where it can be heard from a public place, it will be subject to the provision in the Bill.

Mr. Travers—Why not leave it "within the hearing of any person"?

Mr. DUNSTAN—That would include within the hearing of a police officer who went on to private premises for the purpose of hearing a conversation, and I want to prevent it. The amendment is designed to prevent unwarranted snooping.

The Hon. T. PLAYFORD—I cannot see that the amendment improves the clause. It does not cover a type of abuse which could take place from time to time. The clause covers it, because it is an offence if it is done within the hearing of any person. I oppose the amendment.

Mr. LAWN—I support the amendment. Under the clause if someone is found guilty of using indecent language or singing an indecent or profane song the penalty is £50 or imprisonment for two months. Under clause 12 if a person is found guilty of carrying a firemarm, implements for housebreaking, a drug, or articles of disguise, he can be fined £50 or sent to gaol for three months. Under clause 51 a person can discharge a firearm anywhere in the district and the penalty is only £25. If the people who drafted the Bill knew what they were doing I will give a garden party to the children at the Children's Hospital. The penalty provided here is out of all proportion to the offence.

Amendment negatived; clause passed.

Clauses 23 to 32 passed.

Clause 33—"Prohibition of indecent matter."

Mr. GEOFFREY CLARKE—I move—

After "books" in line 5 of subsection (1) insert "and other matter of artistic or literary merit or books."

There is no need for me to elaborate the position as I explained it during the debate on the second reading.

The Hon. T. PLAYFORD—I hope the Committee will not accept the amendment. I have examined the original Act and find that in the definition there is no such exclusion as the honourable member seeks. The only exclusion applies to *bona fide* medical works or written matter dealing with medical science. The definition of what is artistic work presents the greatest difficulty. I am reminded of a Bill we dealt with in the early thirties relating to advertisements on hoardings on country roads. It was provided that any advertisement which did not result in an artistic improvement to the surroundings was to be banned, that the Premier's decision on the matter was to be final and that there was to be no appeal. That is still the law. There, one runs up against what is the definition of an artistic work. What I might consider to be a work of literary merit might be the subject of controversy by eminent authorities. The definition in the original Act was good enough. Notwithstanding that it was passed in 1897 not one person has been able to cite one case where a genuine work of the classics has been the subject of a prosecution. Every law, if carried to absurdity, can become tyrannical and unreasonable, but there is no necessity to pass the amendment, for it will not provide any additional safeguards. The original definition has not been a source of difficulty for anyone.

Mr. TRAVERS—I completely agree with the Premier. The amendment would render the clause nugatory. There is no recognized yardstick by which any work can be adjudged to be of artistic or literary merit. An expert witness can always be found to testify that a particular publication is of some artistic

or literary merit. Some years ago, in the Archibald Prize inquiry, an eminent artist said on oath that modern art was such that a painter might well paint a coil of barbed wire and say it was a true representation in his mind of his mother-in-law. The clause could not be administered if the amendment were carried.

Mr. JENNINGS—The Premier's attitude seems to be "What was good enough for grandfather is good enough for me." I point out that amendments of a similar nature are under consideration in New South Wales, Queensland and Victoria. Mr. Travers spoke of classics which many people speak about but few read. It was suggested in another debate that members of Parliament should have academic qualifications to fit them for their duties. I have no academic qualifications but, like many other honourable members, enjoy the classics. In refuting the logic of Mr. Travers' statement I shall quote one of the greatest authorities in Australia, a man who admits that he is such. In the second reading debate on the Road Traffic Bill (No. 2) on November 18, the Premier said it was not the duty of Parliament to pass laws which left very much discretion to administration. He said it was our task to pass laws framed in such a way that the administration would know precisely what the legislation meant. This clause permits the administration to do what it desires and our wishes will be decided in the minds of those administering the law. I support the amendment.

