HOUSE OF ASSEMBLY.

Thursday, December 3, 1953.

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

ASSENTS TO ACTS.

His Excellency the Governor intimated by message his assent to the following Acts:—Textile Products Description, Landlord and Tenant (Control of Rents) Act Amendment, Port Broughton Railway (Discontinuance), and Sewerage Act Amendment.

CONSTITUTION ACT AMENDMENT BILL (MINISTERS).

His Excellency the Governor informed the House that he had reserved the Bill for the signification of Her Majesty the Queen's pleasure thereon.

QUESTIONS.

OIL USED IN DIESEL LOCOMOTIVES.

Mr. FRANK WALSH—Has the Minister of Railways a further reply to the question I asked yesterday regarding the oil used in Railways Department diesel locomotives?

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

We had hoped to have two diesels back in service on Sunday last, 29th ultimo, followed by two per day. Unfortunately, however, the cleaning and servicing of the 10 diesel engines, each with 16 cylinders, is taking longer than was first anticipated. The number of experienced diesel fitters is limited, and although overtime and shifts are being worked, and the staff is doing its utmost, we have been unable to put the locomotives back into service as hoped. The present position is that we have had two locomotives under test during the night, and these two will be placed on trial runs this afternoon. In regard to the question concerning reclaimed oil, the decision to use this oil in limited quantities, mixed with new oil, was made by the department following general practice in the United States of America. However, the two locomotives on trial today will use grade "A" distillate fuel and the lubricant originally used when these locomotives were first brought into service.

The position is rather delicate in as much as there must be real co-ordination between the type of fuel used and the lubricant. Unless the two are in perfect harmony the diesel engine will not work satisfactorily. Everything possible has been done towards putting the locomotives back into action, consistently with our desire to take no risks in the operation of these highly-priced locomotives.

CHRISTMAS EVE SHOPPING.

Mr. SHANNON—I have been approached by shopkeepers in the Woodside shopping district seeking the privilege to remain open until 10 p.m. on Christmas Eve. I understand the townsfolk are favourably disposed towards this innovation as it is proposed to raise funds by means of some form of street entertainments during the evening for the benefit of the local hospital which is seeking funds for extensions. Can the Premier, as Minister of Industry and Employment, say whether such exemption from the provisions of the Early Closing Act is permissible, and, if so, will he grant it?

The Hon. T. PLAYFORD—I have received a number of inquiries concerning this matter, including one from the member for Burra and I have also discussed it with the member for Stuart. In fact, I have received applications from Woodside, Burra, Berri, Renmark, Wallaroo, and Port Augusta, and applications are pending from Port Pirie and Quorn. A report from the Chief Inspector of Factories states:—

Applications have been received (and the department has been informed that others are pending) for organizations of shopkeepers and other business people in several country shopping districts for the suspension in those shopping districts of the provisions of the Early Closing Act on Christmas Eve (Thursday, December 24, 1953). Prior to the coming into force in 1942 of the National Security Regulations requiring all shops to be closed at 6 p.m. the Act had been suspended unconditionally each year on Christmas Eve throughout all shopping districts, but no such proclamations have been issued since. Information has been received that shops are to be kept open on Christmas Eve in a number of towns not in any shopping district, resulting in shopkeepers in nearby towns in shopping districts desiring to keep their shops open that evening also, hence the requests for a suspension of the provisions of the Act. Such suspensions, by proclamation pursuant to section 6, can be made on such conditions as may be decided upon, for instance, to apply only to those shops which are kept closed and fastened against the admission of the public on Saturday, December 26, which would give shop assistants a break from the closing time on Christmas Eve until the morning of Tuesday, December 29. In addition, overtime would be payable to those shop assistants who worked on Christmas Eve as a result of such a suspension. The question of the issue of a proclamation is one of Government policy, but in view of the number of applications and enquiries received it would assist if the department could be informed of the Government's policy in the matter, namely, whether any proclamation will be issued, and, if so, whether it will be with respect to all country shopping districts or to only those districts with respect of which an

application is made in sufficient time. It is suggested for consideration that the issue of a general proclamation throughout all country shopping districts would simplify the matter. No enquiry appears to have been made with respect to the metropolitan shopping district, in which case such a proclamation might reasonably exclude the metropolitan shopping district. It will be seen that the Government has power to issue a proclamation allowing shops to remain open on the night in question, and to make provision to safeguard the leisure hours of the shop assistants and make them eligible for overtime payments. I have not consulted my colleagues on the report but I believe that a case exists along the lines suggested by the Chief Inspector, namely, that a State-wide proclamation excluding the metropolitan area should be made but to apply only to shops which are closed on Saturday, December 26, thus giving alternate time to employees as compensation for the time worked. I shall examine the matter and a statement of policy will be made in the very near future.

WALLAROO JETTY.

Mr. McALEES—Has the Minister of Marine anything further to report regarding the matter of cleaning out the berths at the Wallaroo jetty and making the channel deeper? Since the jetty was completed in 1927 there has never been a dredge there, and the work is necessary.

The Hon. M. McINTOSH—I am pleased to be able to report that investigations have shown that it is desirable for deepening to take place to restore the full benefit of the wharves, and that, as Parliament has provided the necessary funds, it is expected that between £14,000 to £15,000 will be spent this financial year towards giving first class facilities at the berths.

FISHERIES INSPECTOR IN SOUTH-EAST.

Mr. FLETCHER—Can the Minister of Agriculture say whether the department intends to appoint a permanent fisheries inspector for the South-East? The fishing industry there has developed into a large one, and the appointment of a permanent inspector would be of benefit.

The Hon. Sir GEORGE JENKINS—This question has been under consideration by the Government for some time. Two matters are involved—the availability of a suitable man and the availability of a house for him. I shall discuss the matter further with my colleagues and the head of the department and let the honourable member know the position later.

BOTANIC PARK ROAD.

Mr. TRAVERS—Can the Premier tell me whether the inconvenience being suffered by the people of St. Peters through the closing at night of the Botanic Park Road can be discontinued in the near future?

The Hon. T. PLAYFORD—I have received a report which states:—

The chairman of the Board of Governors has instructed me to acknowledge the attached docket and directed me to reply as follows. On September 2, 1952, the secretary of the board requested that an officer of the Minister of Works Department make an inspection of the bridge spanning First Creek as a number of the supports appeared to be rotten and the bridge could be in an unsafe condition. An inspection was made by the Designing Engineer of the Engineering and Water Supply Department who reported *inter alia* "the two outer ribs with bracing beams and the outer ends of the decking are in a very bad condition due to rot. On the north-western side the bracing has partially rotted away and dropped and some of it has fallen right away. The bridge in its present state is unsafe for traffic unless the width of the available roadway is reduced by erecting guard rails so that only the centre of the bridge can be used." On receipt of this information my board immediately requested that full working plans and an estimate be drawn up so that a tender may be called for. Further, my board immediately obtained barricades and carried out the recommendation that had been made so that "a single traffic lane bridge of about 12ft. in width" only would be used. Because of the danger of these barricades at night they were suitably illuminated by red glass hurricane lamps. The Director reported to the board about a month later (October) that considerable difficulty was being experienced in keeping the lamps alight at night, due wholly and solely to vandals who either removed the lamps entirely, smashed the globes, or turned up the wicks so that the fuel was exhausted by early evening. Further, trees and other plantings in the park were being damaged at the same time. Because of this, and the fact that vandals would not leave the lamps alone, the board reluctantly decided to close the park roads (which are private roads) during the night (6.30 p.m. to 7 a.m. weekdays, and 6.30 p.m. to 9 a.m. weekends and holidays). Following this, my board sought information concerning the replacement of the existing bridge, and the board has now been advised that "approval for a payment not exceeding £2,900" has been made available by the Government to replace the present wooden structure. The board has already requested the Engineering and Water Supply Department to proceed with the construction of the new bridge, and as soon as this has been completed the park roads will be opened again at night. The board, however, would consider reopening the park roads at night if assurance can be given that steps could be taken to ensure that the safety lamps attached to the barriers are not tampered with during the night.

The Director of the Botanic Gardens Board said he felt that the board should have added to its reply that if the board is absolved from responsibility for any injury which may occur it will be prepared to open the gates.

FENCING PROVISIONS.

Mr. HUTCHENS—Under section 667 of the Local Government Act, read in conjunction with section 345, it seems that councils are permitted to serve notices on ratepayers to construct a fence, but they are limited to post and rail or wire fences, whereas under section 5 of the Fences Act it seems that ratepayers, after complying with the necessary procedure, can force neighbours to build paling or galvanized iron fences. Will the Minister consider amending the Local Government Act in order that councillors may have the same powers as ratepayers to compel their ratepayers to build fences similar to others in the district, especially adjoining roads and streets?

The Hon. M. McINTOSH—Of all the things I know of, one of the most likely to cause disputation would be a Bill dealing with fences. As I understand the position, an owner can, under the Fences Act, compel his neighbour to enter into an agreement to put up, according to the honourable member, a paling or galvanized iron fence, but I think he could only compel him to put up a fence suitable to the locality and in keeping with the conditions generally applying in the area. Whether this matter can be considered in connection with the Local Government Act is a matter of policy, and when the Act is next under consideration this point will be considered. Every request about the Local Government Act receives consideration because this legislation has become of great importance and it is almost a full-time job to try to decide which provisions are the most important. I will direct the honourable member's inquiry to the Director of Local Government and then to the chairman of the Local Government Advisory Committee.

COUNTRY SEWERAGE SYSTEMS.

Mr. QUIRKE—Has the Minister of Works a reply to the question I asked some time ago about the possibility of the Government making funds available by way of loan to councils that wish to install septic systems in their towns pending deep drainage, which it appears will take many years to provide?