Mr. DUNSTAN—The amendment clearly states what Parliament desires to exempt from the provisions of this clause. It is common ground that it is not intended to prosecute the publication of the classics. It has been argued that it would be difficult to interpret the amendment and that some person may suggest to a court that a piece of pornography had some little literary merit and should be exempted from the provisions. Let us consider the example mentioned by Mr. Travers, when the court had to decide on conflicting evidence from experts whether William Dobell's Archibald Prize portrait had artistic merit. The court had no difficulty in deciding in favour of the painting. Under this clause a court would pay regard to the evidence of experts and make its decision. It was also suggested that it might be said that some piece of pornography was written in such a manner as to bring it within the scope of the amendment. Artistic or literary merit is not confined to manner but includes matter. Pornography has no artistic or literary merit and dirt for dirt's sake cannot be regarded as having merit. Under the clause the administration will have power to prosecute whatever it considers should be prosecuted. There is no certainty that the present administration will always be in power in South Australia and it is possible that in the distant future another Administration will not be prepared to interpret the clause as the present Government suggests it should. The amendment provides a sane and logical method of ensuring that the classics will not be prosecuted.

The Committee divided on Mr. Geoffrey Clarke's amendment—

Ayes (15).—Messrs. Brookman, Christian, John Clark, Geoffrey Clarke, Corcoran, Dunstan (teller), Hutchens, Jennings, Lawn, O'Halloran, Riches, Stephens, Stott, Tapping, Frank Walsh.

Noes (13).—Messrs. Goldney and Hincks, Sir George Jenkins, Messrs. William Jenkins, McIntosh, Michael, Pattinson, Pearson, Playford (teller), Quirke, Shannon, Travers, and White.

Pairs.—Ayes—Messrs. Macgillivray, McAlees, Davis, and Fred Walsh. Noes—Heaslip, Dunnage, Hawker, and Teusner.

Majority of 2 for the Ayes.

Amendment thus carried.

Mr. GEOFFREY CLARKE—I move—

In subclause (1) to leave out before "science" the word "medical."

The purpose of the amendment is to give recognition to other sciences which might touch on subjects which would come within the scope of this clause. The word "medical" does not cover anthropological, psychological or sociological sciences, and the amendment will clarify the meaning of the clause.

The Hon. T. PLAYFORD—In the second reading debate instances were given of some of the filthiest stuff possible being printed under the guise of the advancement of social science. Recently I travelled through America and saw the stuff being printed under the guise of the advancement of scientific relationships between man and woman. It was some of the most undesirable and filthy stuff ever put on paper. I hope this definition will not be further widened. I have never queried the statement by members that they do not desire the publication of obscene literature.

Mr. Jennings—Some of your own members want it.

The Hon. T. PLAYFORD—I am addressing my own members as well. In fact, I am addressing every honourable member except the honourable member who just interrupted because he would not understand.

Mr. O'Halloran—Don't be insulting.

The Hon. T. PLAYFORD—The honourable member who previously interjected frequently interjects in a very discourteous manner, although I always give the utmost courtesy to every honourable member.

Mr. O'Halloran—There was nothing discourteous in the interjection, but you were discourteous in your retort.

The Hon. T. PLAYFORD—The honourable member for Prospect is frequently discourteous in his interjections. I said I believed it was the sincere desire of members to provide a Bill which would in some way limit the flood of obscene literature coming into this country at present. If I am wrong I will quickly resume my seat—

Members interjecting.

The CHAIRMAN—I request that interjections cease.

Mr. Lawn—Yet the Premier can attack a member.

The Hon. T. PLAYFORD—The purpose of clause 33—

Mr. Lawn—The Playford dictatorship!

The CHAIRMAN—I shall have to take action against the honourable member if he does not cease his interjections.

The Hon. T. PLAYFORD—The only purpose of this clause is to stop a lot of unsatisfactory and obscene literature which is frequently sold in bookshops under the existing law. The Leader of the Opposition, the member for Stanley and many other members have repeatedly asked whether the Government proposed to take action against such literature, but the moment a Bill is introduced for that purpose, for every conceivable reason that it is possible to advance, from one point or from another, but mainly originating from an interested section of the community—and I say that advisedly—we have amendments which seek to widen the provision. Whenever any Government in Australia tries to do anything to stop the flood of obscene matter the same difficulty arises. It is not without significance that every Government in Australia is trying in some way to rectify the position. I noticed in this morning's press that the Queensland Government proposes to take action, but the fact remains that it must be exempted because it is artistic or because it is for the advancement of science or for some other reason, and the ultimate result will be that, instead of having legislation capable of being used we will have something unworkable. The only purpose of this clause is to stop the distribution of obscene literature designed to corrupt and deprave. I hope members will not support the amendment now before the Committee, which would make it possible for pornographic literature to be distributed in the guise of scientific work. I think no one can contradict that.