The Hon. M. McINTOSH—The Corporation of Clare also communicated with me about this matter, and I have a preliminary reply. There are about 620 premises in that town that could be so serviced, but about one-third already have septic tanks. That would mean a loan would be necessary for about 400 premises at a cost of about £80 per house for the tanks and drains, and fittings would cost an additional £40, so it seems that about £150 of Government funds would be involved for each house. A letter I received from the Clare Corporation said that the present sanitary rate in that town is £5 per annum and an amortization scheme based upon an annual payment commensurate with that commitment could be worked out without hardship to the individual or beyond the resources of the State. I will have further investigations made to see whether this scheme is feasible because, if it is, it may solve many difficulties and make sewerage facilities available in many country towns. I shall advise the honourable member of the result of that inquiry.

FLYING DOCTOR SERVICE.

Mr. RICHES—Can the Premier say whether the Government has yet had time to consider granting a subsidy to the Flying Doctor Service?

The Hon. T. PLAYFORD—No decision has yet been made. During the sittings of Parliament Ministers have very urgent and heavy administrative responsibilities, apart from the work done in the Houses themselves. The administrative work in itself is much heavier during a session than normally because of the numerous questions and the amount of information requested by members on a large number of topics. I hope I will get around to the problem mentioned some time next week, and I will advise the honourable member as soon as I can.

WARREN WATER SUPPLY.

Mr. TEUSNER—Can the Minister of Works say whether Cabinet has yet considered the recommendation of the Public Works Committee in its report of October 13 last, that the Warren trunk main be enlarged and the supply to the Warren augmented from the Adelaide-Mannum pipeline? In its report it says:—

> The committee is satisfied that from the point of view of both the weakness of the main and the loss of capacity replacement has now become a necessity.

Will this be treated as an urgent work and given high priority?

The Hon. M. McINTOSH—The allocation of funds for such works has been to some degree fixed by the Loan programme. The honourable member will understand that prior

to the receipt of that report the Loan programme had been determined. The Public Works Standing Committee Act provides that the Government is not entitled to expend any money on any major public work until the committee's report has been received. The report having now been received, I will take the matter up and see whether this project can take the place of some other work. Cabinet has not decided the question because until recently it has had no authority to expend the money. Opportunity will be taken to weigh the merits of this project against the merits of others, and as soon as I can I will advise the honourable member.

ROYAL VISIT.

Mr. DAVIS—I have been informed that the Director of Education has been in touch with the Transport Control Board and bus proprietors as to how many persons wishing to attend the Royal Progress can be carried by bus, and that upon receiving a report, the Director will then confer with railway officials regarding train requirements to take children from Port Pirie to Adelaide. I am concerned about the fare to be charged to those travelling by bus compared with those who travel by train. Can the Premier say whether it is the Government's intention to hire buses for that day and charge the same fare to children as will be charged to those travelling on the train and, if not, is the Government prepared to subsidize those who travel by bus?

The Hon. T. PLAYFORD—I have answered questions on this matter at least three times this session. The answers have always been consistent, and the answer today will be consistent. As regards private transport, the Government does not propose to provide any subsidy to bring people to Royal functions. It is something which the Government has no financial ability to provide and it is not practicable.

FRUIT JUICES FOR SCHOOL CHILDREN.

Mr. MACGILLIVRAY—Has the Minister of Works representing the Minister of Education a reply to my question of November 17 regarding the supply of fruit juices to school children, especially where milk is difficult to supply?

The Hon. M. McINTOSH—As promised, I took the matter up immediately with my colleague, who, in turn, wrote to the Commonwealth authorities. I am sure that the honourable member's statement and my supporting remarks have been brought under their notice. Up to the present no reply has been received.

PARLIAMENTARY BUSINESS.

Mr. JENNINGS—A feature of the Parliamentary session now concluding has been the customary last-minute rush of business. This procedure appears to be common to all Australian Parliaments, irrespective of which Party dominates the Parliament. I claim, and it is generally considered, that this congestion of business at the end of the session is not in the best interests of proper Parliamentary procedure. During the recess would the Premier investigate whether or not it would be possible to arrange Parliamentary business in such a way that the burden on Ministers, members and the House staffs might be lessened?

The Hon. T. PLAYFORD—The Government tries to bring down legislation as early as possible in the session, the important legislation first, so that members will have an ample opportunity to consider it. It might be of interest to members to know that early this year a circular was sent from my office to all departments requesting that details of any amendments to the law desired should be forwarded to my office before a certain date, and that after that date it would not be considered. The object of this was to have our legislative programme complete before Parliament commenced sitting, but what happens is that many people desiring amendments of the law do not trouble to think about the matter until they see that Parliament is actually in session, so as the session continues we receive more and more requests from all kinds of authorities for alterations to the law.

Mr. O'Halloran—I received a request this morning for an amendment made two days ago.

The Hon. T. PLAYFORD—That is so. If the Government does not comply with the requests received, whether reasonable or otherwise, everyone immediately assumes that the Government does not desire to give effect to the statutory provisions necessary to carry out the good organization of the State. On the other hand if the Government gives effect to all those provisions we have a programme towards the end heavier than at the beginning of the session. The honourable member is quite correct when he says that this problem is common to all Parliaments, and it will tend to continue in a democracy. The Government is faced with the problem that when people see that certain legislation has been passed they are immediately reminded of other important legislation they want introduced.

Three or four weeks ago the Government determined that it would introduce no more Bills, but one or two urgent Bills were immediately suggested, with the result that a number of Bills, some of which correct anomalies and some of which, although not extremely important to the public as a whole, are very important to the persons concerned, have been introduced since then. Under the present system the strain on Ministers during the session is very great. I have much sympathy with my colleagues; indeed one is in hospital purely because he has had too much to do over a considerable period. However, I hope that with the appointment of additional Ministers we may be able to smooth out some of these difficulties. Nothing would suit the Government better than to have a system whereby the House met at 2 p.m. on three days of the week and adjourned not later than 10 p.m. In any case Ministers usually have to start work when their offices open if they are to keep their departmental business under control and they work long hours indeed. This matter is receiving consideration and I hope to be able to discuss it in detail a little later with the Leader of the Opposition when the new Bill has been assented to and its provisions have become law.

POLICE HEADQUARTERS.

Mr. HUTCHENS—An article in a recent edition of the *Advertiser* drew attention to the overcrowded conditions existing at police headquarters and stated that the accommodation there was quite unsatisfactory. In his report tabled only two days ago the Police Commissioner states:—

I feel that attention should now be directed to the anticipated future accommodation requirements of this department which of necessity are increasing almost daily. At present many sections at headquarters are overcrowded or unsuitably housed and there exists an immediate need for a new administrative block to be built. There is no need for me to emphasize the necessity of an efficient police force, and suitable comfortable office accommodation helps considerably in attaining the required standard.

Although I appreciate the difficulties caused by post-war shortages of building materials, I believe that, in view of the Commissioner's statement, the public would appreciate a clear enunciation of Government policy on this matter. Now that materials are becoming more readily available the Government might well act on the report, demolish the old block and build a new one. Has the Minister of Works a statement to make on this matter?

The Hon. M. McINTOSH—I will take it up with the Chief Secretary, but I point out that all Loan funds for the current year have already been allocated and it would be possible to proceed with work not already approved only at the expense of some other work already authorized. It all comes back to the fact that you cannot pay for two jobs with the same money, and it must be decided whether schools, hospitals, police accommodation or other building works are to receive preference.

CLARE RENTAL HOMES.

Mr. QUIRKE—Has the Premier a reply to the question I asked some time ago regarding the possibility of the Housing Trust erecting rental homes in Clare?

The Hon. T. PLAYFORD—The Chairman of the trust reports:—

An investigation of the rental housing needs of Clare has been made and it is clear that a small programme of rental housing would be justified at Clare. However, the need for rental housing in some other country towns is more urgent and the funds available to the South Australian Housing Trust during this financial year are limited. Consequently, it is not expected by the trust that a rental programme can be commenced in Clare during the current financial year. The question of building rental houses at Clare will be considered by the trust when the programme for the next financial year is being considered.

As the Housing Trust, after examination, has established the fact that rental homes are needed in Clare, I will see whether there is any way in which I can assist the trust so that earlier consideration may be given to the erection of such homes. If anything can be done, I will advise the honourable member accordingly.

ANDAMOOKA OPAL FIELD ROAD.

Mr. RICHES—Has the Minister of Works a reply to my question of November 17 regarding the possibility of improving the condition of the road in the vicinity of the air strip at the Andamooka opal field?

The Hon. M. McINTOSH—I have received a report and have advised the honourable member of its contents by letter. That letter must be in the post.

ELECTRICAL APPLIANCES ON HIRE.

Mr. RICHES—Has the Premier had an opportunity to discuss with the Electricity Trust the policy of hiring out household electrical appliances in both city and country? Previously it was said that the trust was

discontinuing the scheme, even in the metropolitan area. I have had a number of reports indicating that discontinuance would be met with keen disfavour.

The Hon. T. PLAYFORD—I have not had an opportunity to discuss the matter with the chairman of the trust, who is on leave for a short period. The money voted to the trust this year by Parliament is to be absorbed in extensions, but if spent on purchasing stoves and other utensils for hire purposes it will not be available for extensions, and I believe them to be the more important. I shall discuss the matter with Mr. Drew and advise the honourable member in due course.

PERSONAL EXPLANATION: GALVANIZED IRON SUPPLIES.

The Hon. T. PLAYFORD—I ask leave to make a personal explanation.

Leave granted.

The Hon. T. PLAYFORD—I desire to correct a statement I made in the House some time ago in answering a question from the member for Burra about galvanized iron supplies. I said that the figures I quoted about imported and local iron were approximate, but they were quite misleading and have caused considerable embarrassment to the industry because they were not accurate. Many purchasers immediately felt that the traders concerned were not charging the proper price. I want to correct the prices I gave, which were given on the spur of the moment, and were only intended as an illustration rather than being absolute facts. The approximate price of Australian galvanized iron, 26 gauge, is £85 10s., and imported galvanized iron would be about £125 10s. Members will see that the margin I gave of about £40 was fairly accurate, but the actual figures were misleading. I hope that the corrected figures will be given the same publicity as my previous statement.

HARBORS ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

LOTTERY AND GAMING ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

LOCAL GOVERNMENT (CITY OF ENFIELD LOAN) BILL.