Mr. O'HALLORAN—I do not propose to give a silent vote on this amendment, particularly as the Premier implied that I was not sincere in my desire to deal with this literature.

The Hon. T. Playford—I did not say that.

Mr. O'HALLORAN—The Premier did. I am as sincere in my desire to stifle this sort of publication as anyone, even the Premier or the member for Torrens, but I have a practical approach to these things. I do not believe in drafting clauses so wide that it will be virtually impossible to get a conviction in any court, and that is what this means. We are told in one breath by the sponsors of the clause that we should not accept the amendment, but leave it to the court, and in the next breath that we cannot leave it to the court to determine what is a work of artistic merit. We are told that pornographic literature will be able to sneak in under the guise of work of artistic and literary merit. No-one is going to charge me with being a hypocrite in this matter and get away with it.

Mr. JENNINGS—I support the amendment because I think it is logical, for already in this clause it says "advancement and dissemination of medical science." Obviously there are other sciences which may require to publish things that are, perhaps, distasteful to the ordinary person but which obviously should be exempt from the provisions of the clause because of their scientific value. I submit that the heat displayed by the Premier may have arisen from his defeat in a recent division. He overlooked the fact that the clause as amended by the member for Burnside's amendment would now read "published in good faith for the advancement or dissemination of," so all of that hysterical and arrogant argument of the Premier was absolutely invalid. My only other purpose is to draw attention to what I think was unjust to me. I am not angry, for I know that the hour is late and that the Premier does not like defeat or opposition, but

I draw attention to the fact that the Premier made a most unjust and unprovoked attack upon me. When he referred to members opposite I interjected to point out that certain highly respected members of his Party agreed on this matter with members on this side. His reply was mean and miserable.

The CHAIRMAN—Did the honourable member say that the Premier's reply was mean?

Mr. JENNINGS—Mean and miserable.

The CHAIRMAN—The honourable member must not use the word "mean" and I ask him to withdraw it.

Mr. JENNINGS—I glady withdraw. I want to keep well within the Standing Orders. I am not at all concerned about the recent insulting remarks made by Mr. Travers. When such remarks are made we must pay some attention to the source from which they emanate. I do not intend to pay any more attention to them.

The CHAIRMAN—I ask the honourable member to confine his remarks to the clause.

Mr. JENNINGS—In my opinion the Premier made a most unjust and un-Premier-like attack on me for no reason whatsoever. I have much pleasure in supporting the amendment.

Mr. GEOFFREY CLARKE—I appreciate the Premier's point of view on this amendment and with the permission of my supporters I am prepared to meet him halfway. If we make this a broad term it may be possible to bring in indecent material which may be regarded as sociological. I ask leave to withdraw my amendment with a view to moving another to insert the words "and anthropological." There are books on anthropology which cannot be classed as works of medical science. When the original legislation was passed anthropology was regarded as a hobby and not a science.

Leave to withdraw amendment granted.

Mr. GEOFFREY CLARKE moved—

To insert after "medical" the words "and anthropological."

The Hon. T. PLAYFORD—That is not a good amendment. It makes the position very wide. The purposes which have been set out in the Act are sufficient to cover everything. A wider definition would leave the position open to abuse, and it could not be remedied after the Bill was passed.

Mr. BROOKMAN—I oppose the amendment, because as already amended the definition is as wide as we should go. To include the words "and anthropological" would widen it drastically. Some anthropological works can be clearly classified under the definition of "medical science," particularly those dealing with the human body, which is obviously one of the most likely matters to be covered by the definition.

Mr. DUNSTAN—I support the amendment. Research books on social anthropology published in the last 50 years have been of great value. Some of the works on primitive tribes deal with their sexual customs, and they could not be disseminated as works on medical science. They would not be works of a literary or artistic merit, because they would be of a scientific nature. Take for instance the works of Margaret Mead, Ruth Benedict and Malinowski. They would all be prohibited as the section stands. But they are an important contribution to social anthropology. It has been said that there could be masquerading under the amendment, but the words "in good faith" make it necessary for the court to see that there is none. The court is as capable of deciding whether there is masquerading as is the Premier. If everything is in good faith there can be no objection to it, so why not accept the amendment?

Progress reported; Committee to sit again.

ADJOURNMENT.

At 4.15 a.m. on Thursday, December 3, the House adjourned until 2 p.m. the same day.