Returned from the Legislative Council without amendment.

EARLY CLOSING ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

PUBLIC OFFICERS SALARIES BILL.

Adjourned debate on second reading.

(Continued from December 1. Page 1743.)

Mr. O'HALLORAN (Leader of the Opposition)—This is another Bill rendered necessary to remove injustices in relation to officers on fixed salaries because of cost of living increases in the past two or three years. Other members of the Public Service have had the *pro rata* increases now to be made available to the officers mentioned in the Bill. I understand that some public servants have had increases of up to £300 a year between 1951 and the present time. In legislation last year the officers mentioned in the Bill received an increase of £150 a year. It is to be repealed and the officers are to get the increase to which they are entitled as a result of cost of living increases since their salaries were fixed in 1951. The Public Service Board should be more active than it is. It has reviewed the salaries of the officers mentioned in the Bill, but there should be a review of other salaries which have not been increased, in order to balance up the position. The Bill is fundamentally just, and I support it. We have agreed to the principle in other legislation, and the increased payments are to be retrospective to the beginning of the financial year.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Salaries of certain officers."

The Hon. T. PLAYFORD (Premier and Treasurer) moved to add the following passage at the end of paragraph (*c*):—

If the Public Service Commissioner holds office as the chairman or a member of The Public Service Board, his salary as fixed by this section shall be in addition to such salary as the Governor may declare to be payable to him in respect of the said office.

Amendment carried; clause as amended passed.

Remaining clauses (5 and 6) and title passed. Bill read a third time and passed.

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

LICENSING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from December 2. Page 1796.)

Mr. O'HALLORAN (Leader of the Opposition)—As the Premier explained in moving the second reading, this Bill has been brought down merely to correct an anomaly in the licensing legislation, though no-one seems to know how or why it occurred. It was probably through some oversight by a former Minister or Parliamentary Draftsman, but those engaged in the manufacturing side of the liquor industry in the river districts, where the issue of liquor licences has been restricted to community ventures, have been placed at a disadvantage compared with those in other parts of the State. It is true that the Bill may result in an extension of storekeepers' wine licences, but that can only eventuate after a local option poll in the area has been carried for the purpose. I see no reason why these important industries in the river districts should be placed at any disadvantage, so I support the Bill.

Bill read a second time.

Mr. MACGILLIVRAY moved—

That it be an instruction to the Committee of the whole House that it has power to consider an amendment not now within the scope of the Bill.

Motion carried.

In Committee.

Clauses 1 to 3 passed.

New clause 4—"Prohibition of supply of liquor to aboriginals."

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

Section 172 of the principal Act is amended by striking out at the end thereof the words "less than five pounds nor more than twenty-five pounds" and inserting in lieu thereof "more than six months imprisonment for a first offence or twelve months imprisonment for a subsequent offence."

I raised this matter at the beginning of the session. Unfortunately, there are some poor types of individuals that exploit aborigines. Previously I cited a list of cases I had culled from the press. In many instances aborigines have been sent to prison for consuming liquor or committing crimes, whereas the person supplying the liquor got off with a nominal fine. The supplier usually charges the native more than the correct price, so his additional profits are sufficient to pay his penalty. In one case a native was charged with murder, but the judge said that it should not have been the aborigine that was charged, but the person supplying the liquor. The press has recently given prominence to a case in which an aborigine, said to be a good, hard working, honest person as long as he was not supplied with alcoholic drink, murdered a woman in a camp. Out of sympathy, the court charged him with manslaughter but the person responsible for the death of the woman was not the native but the man that gave him liquor. Some time ago a policeman was badly knocked about at Aldgate by a gang of drunken natives who had been supplied with liquor by a person known to the police, but under the legislation all that could be done was to inflict a nominal fine.

Mr. O'Halloran—It is not the liquor trade that supplies natives.

Mr. MACGILLIVRAY—No. The hotelkeepers will have nothing to do with this evil practice.

Mr. PEARSON—All members representing country electorates where aborigines congregate will have much sympathy for the honourable member's proposal. There are few more despicable crimes in the calendar than the supply of liquor—and it is generally of a poor type—to aborigines. Some aborigines are exempted persons to whom liquor may be lawfully supplied by a hotel licensee or any other person. Sometimes there is difficulty in determining whether a person is an aborigine within the meaning of the Act, or whether he is the exempted person whom he represents himself to be. Imprisonment without the option, even for a first offence, is rather drastic. The Committee might consider as an alternative increasing substantially the fine now prescribed for a first offence and make it a real deterrent. The member for Torrens has kindly drawn my attention to section 75 (7) of the Justices Act, which provides:—

Where the court has authority to impose imprisonment and has no authority to impose a fine for the particular offence, it may, nevertheless if it thinks that justice of the case will be better met by a fine than by imprisonment, impose a fine not exceeding £100 and not being of such an amount as will subject the offender under the provisions of this Act, in default of payment of the fine, to any greater term of imprisonment than that to which he is liable under the Act authorizing the imprisonment.

That seems to indicate that justices have power, in a very special case, to impose a fine even under the amendment. That would not apply to a second offence. I ask the Committee to consider that position.

Mr. WILLIAM JENKINS—There is much merit in the amendment. There are many

aborigines and half castes in my district. Section 173 of the Licensing Act provides for a fine up to £10 for a first offence where it is proved that an aborigine or half-caste was found to be drinking liquor, to have been drinking liquor, or in possession of liquor. An offender can also be imprisoned for a first offence for a period not exceeding seven days and for any subsequent offence a term not exceeding four weeks. Many of these aborigines get good wages, particularly during the shearing season. Under section 172 of the Act, where the offence is proved against a person of supplying liquor to an aborigine or a half-caste the penalty shall be not less than £5, nor more than £25. Nine out of ten of the aborigines brought before the court on these charges are either fined or imprisoned, but there is great difficulty in catching the culprit who supplied the liquor. Even when they are caught, they generally ask for 28 days in which to pay, and in the meantime they have a chance to sell more liquor to the aborigines and thus get sufficient money in quick time to pay their fine. They sometimes buy wine for 2s. or 2s. 6d. a bottle and retail it to the aborigines for 10s. or more. The amendment should be a deterrent to this contemptible practice, and give aborigines some protection.

Mr. TRAVERS—The amendment is far too drastic. I agree that the present penalty is not sufficient to be a real deterrent, but there should be an alternative penalty to give the court elbow room in which to move when deciding what is the proper penalty for the case. Section 172 is not a section which merely prohibits the selling of liquor to an aborigine, but deals with a number of other subsidiary matters, and includes any person who sells, gives, supplies or permits to be sold, given or supplied any liquor to any aborigine or half caste. For instance, if a messenger went to a hotel and obtained liquor and supplied it to a half-caste, the person who supplied it to the messenger, even without knowing that it was to be consumed by a half-caste, might come within the terms of this provision. I should like to move an amendment which I think should meet the case. It would be to increase the monetary penalty and provide an alternative imprisonment penalty. Instead of having, as the clause now provides, a penalty of not less than £5 I would suggest a penalty of not less than £25, and where it now appears "not more than £25" I would suggest "not more than £50," and to include as an alternative three months' imprisonment. That would be for a first offence. I should imagine three months' imprisonment would meet the case, because if there were a second offence undoubtedly the culprit would be imprisoned.

The Hon. T. Playford—If it were a first offence, undoubtedly he would get only a fine.

Mr. TRAVERS—Not necessarily. He may get imprisonment for a first offence. To impose compulsory imprisonment would be too severe unless the section were completely dismembered to make it apply only to selling, but the section does not so apply. The question of the knowledge of whether a person is a half-caste is a matter of some importance. The court would consider the facts and perhaps say, "This is a special case with ameliorating circumstances, and therefore it is a proper case to which to apply the special provisions of section 75 of the Justices Act". As far as I know, nowhere in Australia except in the Northern Territory is there provision for compulsory imprisonment for a first offence of supplying liquor to an aborigine. It has only recently become law there, and that was after four or five amendments increasing the penalties, which were found to be insufficient. In the Northern Territory there are far more blacks than whites, and far more people who are exempted blacks than there are whites. Therefore, they have a special problem. I do not want it to be thought that this is not a serious offence. It is not a very prevalent offence in South Australia, and only a few cases under this section come before the court.

Mr. MACGILLIVRAY—I had not overlooked the argument advanced by the member for Torrens and have discussed this point with the Parliamentary Draftsman, who says it would be impracticable to divide the clause into separate parts covering the supply, sale, etc., of liquor. The punishment decided on by the Committee will have to apply to all the different methods of supplying liquor to an aborigine and the new clause is designed as a deterrent to those who would exploit their fellow men. Further, the Parliamentary Draftsman has drawn my attention to the fact that the law already provides power to do the very thing which the honourable member suggests should be done, where a court decides that, although the law has been broken, it may have been broken by somebody who, through mistaken kindness, has supplied liquor to an aborigine. In such a case the court may use the powers contained in section 75 (7) of the Justices Act. Therefore, the new clause need not be amended. In view of the fact that serious crimes such as murder have been

committed by persons who are under the influence of liquor which has been supplied illegally, I ask the Committee to accept the new clause.

Mr. DUNSTAN—Can the member for Torrens, who has had far more experience than I in licensing cases, say why the court would have to consider this as a special case?

Mr. TRAVERS—Section 75 of the Justices Act is an enabling section which is included as a safety valve to enable the court in a special case to avoid doing an injustice and sets out a number of methods by which that may be achieved. Section 75 (7) lends support to the view that the courts seem to take of the section by enabling or permitting the court, if it thinks that the justice of the case will be better met by a fine than by imprisonment, to impose a fine. Normally the court does not consider whether the justice of the case is better met by a fine than by imprisonment, but asks, "What did Parliament say was the appropriate penalty?" and that penalty is applied. In the normal course of events, if imprisonment is provided by Parliament as the penalty, the court will impose imprisonment, unless it takes the view that, notwithstanding the penalty fixed by Parliament, the justice of the case would be better met by a fine. These penalties must be co-ordinated, and even drunken driving is not punishable by imprisonment for the first offence.

New clause inserted.

Title.

Mr. MACGILLIVRAY moved—

To delete "section" and insert "sections," and after "118" to insert "and 172."

Amendments carried; title as amended passed.

Bill read a third time and passed.

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

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

The Legislative Council intimated that it had agreed to the House of Assembly's amendment to the Legislative Council's suggested amendment No. 2.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

SUPREME COURT ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

RADIUM HILL WATER SUPPLY AGREEMENT BILL.

Returned from the Legislative Council without amendment.

SUPERANNUATION ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

REAL PROPERTY (COMMONWEALTH TITLES) ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from December 2. Page 1820).

Mr. O'HALLORAN (Leader of the Opposition)—This is another simple machinery Bill rendered necessary by changing circumstances. The Commonwealth Parliament decided to change the name of the Commonwealth Bank and it led to complications in our Lands Titles Office in connection with titles. South Australia has to amend its legislation accordingly and we are not treating the Commonwealth ungenerously in making the necessary alterations without charge.

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

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

POLICE OFFENCES BILL.

In Committee.

(Continued from December 2. Page 1850).

Clause 33 "Publication of indecent matter," which Mr. Geoffrey Clarke had moved to amend by inserting after "medical" in the definition of "indecent matter" the words "and anthropological."

The CHAIRMAN—In the early hours of this morning when the division bells were ringing Mr. Stephens was taken ill. We all appreciate the news that he is recovering quickly. Because of the unfortunate happening the Premier, the Leader of the Opposition and Mr. Dunstan asked that the division be called off. In the ordinary way my decision on the amendment would have been given on the voices, but I have decided to continue from where we left off. We will now carry on with the division.

The Committee divided on the amendment:—

Ayes (15).—Messrs. John Clark, Geoffrey Clarke, Corcoran, Davis, Dunstan (teller), Hutchens, Jennings, Lawn, Macgillivray, McAlees, O'Halloran, Stott, Tapping, Frank Walsh, and Fred Walsh.

Noes (18).—Messrs. Brookman, Christian, Dunnage, Goldney, Hawker, Heaslip, Hincks, Sir George Jenkins, Messrs. William Jenkins, McIntosh, Pattinson, Pearson, Playford (teller), Quirke, Shannon, Teusner, Travers, and White.

Pair.—Aye—Mr. Stephens. No—Mr. Michael.

Majority of 3 for the Noes.

Amendment thus negatived.

Mr. DUNSTAN—I move—

To delete subclause (3) with a view to substituting later a new clause 33a.

Subclause (1) contains a definition of "Indecent matter," and there are certain exceptions in relation to literary and artistic merit, and it is well to make them for the benefit of people who have reached the age of discretion, which is normally considered to be 16 years. Subclause (3) contains a further definition as to how the court shall decide what is indecent and in some respects it is a contradiction of the definition in subclause (1). Therefore, we have two contradictory standards in the same clause. The aim of subclause (3) is rendered nugatory by the amended definition in subclause (1). We should have one standard for adults, who are capable of forming critical judgment, and another for children who have not developed the critical faculty but who may be supplied with obscene and indecent literature. Subclause (3) has been rendered more or less useless now that the Committee has carried the amendment moved by the member for Burnside. These amendments will have the effect of tightening up the provisions of the Childrens Protection Act, which are not strong enough because the court has to rely on children's evidence. My projected new clause 33a will have the effect of catching literature while it is on the bookstall. Then the court will not have to rely upon children's evidence. However, I shall alter the wording of my new clause 33a, which is on the files, by substituting "16 years" for "14 years". The exception in subclause (1) of "literary and artistic merit" should not apply to children and adolescents. We should have a blanket provision to cover matter that may be distributed to children. Matter featuring crime, without any suggestion of being improper sexually, can deprave or corrupt children up to the age of 16. Under the Childrens Protection Act obscene matter is anything that features prominently or publishes pictures or stories of lust or crime. My amendments will do those things that all members of the committee have agreed we must do, but subclause (3) will not. I therefore wish to delete subclause (3) and substitute a new clause not subject to the exceptions that now apply. The new clause reads:—

Any person who prints, publishes, sells, offers for sale or has in his possession for sale, or delivers or causes to be delivered or given to any person for the purpose of sale or delivery, any printing, drawing, picture, representation intended to be or which will probably be published, distributed, sold, given or delivered to, or circulated among children under the age of 16 years, which is of such a nature as to deprave or corrupt such children shall be guilty of an offence.

Penalty: One hundred pounds or imprisonment for six months.

The Hon. T. PLAYFORD (Premier and Treasurer)—Is the honourable member proceeding with his amendment to subclause (1)?

Mr. Dunstan—No. I have accepted Mr. Geoffrey Clarke's amendment in place of those I have on the files concerning subclauses (1) and (2).

The Hon. T. PLAYFORD—The present amendment to delete subclause (3) is really consequential upon new clause 33a. being accepted. There are one or two limitations in the proposed new clause which I consider undesirable. It requires further consideration, because I can see no mystical value in 16 years as the age at which children may be supplied with salacious literature. I should have thought that the age at which children should be protected was when they were becoming interested in sex matters, getting away from close parental control and meeting new companions under new conditions. In other directions we have legislated for the protection of females much beyond the age of 16, because it was held by every right-thinking person that they needed protection longer. I cannot see the advantages suggested by the honourable member and hope the Committee will not accept the amendment.

Mr. TRAVERS—I oppose the suggested deletion of subclause (3) and I shall oppose the inclusion of new clause 33a. I do so on three grounds. The first is that the clause as drawn applies first of all to an adult level of indecency—the type of indecency that caters for adult tastes. If people serve up material which is likely to deprave the adult, that would be a much more insidious and salacious form of material than that which would suffice for the youngster. The present provision in clause 33 covers the adult level and it has the merit of covering all special levels which there might be as well. It commits to the court the duty of looking into any particular age group. I

cannot see how there can be any possible merit in eliminating all these possible levels, and providing for one only. When we look at it in that way, we are entitled to wonder whether clause 33a. is designed to have the effect the honourable member suggests.

Mr. Dunstan—You are suggesting that I am being insincere?

Mr. TRAVERS—I am suggesting that you are limiting the position instead of advancing it. It is curious that on this question of depraving literature the age of 16 should be fixed as the maximum, and beyond that age the court should have no power to protect. That seems significantly curious to me when we bear in mind that the courts are instructed by the legislature that girls under 17, and in some circumstances those under 18, are not legally able to consent to sexual offences, but in this case the age is to be 16 and for persons above 16 it is to be an open season. If new clause 33a were passed the court could give little or no meaning to it because it would come into effect for construction only when a case was before the court, and it would only come before the court for construction when a policeman or someone else had seized the relative material and brought it forward as an exhibit. We would find the curious position that the magistrate would only be able to convict if he found that this material would probably be published, distributed, sold and delivered, when it is a moral certainty that it would not be, because it was impounded in court.

Mr. Dunstan—No.

Mr. TRAVERS—The objectionable material must remain in the custody of the court, which cannot convict unless it is "probably published, distributed and sold."

Mr. Dunstan—I should like to know the difference between "likely to be" and "probably be."

Mr. TRAVERS—One is in the past tense and the other is not.

Mr. DUNSTAN—It is not that at all. The effect is precisely the same. To suggest that when the court has something before it it has to decide whether it will be distributed amongst children of a certain age group, but that that could not be decided because the publication was in court, is reducing the argument to an absurdity. It is apparent that it is intended to apply to adults too, and we are to have as the standard of what is to be distributed among adults what, for instance, would be unsuitable for some adults, but suitable for others. Therefore, if a publication were distributed among adult aborigines and was something which would deprave or corrupt them but not Europeans, it would be prohibited by the clause. There should be only one standard for adults, and there is no reason why salacious literature for distribution among adults should not be covered by the remaining subclause of clause 33. Subclause (3) in its present form means that the standard of what is indecent, immoral or obscene amongst adults will be based on the lowest common denominator and not on what is generally acceptable among the community, and the lowest classes could be morons, criminals, lunatics, or aborigines if such literature were distributed among them.

Mr. O'Halloran—If four or five different classes may be charged under one section, doesn't that create additional charges?

Mr. Travers—Of course it does.

Mr. O'Halloran—It does, and that is why I am opposed to subclause (3).

Mr. DUNSTAN—The standard is to be not a common standard, but rather some special standard. The matter cannot be dealt with on any other basis than one common standard, but there should be an entirely different standard for people who have not reached the age of discretion. It is suggested that under the Criminal Law Consolidation Act the years of discretion may be 17 in some cases and 18 in others according to the degree of personal blandishment involved, but those provisions are not analogous to these, for personal blandishments are entirely different from mere reading. In fact, the standard in regard to this matter has already been set by the legislature in the Children's Protection Act which prescribes the age of 16 years; therefore I incorporated that age in my amendment which is designed to strengthen the effectiveness of that Act. It seems to me that, if an adolescent has not had the home training required to form a critical judgment by the age of 16 years he will not get it later. In common law the age of 16 years is commonly used in cases where children go out from home on their own, and surely children over the age of 16 years are entitled to have a look at and reject a publication, they should be entitled to use their discretion on the same standards as adults. How else are they to test the discretion which has been inculcated by their home training? The member for Torrens has not made clear how this clause will cope with literature which has literary or artistic merit, which should not be

distributed amongst children, but which nevertheless is. Subclause (3) does not cope with the position, and we desire that some provision should.

Mr. O'HALLORAN—I support Mr. Dunstan's amendment, because the clause is not sufficiently specific to accomplish its worthy object. The member for Torrens said that under subclause (3) a number of levels would be created and an offence would be possible at any of those levels, but it seems to me that the more the levels of prosecution created, the more are opportunities given to the guilty to escape conviction by simply saying, "These publications were provided for another section of the community." I foresee interminable discussions on whether the literature was intended for the section whom it is alleged it would corrupt. The fact that the defendant could prove that it was not likely to corrupt another section mentioned in the clause would seem to me to be a good defence. The amendment tackles the problem more effectively than does subclause (3). In the past we have not been very successful in our efforts to make people who have reached the age of discretion moral by Act of Parliament, and I do not think this dragnet attempt will be any more successful. Responsibility should be placed on young people at the earliest age to make the right decisions for themselves, and that can only be done by the parental upbringing. The more we legislate to remove the responsibilities of parenthood with regard to upbringing, the more we shall endanger the moral welfare of the child.

Mr. SHANNON—If I thought we were asked by the Bill to relieve parents of some responsibility in the upbringing of their children I would adopt the same attitude as Mr. O'Halloran, but that is not the position. We are trying to assist parents to keep their children from unnecessary harmful literature. More vehemence than argument has been used by the Opposition in support of the amendment. This wise clause covers people of all ages, and it enables the court to convict people for distributing certain types of literature to certain groups, whereas the case would be dismissed if the literature were distributed to other people. In discussing the clause we must consider the effect on certain groups of people of the distribution of a certain literature. If we do not, we will be taking away some of the protection afforded by skilful drafting.

Mr. HAWKER—As the result of the discussion on this clause the position has become so complicated that we hardly know where we are. As drafted it was simple to understand. If we delete subclause (3) a man who offers for sale or exhibits matter of an immoral or obscene nature will be guilty of an offence, because there will be no guide to the court as to what is obscene matter. All people are covered by the subclause. It would be better to delete the clause and deal with the matter some other time.

The Committee divided on the amendment.

Ayes (15).—Messrs. John Clark, Corcoran, Davis, Dunstan (teller), Fletcher, Hutchens, Jennings, Lawn, Macgillivray, McAlees, O'Halloran, Quirke, Tapping, Frank Walsh, and Fred Walsh.

Noes (17).—Messrs. Brookman, Christian, Dunnage, Goldney, Hawker, Heaslip, Hincks, Sir George Jenkins, Messrs. William Jenkins, McIntosh, Pattinson, Pearson, Playford (teller), Shannon, Teusner, Travers, and White.

Pairs.—Ayes—Messrs. Stephens and Riches. Noes—Messrs. Geoffrey Clarke and Michael.

Majority of 2 for the Noes.

Amendment thus negatived.

Mr. PATTINSON—I move to insert the following new subclause:—

(4) A prosecution for an offence against this section shall not be instituted without the written consent of the Attorney-General. An apparently genuine document produced by the prosecutor and purporting to consent to a prosecution under this section and to be signed by the Attorney-General shall, without proof, be accepted by a court as *prima facie* evidence of such consent.

I regret that this clause was ever introduced. The time spent on its preparation by the committee of four and its introduction and consideration in this place is out of all proportion to its importance. It has stirred up a bitterness inside and outside Parliament and we will feel the repercussions for a long time. I have a tremendous regard for the ability, experience and judgment of our Parliamentary Draftsman. With the greatest respect to the other three members of the committee I would be happier and more re-assured if the Government had adopted the principle it adopts almost invariably by having legislation prepared by Mr. Bean alone. I have been chairman of a number of Parliamentary committees since 1930 but this is the first time in my experience that a Bill has been introduced on the recommendation of a committee and without bearing the hallmark of the Parliamentary Draftsman alone. If the Bill

had been drafted by him alone it would not have been introduced in its present form. I believe it is far too wide in its scope, far too ambiguous in its verbiage and is penal, punitive and prohibitive. I have done my best outside the House to bring a little counsel into the matter, but my advice has been disregarded. I regret that so much bitterness has been introduced into the debate on a Bill which, in the main, I accept and applaud. Why has such an inordinate amount of time been devoted to this clause during the last 24 hours and why has so much fanaticism been introduced into the debate on both sides?

Mr. Travers—Where do you suggest there is fanaticism and bitterness? If it relates to my committee, I deny it.

Mr. PATTINSON—Dozens of Bills have been introduced during the session and there have been honest differences of opinion with or without any Party line, and there have been strong and forceful arguments submitted from both sides, but we have not had this new alien spirit of bitterness. In my experience as a member of this House from 1930 I have never before experienced the undercurrent which has developed in the last 24 hours. I feel that the clause must have been included against the better judgment of the Parliamentary Draftsman and the Crown Solicitor. My objection to its undue scope, vagueness and ambiguity was softened somewhat by the remarks I have read somewhere:—

Everyone will agree that we have a sane administration of the criminal law. No prosecution is launched without running the gauntlet of a proper examination by those whose duty it is to decide whether there shall be a prosecution.

If that is a correct statement of the law as to this clause I wholeheartedly support it. I moved the additional subclause because I believe we have a sane administration of the law by the Crown Law officers, and we have a sane administration by the Executive. I believe that one of the greatest safeguards for democracy is that we have a responsible Minister of the Crown to answer on the floor of the House for his acts of commission or omission. I do not say I would be perfectly happy, but I would be less unhappy if I knew there would be no private prosecutions under this clause if it became law. It is an unusual clause and novel in its scope. I believe a prosecution could be launched by a person, or variety of persons with a variety of different beliefs and different motives. All I desire is that some restraint shall be exercised by the responsible officers of the Crown Law Office and the responsible head, the Attorney-General. If he, as a result of the advice he obtained from his officers, or because of the exercise of his own independent judgment, decided to launch a prosecution, then I would be content, because I am satisfied he would be answerable on the floor of the House for his actions. I appeal to all sections of the Committee to support the amendment.

The Hon. T. PLAYFORD—As I understand the amendment, it is designed to give an additional guarantee that the powers contained in the clause shall not be used hastily or inadvisably, but only after proper examination of the matter in respect of which the complaint is to be laid. A similar provision is included in a number of Acts, some of which I administer. All the facts are carefully examined and opinion obtained from the Crown Solicitor, and if I am satisfied that the facts are sufficiently strong to warrant action, I request the Crown Solicitor to prosecute. I am answerable to the House to the extent that any member can say, "Why did you authorize a prosecution in this case?" or "Why did you not authorize a prosecution? I have no objection to the amendment.

Mr. DUNSTAN—I support the amendment. Humbly, as youngest member of the House, I feel that Mr. Pattinson is to be complimented on his excellent contribution to the debate. Probably he has made the best contribution in attempting a sane and sound analysis of the matter. I believe the amendment adds some safeguard, although not a sufficient safeguard. I do not believe the present Government would authorize a prosecution unless it were warranted, but some other Administration might not take the same view as the present Administration as to what was fit to be prosecuted. Consequently I am still unhappy about the position. I think there is a safeguard in that the Attorney-General is to decide. I would not be happy about leaving it to the Crown Solicitor for I remember that in 1944 the then Crown Solicitor authorized, in respect of a publication, a prosecution which I feel was most ill-advised and unnecessary. In fact I believe the Administration later was unhappy about the Crown Solicitor's view.

Mr. MACGILLIVRAY—The more I listen to the legal profession talking on this Bill the more I wonder what they stand for. I have heard it said that "better that a thousand guilty men be deemed innocent than that one innocent man be found guilty" and that under British justice a man is innocent until proved guilty. During his term as a member, Mr. Justice

Abbott, the then member for Burnside, repeatedly said that the courts were not interested in the sympathetic administration of an Act but rather in what it said. This matter should be left until it has been considered by a special committee comprising the Premier, the Leader of the Opposition, and the members for Torrens, Glenelg and Norwood. Surely they could draw up something which would deal with this subject in a satisfactory way. All members are opposed to pornographic literature, but some of us are concerned about the loose wording of the provision which seeks to tackle the problem. For the first time in my life I have been interviewed by a person who is worried about the restrictions which are imposed by the clause in its present form and who fears the rising of a Police State.

Some years ago the then Mayor of Glenelg took a strong stand on topless bathers in the face of opposition from the whole of orthodox opinion throughout the Commonwealth, which was opposed to topless bathers and argued that it was indecent for a man to go into the water leaving the upper part of his body exposed. Because there was no law to prohibit topless bathers and because of the good sense of South Australians, topless bathers are now accepted as normal beach wear. I remember the time when a woman who wore a V neck line showing only two inches of her neck was considered to be indecently dressed. Standards of indecency vary from time to time and from place to place, but established standards on pornography do not vary. In response to the invitation issued by the member for Torrens in the second reading debate, I inspected the evidence he offered in support of his arguments, but I do not believe any court of law would have deemed those publications to be salacious or pornographic. If a child saw those books I do not think he would be affected one way or the other. If that is the type of literature which the sponsors of this Bill had in mind, no satisfactory case has been presented for the introduction of this provision. Pending the appointment of the committee I have suggested, I support the amendment.

Mr. QUIRKE—I, too, support the amendment. Very often indecent books are left lying around the home by parents and they are read by children into whose hands they find their way without their having to buy them. This shows an extraordinary lack of parental control. I do not believe in being mealy-mouthed in debate and not much damage will accrue from this discussion. If there is any element of danger to the ordinary people and the amendment will be a safeguard, I accept it.

New subclause inserted.

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

(5) Notwithstanding anything in subsection (1) of this section, the court shall not hold that books or other matters do not fall within the definition of indecent matter because of their literary or artistic merit, if such books or matter describe with undue detail, or emphasize, coition, unnatural vice, or other sexual, immoral, or lascivious behaviour, or the organs of generation or excretion.

We have been told that the provision in the clause is too vague. The addition of the new subclause will improve the position, and remove much of the present misapprehension. The new subclause gives the court a clear indication of Parliament's view on this matter.

Mr. DUNSTAN—I support the new subclause and appreciate the way in which the Premier has discussed the matter. He has sought to bring about an agreement between all the interested parties. The new subclause makes the position clear and no harm can come from it.

New subclause inserted; clause as amended passed.

Clauses 34 to 47 passed.

Clause 48—"Posting bills and writing on walls, etc."

Mr. DUNSTAN—I move—

To delete in line 1 of the clause "without lawful authority" and to insert in lieu thereof "without the consent of the owner."

At present the control of structures, roads and footpaths in a council area is in the hands of the council, and there are bylaws to prevent people from doing certain things in relation to them. It is best to leave it in the hands of a council to decide whether action should be taken when an offence occurs. We should not whittle away the general authority of the councils in relation to the posting of bills, writing on walls, etc. The owner of the property should have the right to give his consent before any action is taken.

The Hon. T. PLAYFORD—I oppose the amendment because it would break down the principles of the Bill. Its acceptance could produce anomalies. The registered owner may not be the occupier. He may disagree to action being taken, whereas the tenant may agree because of Communistic slogans having been written all over the wall of the property, but under the amendment nothing could be done.

The clause is designed to prevent people from being a public nuisance.

Mr. Dunstan—I notice that the original legislation said "owner or occupier."

The Hon. T. PLAYFORD—Yes. Under the circumstances, I hope the committee will not accept the amendment.

Mr. CHRISTIAN—What constitutes "lawful authority"? Suppose I had a fence or wall and was prepared to let someone put an advertisement on it, would that constitute lawful authority?

The Hon. T. PLAYFORD—Not necessarily. If the honourable member had a wall on a country road which had been proclaimed under the Act controlling advertisements it would be an unlawful action and would come within the terms of this clause.

Mr. Christian—What if it did not contravene this provision?

The Hon. T. PLAYFORD—Then it would not be within the terms of the clause. Only an unlawful act can constitute an offence. If the wall or fence were on the honourable member's property, and not on the road, no offence would be committed.

Mr. Christian—This Bill is not aimed at stopping that practice?

The Hon. T. PLAYFORD—No.

Mr. STOTT—Perhaps someone has given consent for a person to erect a sign or advertisement, but the council may not like the sign in that position. If it made a by-law to this effect, which provision would operate—this legislation, or the council's by-law?

The Hon. T. PLAYFORD—Normally, councils have authority over their district roads, but the Highways Commissioner has authority over main roads. The matter raised by the honourable member is not contemplated in this Bill, which is designed to prevent public nuisances from damaging properties. It is designed to prevent people from erecting signs or posters on properties without the consent of the owner. The council would have the necessary authority to make by-laws to prevent signs from being erected on its roads, but the Highways Commissioner is in control of proclaimed highways.

Mr. TRAVERS—Clause 48 does not say what a person may do, but what he may not do unless he has the necessary consent. If a council passed a by-law in respect of signs on its roads it would have to be obeyed.

Amendment negatived; clause passed.

Clause 49 passed.

Clause 50—"Unlawfully ringing house bells."

Mr. DUNSTAN—I move—

To strike out "ten" before "pounds" and insert in lieu thereof "five."

I cannot see that the offence of ringing house door bells is serious enough to warrant a maximum fine of £10. It is such a minor matter that it is extraordinary to find it in the Bill. If we fix a penalty of £10 the court may take a more serious view of this offence than Parliament intends it should.

Amendment carried; clause as amended passed.

Clause 51—"Use of fire arms."

Mr. LAWN—I cannot understand why the committee recommended that a person carrying an offensive weapon should be liable to a penalty of £50 or imprisonment for three months whereas it recommended a penalty of only £25 for discharging a fire arm.

Mr. Hawker—He could be fined £50 for carrying the weapon and another £25 for firing it.

Mr. LAWN—Doesn't the honourable member think that discharging a fire arm is a more serious offence than carrying one? The penalty for firing should be imprisonment.

Clause passed.

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

Clauses 52 to 54 passed.

Clause 55—"Suffering ferocious dogs to be at large."

Mr. DUNSTAN—I move—

To strike out "twenty-five" before "pounds" and insert "ten."

This is not a case where such a heavy penalty should be prescribed.

The Hon. T. PLAYFORD—If a large, unmuzzled, ferocious dog were allowed to be at large there could be serious consequences, and a child might even lose his life or be badly disfigured. I remind the Committee that the penalty provided is the maximum.

Amendment negatived; clause passed.

Clauses 56 to 61 passed.

Clause 62—"False reports to police."

Mr. DUNSTAN—I move to add the following proviso:—

Provided that this section shall not apply to complaints about the conduct of a member of the police force in carrying out his duties made to a superior officer of the police force.

Normally, when a complaint is made about a member of the Public Service to a superior officer it is something which calls for investigation, and if the complaint is false then he

has adequate protection in civil law. That also applies to the police force. We have to be careful about giving further powers to members of the police force in this matter. I am not asking that the police should have less protection than any other member of the community. Although it is necessary for them to have that protection, it is also desirable that they should be in the same position as other members of the Public Service and that persons shall be able to make complaints about their conduct as readily as complaints about any other member of the Public Service. A police officer may arrest a man, take him to the watch-house and question him without any witnesses being present other than members of the police force. What if something occurred there about which a complaint could be laid? It would be the word of the policeman against that of the other man. There are adequate safeguards for the police in common law in regard to complaints.

The Hon. T. PLAYFORD—This provision is similar to one which appears in section 118 of the Police Act and has been in operation for 20 years. I have always believed that it was a fundamental rule of our law that it should apply to everyone equally and that certain people should not be excluded.

Mr. Dunstan—That is what I am trying to do. I am trying to provide for everyone in the Public Service to be on the same standard rather than that policemen should be on a higher standard.

The Hon. T. PLAYFORD—In the first place this provision will apply only to a person who gives false information. Suppose I am a member of the police force and I have a mate working with me and I allege that he is taking bribes when I know it is not true, and on investigation by a superior it is found that my statement was maliciously false.

Mr. O'Halloran—That is a most unfortunate reference in view of the report of the Bribery Commission some years ago.

The Hon. T. PLAYFORD—Then that only makes my argument stronger. Why should one police officer be privileged to make a knowingly false statement and force an investigation.

Mr. Dunstan—He would be subject to the law of libel.

The Hon. T. PLAYFORD—So are other people. I see no good purpose that would be served by the amendment. Public servants are not privileged to make knowingly false statements under this clause.

Mr. Dunstan—No, the common law would apply in the same way, but here you are giving a prerogative to a policeman.

The Hon. T. PLAYFORD—I see no reason to exclude anyone in this regard.

Mr. DAVIS—I support the amendment, which is necessary to protect the general public. A man may lay a charge against a constable who knocks him about, but the constable's superior officer may say that he is not guilty, thereby implying that the man who laid the complaint is guilty. It is very hard for one person to prove to the court that he is right when it is only a matter of his word against that of a constable.

Mr. SHANNON—If for quite good reasons I took a dislike to a member of the police force and said to his sergeant, "This man is accepting bribes from certain persons in this locality for certain reasons," I could put the sergeant in a very unhappy position if he had to report to the Commissioner that complaints had been made about the officer. An inquiry would have to take place and, although an examination of the facts might prove the honesty of the constable, it would be impossible for him to clear himself of the stigma.

Mr. Dunstan—Every person has his remedy for that.

Mr. SHANNON—I take it the proviso proposed by the honourable member will protect the individual laying the complaint.

Mr. Dunstan—Not from an action of slander.

Mr. SHANNON—This Committee would be unwise to remove from the clause the protection which has been afforded over many years and which has not been abused by the police. I oppose the amendment.

Mr. DUNSTAN—Does the member for Onkaparinga suggest that, if a person has some spleen against an officer of the Railways Department and complains to his superior officer that that officer is taking bribes and the department investigates the position and finds the allegation untrue, that person should be subject to a clause such as this? If so, he would have to amend every statute governing the Public Service. But those people are protected by the laws of libel and slander, as are policemen. My amendment protects nobody who makes a false statement for which punitive damages may be recovered at common law. Such an action is not difficult, especially if credence is given to the word of police officers. If a proper case for slander exists, why not take the action for slander that would be taken by any other public servant?

Why should a police officer be able to hold over any person who complains about him a penalty under the criminal law? I do not seek to exempt anybody but merely to put police officers in the same position under the law and give them the same treatment, no more and no less than any other person.

The Hon. T. PLAYFORD—When any serious allegation is made against a public servant a police report is obtained on the matter, and immediately the police are called in this clause applies to the public servant the same as it does to everyone else, but the honourable member's amendment means that, provided it is a member of the police force who knowingly makes a statement which causes the investigation, he is exempted, whereas if it is anybody else who makes such a statement he is not exempted and is liable to a penalty.

Mr. O'HALLORAN—I do not think the Premier understands the amendment. Mr. Dunstan wants to provide a safeguard for the public by providing that if a man has a complaint to make about a police officer's way of carrying out his duties he can do so to a superior officer, and cannot be charged with falsely making a complaint. We have an excellent police force, but there are always some officers who are not worthy of the confidence of the public. At times police officers have been summarily dismissed from the force because of their failure to serve the public in accordance with the oath. Legislation should be remedial and if there is anything wrong with an Act it should be remedied at the first opportunity. Under the clause, if a prisoner says he has been belted in a cell by a police officer and he complains to a superior officer who refuses to believe the testimony and takes the matter to a magistrate it can be said that the prisoner has made a false statement, and he can be punished accordingly. That is not the way to carry out the fundamental principles of British justice. The public are entitled to a fair and impartial deal in the administration of our laws.

The Hon. T. PLAYFORD—Mr. Dunstan wants to preclude a man making a knowingly false statement from being punished. I do not accept the position put by the Leader of the Opposition, but even if it were so we should not permit people to make false statements wilfully without their being punished.

Mr. SHANNON—I gather that Mr. Dunstan does not want to go so far as his amendment goes. In his argument there is a germ of an idea which might be worth consideration. After consulting two of my legal friends, I suggest that the proviso be altered to read as follows:—

Provided that this section shall not apply to complaints made to a superior officer of the police force by a person in custody or immediately upon release from custody about the conduct of a member of the police force in carrying out his duties.

This would give the innocent person taken by a police officer to the watchhouse for interrogation, possibly in an unkindly way, the opportunity to make a complaint to a superior officer. Under the clause he could be picked up and have certain things done to him which should not have been done, but under the provision which protects the police, in order to cover up the mistake made in arresting him, he could be charged with making a false statement. On the one side there would be the evidence of the person arrested, and on the other the evidence of the arresting officer and the superior officer, and in such circumstances the arrested person would run a severe risk of being convicted for knowingly making a false statement. He has no-one to support his statements about the treatment meted out to him. If a person makes a false statement no real harm can come to the officer. If a superior officer realized that a complaint was false he could put the breeze up the person making it. If a person could prove to the satisfaction of the superior officer that he had received the treatment of which he complained, that officer could take action and some protection would be afforded the complainant.

Mr. DUNSTAN—My amendment may be somewhat broad and introduce something unsatisfactory. The case I am trying to protect has been adequately dealt with by Mr. Shannon and I ask leave to withdraw my amendment in order to enable him to move an amendment.

Leave granted; amendment withdrawn.

Mr. BROOKMAN—It was my intention to oppose Mr. Dunstan's amendment and I shall oppose Mr. Shannon's suggestion. The whole effect of both is to protect deliberate lying. If a person knowingly makes a false statement he should be prosecuted.

Mr. SHANNON—If Mr. Dunstan moves along the lines I suggested I shall support him. I desire to protect a person who has just grievance against a policeman who has been over-zealous in his conduct in arresting him. If he complains to a superior officer that officer could be another witness against the policeman if the matter reached the court.

Mr. DUNSTAN—I move—

After "offence" in line 7 of subclause (1) to add "provided that this section shall not apply to complaints made to a superior officer of the police force by a person in custody or immediately upon release from custody about the conduct of a member of the police force in carrying out his duties."

The purpose of the amendment has been clearly stated by Mr. Shannon. It is designed to ensure that legitimate complaints are not hushed up through fear of some charge being laid against a person so complaining.

The Hon. T. PLAYFORD—The amendment still condones the making of false statements. A person cannot be convicted unless the court is satisfied that he knowingly made a false statement. I would be prepared to consider an amendment which states, in effect, "Provided that no person under arrest shall be convicted under this section on the unsupported testimony of the officer in charge of him." Recently an interstate police officer was discharged from the force on complaints made by a person in his custody. When full investigations were made later it was found that those statements were maliciously untrue and the officer was reinstated. If Mr. Dunstan desires to consider my suggestion I will ask that consideration of this clause be postponed.

Mr. TRAVERS—The history of this clause is related to the common law offence of public mischief, which includes the doing of certain things which involve the State in unnecessary expense, one of which is the making of false statements to the police. This has been the statutory law for 17 years, but within the last 12 months it was applied for the first time to a case of a man in custody who was charged with making a false statement about the treatment he had received. It is not right that a man in custody should be in terror of complaining about treatment he receives. One might refrain from making a complaint out of fear of an unjust decision by the court as well as out of fear of a just decision. A person in custody should be encouraged to make a complaint if he has any grievance about the treatment he receives. Although it is true that to get a conviction one has to prove that the man has falsely made his statement, it may not necessarily have been knowingly, if we exempt certain transactions. We should not give a free pardon to anyone who makes a false statement; we should not condone it, we should not exempt it from the law of libel and slander which will still apply. It is not designed to stifle complaint or inquiry but simply to prevent the mischief maker from putting the police to unnecessary expense and I think something like this would meet the case:—

Provided that this section shall not apply to any complaint made by an arrested person concerning the conduct of any police officer in relation to such arrest or anything incidental thereto.

That would get over two difficulties inherent in what was put by the member for Norwood. The person in custody has no opportunity of making a complaint until afterwards. Therefore I suggest using the expression "arrested person," which will apply to the time he is under arrest and afterwards. The expression "carrying out his duties" is undesirable because the very essence of his complaint may be that he was exceeding his duties. There was a case in which a policeman arrested a drunken man by putting his shoulders between his legs and dragging him along face downwards. He was doing something in excess of his duties and he was ordered to pay damages. So it seems to me that it might be a wise provision to encourage full inquiry. It would keep the police force more healthy and lead perhaps to more respect for the police force. If the public felt they could get their complaints investigated without any fear of conviction it might be a good thing. By doing it this way we avoid any question of condoning a knowingly false statement. I agree with the Premier that that is something we cannot do, but we can say it shall not apply to the case of a man who is making a complaint. I do not propose to move an amendment but I offer the suggestion to the member for Norwood for what it is worth. The committee discussed it and persuaded me to accept it as drafted, but the debate has rather convinced me to put the postion I have just stated.

The Hon. T. PLAYFORD—To permit time for further investigation I move that further consideration of clause 62 be now postponed until after consideration of clauses 63 to 85.

Motion carried.

Clauses 63 to 66 passed.

Clause 67—"General search warrants."

Mr. DUNSTAN—I move—

To delete all words up to and including "may" in line 1 of subclause 4 (*b*) and insert the following in lieu thereof:—

If it is made to appear by any member of the police force on oath before a justice of the peace that there is reasonable cause to

believe that in or on any premises, house, building or place—

(*a*) any felony or misdemeanour has been recently committee or is about to be committed; or

(*b*) there are any stolen goods; or

(*c*) there is anything which may afford evidence as to any felony or misdemeanour which has been committed.

the justice may grant to such member of the police force a warrant to enter into, break open and search such premises, house, building or place. In the execution of any such warrant the person to whom it is granted may, in addition to entering, breaking open and searching such premises, house, building or place, (*a*)

I do not think a search warrant should be left to the discretion of a police officer, or be a general warrant covering any premises which the officer may suspect. In my view a search warrant should apply to a particular place for a particular purpose, and if there is any basis for interfering with the rights of private property, which is incurred in the issuing of a search warrant, the police officer should be obliged to depose his grounds of suspicion before a magistrate or a J.P. whose duty it would be to decide whether or not the warrant should be issued. To leave it in the hands of the Commissioner of Police to issue a warrant is, in effect, to give *carte blanche* to the police officer, for subclause (4) says that the police officer named in any such warrant may exercise all or any of the following powers:—

He may with such assistants as he thinks necessary enter into, break open, and search any house, building, premises, or place where he has reasonable cause to suspect that—

(i.) any felony or misdemeanour has been recently committed, or is about to be committed; or

(ii.) there are any stolen goods; or

(iii.) there is anything which may afford evidence as to the commission of any felony or misdemeanour; or

(iv.) there is anything which may be intended to be used for the purpose of committing any felony or misdemeanour:

That gives extraordinarily wide power to a police officer, and a general warrant may be for any premises which the officer may suspect and may be in force for six months. I believe in the rights of people to their own private homes. That is a right that should not be interfered with without just cause. If the clause were passed what remedy would a person have? The onus would be on him to show that the police officer did not have a reasonable cause to suspect. We have seen recently that there may be much that the police officer may not have to reveal because there are privileged statements made to police officers. I feel that my amendment restores the position generally accepted under English law. In common law and in most of the penal statutes there is a similar provision to that which I have moved.

The Hon. T. PLAYFORD—The honourable member seeks to alter the general provisions of search warrants in a most important way by providing that the Commissioner of Police shall not be the person to issue the warrant, but that a justice of the peace shall be vested with that authority. That does not necessarily put the matter on a higher plane because many police officers subordinate to the Commissioner are justices of the peace. In the metropolitan area justices are generally persons who sign a lot of documents that have to be witnessed, and in the country they take minor cases and help to administer justice. In most instances they are not trained to know whether it is a proper case in which to issue a search warrant. The amendment will not tighten up the law but might very undesirably widen it. This has been the general law for many years, and it is necessary, if we are to maintain the safety and security of the country at times, that a warrant be taken out. I think everyone will admit that our officers have used the utmost discretion and I doubt whether an instance can be shown where a warrant has been abused. I think Mr. Travers will corroborate my statement that the warrant system is most necessary and has never been abused.

Mr. TRAVERS—This system has been the law for upwards of 20 years. Certainly it was in the 1936 Act, and I think it was the law before then. In my association with these matters since 1920 I have never heard of any complaint about the abuse of general search warrants. That is a fair test of the system. My second point is that Mr. Dunstan's amendment is faulty and ineffective in that it deals only with things that occurred in the past, with the recovery of property already stolen. The clause deals with something far more important, namely, catching a man about to commit an offence. That is the time to exercise a warrant. My third point is that I once heard a responsible police officer say on oath that he could not use the warrant provisions of the Lottery and Gaming Act successfully because it meant applying to a justice for a warrant. His experience was that in many cases the justice, possibly with some feeling of his sense of importance, would tell his wife or someone

else about the matter and the people who were to be raided would find out before the raid occurred that a warrant had been issued. This provision will be much more effective if it can be kept under the control of the Commissioner of Police.

Mr. RICHES—Several Opposition members desire that progress be reported at this stage. Some of these matters should receive more consideration. Surely they are not so urgent that they could not be discussed during the session to be held early in the new year. Will the Premier report progress?

The Hon. T. PLAYFORD—No. The Bill was received on September 23.

Mr. Riches—Some amendments were put to you only a few minutes ago.

The Hon. T. PLAYFORD—Members have the right to move amendments at any time in Committee. I doubt whether any Bill ever before the House was more fully explained than this one was.

Amendment negatived; clause passed.

Remaining clauses (68 to 85) passed.

Clause 62—"False reports to police" (consideration previously postponed).

Mr. DUNSTAN—I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Mr. DUNSTAN—I move to insert at the end of subclause (1):—

Provided that where the statements alleged to have been made by the defendant were statements concerning the conduct of a member of the police force the defendant shall not be convicted on the uncorroborated evidence of members of the police force.

I think this amendment is substantially in agreement with the views of the Committee.

Amendment carried; clause as amended passed.

New clause 5a—"General onus of proof."

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

5a. Where at any time in any proceedings on a charge under this Act an onus of proof is placed upon the defendant, such onus shall not be construed as placing a greater burden on the defendant than the raising of a reasonable doubt as to his guilt in the mind of the court.

I desire to retain the general principle of English law that no person shall be deemed guilty until proved to be so. If there is any reasonable doubt as to a defendant's guilt he should be acquitted. At present, in certain circumstances, a defendant is called upon to make an explanation. That is quite in order in relation to offences of unlawful possession, but a defendant should not have to prove his innocence either under the criminal standard of proof or under the civil standard now suggested. Under my amendment the defendant will have to show to the court that his explanation was a reasonable one. The Bill states that he must show to the court that his explanation was probably true, but that standard is too high. A magistrate should not have to be convinced that a man was innocent. That he might reasonably be deemed innocent is sufficient. If we accept any other standard there is the possibility of innocent people being convicted. We should make sure that innocent persons are not convicted. The new clause will not make it any easier for a guilty person to escape.

Mr. TRAVERS—The first thing necessary is to get this question of onus of proof straight. There must be proof beyond resonable doubt in the Criminal Court. If there is a burden of proof on the accused, the burden of proof is never higher than on the balance of probabilities. This is universally the position in all British countries. The accused person merely has to prove the balance of probabilities. That is not difficult. All he has to do is to give evidence, or through cross-examination of the other side's witnesses show that his view is more likely to be the correct one. It has been the practice from time immemorial in British countries, and I see no justification for jettisoning that position at this stage. Without intending any offence, I point out that what is said in the amendment sets up a situation which the law does not recognize and never has recognized. According to the amendment, where the onus of proof is on the defendant, all the defendant has to do to escape is to raise a reasonable doubt. Imagine the state of confusion which could follow.

The Committee divided on the new clause—

Ayes (13).—Messrs. John Clark, Corcoran, Davis, Dunstan (teller), Hutchens, Jennings, Lawn, McAlees, O'Halloran, Riches, Tapping, Frank Walsh, and Fred Walsh.

Noes (19).—Messrs. Brookman, Christian, Geoffrey Clarke, Dunnage, Goldney, Hawker, Heaslip, Hincks, Sir George Jenkins, Messrs. Wm. Jenkins, McIntosh, Pattinson, Pearson, Playford (teller), Shannon, Stott, Teusner, Travers, and White.

Pair.—Aye—Mr. Stephens. No—Mr. Michael.

Majority of 6 for the Noes.

New clause thus negatived.

Schedule and title passed. Bill read a third time and passed.

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

WHEAT PRICES STABILIZATION SCHEME BALLOT BILL.

Returned from the Legislative Council without amendment.

HIGHWAYS ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

DA COSTA SAMARITAN FUND (INCORPORATION OF TRUSTEES) BILL.

The Legislative Council intimated that it had agreed to the House of Assembly's amendment.

PAYMENT OF MEMBERS OF PARLIAMENT ACT AMENDMENT BILL.

His Excellency the Governor by message recommended to the House that the Payment of Members of Parliament Act, 1948-1951, be amended so as to provide that Ministers of the Crown should in addition to receiving their salaries as Ministers of the Crown be entitled to payment in respect of their services in discharge of their Parliamentary duties.

Bill returned from the Legislative Council with a suggested amendment:—

Page 2, line 3 (clause 2)—Add the following paragraph:—

(*d*) by adding at the end thereof the following subsection (the previous part of section 4 being read as subsection (1) thereof):—

(2) Every member of Parliament who is a Minister of the Crown shall be entitled to payment for his services in the discharge of his parliamentary duties at the rate of two hundred and seventy-five pounds a year, in addition to his salary as a Minister of the Crown.

Consideration in Committee.

The Hon. T. PLAYFORD (Premier and Treasurer)—The effect of the suggested amendment is to give to Ministers the same increases in salaries as have been given to private members. I ask that the amendment be agreed to, but the present position is not satisfactory and Parliament should examine this question. For many years Ministers have not been paid salaries as members. That position arises from the fact that in the earlier days of the State there was no obligation on the Minister to be a member of Parliament, and indeed until this year the Attorney-General need not have been a member of Parliament; therefore for many years Ministers' salaries have been paid from a pool, Ministers receiving no salaries as members. I consider the proper way to deal with this matter is to cut down the Ministerial pool very considerably and give Ministers their full salary as members for their districts. That would leave only a small amount in the Ministerial pool, representing the balance between Ministers' and members' salaries. Ministers' salaries would then be subject to the same variations as those of members, and the necessity for passing two Bills whenever variations were made would be obviated. It is not my intention in the dying hours of the session to introduce legislation to give effect to this scheme, but the matter should be examined with a view to further action. I ask the Committee to agree to the suggested amendment.

Mr. O'HALLORAN (Leader of the Opposition)—Opposition members agree with the suggested amendment. In the second reading debate I raised all the points which have now been raised by the Treasurer. The fact that a member of Parliament is chosen to be one of Her Majesty's Ministers does not absolve him from his duties as the representative of his constitutents. I agree with the Treasurer that steps should be taken as soon as possible to rectify the anomaly at present existing with regard to the payment of Ministers and private members. On behalf of the Opposition I made a declaration that Ministers should be entitled to a *pro rata* increase in their salaries to conform with that granted to members. The suggested amendment does not go as far as that and therefore does not do full justice to Ministers, but it is the best that can be done in view of the difficult Constitutional position. I do not agree with the Treasurer's statement that there should be a substantial reduction in the Ministerial pool. Ministers should be paid the salaries received by private members as well as an additional emolument for the long and arduous service they give to the State.

Mr. STOTT (Ridley)—While agreeing with the statement that the Ministers should receive increases in their salaries as proposed in the suggested amendment I protest at the way this proposal has been introduced. Although no private member in this House has the right to move an amendment which will have the effect of increasing the State's expenditure, a private member in another place has that right, and the suggested amendment has in effect been legalized by virtue of the message from His Excellency the Governor this afternoon calling on Parliament to amend

this Bill by providing for an increase in Ministerial salaries. I have previously drawn the attention of the House to this matter, for I do not consider such a procedure is correct; rather it seems illogical and farcical. As one who jealously guards the rights of this Chamber against the Legislative Council, I suggest it is time attention was given to this anomaly, for a private member in this place should have the same rights as those possessed by private members in another place. I protest against the way the matter has been dealt with. It is time the position was reviewed.

Suggested amendment agreed to.

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

Returned from the Legislative Council with amendments:—

No. 1. Page 1—After clause 2, insert new clause 2a as follows:—

> 2a. *Commencement of Act.*—(1) Sections 12, 13, 14, 15, 16, and 17 of this Act shall respectively come into operation on such day or days as are fixed by the Governor by proclamation.
>
> (2) The other provisions of this Act shall come into operation on the day on which this Act is assented to by the Governor.

No. 2. Page 3, lines 39 to 42 (clause 11)—Leave out all words in subsection (1) after and including the word "to" in line 39 and insert "that the vehicle is not to be driven on a road (except for the purpose of driving it off the carriage way or driving it to a place nominated by the driver or person in charge and approved by the inspector or authorized officer, for the purpose of unloading) until that part of the load which is in excess of the permitted maximum is removed from the vehicle."

No. 3. Page 3, line 43 (clause 11)—Leave out "refuses or fails to comply with" and insert "contravenes."

No. 4. Pages 4 and 5—Leave out clause 14.

No. 5. Page 6—Leave out clause 17.

No. 6. —Leave out clause 18.

Consideration in Committee.

Amendment No. 1.

The Hon. T. PLAYFORD (Premier and Treasurer)—This amendment refers to a number of provisions such as the one about the turning of motor vehicles to the right. The Royal Automobile Association has suggested that the public be given notice that the new laws will apply from a certain date; therefore it is suggested that they apply as from dates to be fixed by proclamation. I suggest that it be agreed to.

Mr. O'HALLORAN (Leader of the Opposition)—I support the amendment as the public should be given the opportunity to become familiar with the proposed changes in the law.

Amendment agreed to.

Amendment No. 2.

The Hon. T. PLAYFORD—This deals with the matter of motor vehicles being loaded above the statutory limit. It was provided here that the excess weight should be off-loaded. Although the actual wording of the provision has been altered by the Council, the principle we adopted has been retained.

Amendment agreed to.

Amendment No. 3.

The Hon. T. PLAYFORD—This is consequential on amendment No. 2.

Amendment agreed to.

Amendments Nos. 4, 5 and 6.

The Hon. T. PLAYFORD—The amendments deal with proposals to compel motor vehicles to stop before passing stationary trams and to prohibit parking of motor vehicles within 25ft. of a tram stop. In the Council there was considerable opposition to them, but they should not be permanently put aside. I did not approve the proposal to prohibit the parking of motor vehicles within 25ft. of a tram stop, but it was accepted by the Committee. I assure members that the Government will raise these matters again. In the intervening period we will be able to investigate them and ascertain if we can find a workable local government rule to deal with the second proposal.

Mr. O'HALLORAN—The amendments deal with important provisions. For many years the Opposition has advocated their adoption, and we are pleased that some progress has been made. I accept the Premier's assurance that they will be investigated and dealt with at a later date.

Mr. STOTT—The action of the Council in disagreeing with the clauses the Assembly passed aggravates the danger under the present law. Motorists will not now stop at stationary trams, but proceed, often at more than six miles an hour. Further, vehicles parked near the tram stop will obscure motorists' vision so that they will not be able to see quickly whether pedestrians are running to catch the tram.

Mr. Shannon—There will still be the existing law.

Mr. STOTT—Yes, but I am not satisfied with it. Traffic has increased so much that Parliament should remove this grave danger. If we do not amend the law now we may not be

able to do so for 12 months. Surely we shall not be satisfied to do what another place, in effect, has ordered us to do.

Mr. PATTINSON—I follow the good example set by the Premier and the Leader of the Opposition in a spirit of compromise to accept, temporarily at any rate, the Legislative Council's amendments. The Premier has assured us that these two matters will be reconsidered by this House next year, but I want it clearly understood that I am not bowing to the Legislative Council's allegedly superior wisdom. My view is that that Chamber does not appreciate the seriousness of the problem. Much has been said about leaving this matter to local government, but we have two of the ablest men in local government on the State Traffic Committee—Mr. W. C. D. Veale and Mr. Frank Lewis. They agreed to the amendments that this House passed. Further, the Royal Automobile Association expressed appreciation that this House had seen fit to pass the amendments providing greater safety for motorists and pedestrians.

Amendments agreed to.

MINING ACT AMENDMENT BILL.

Returned from the Legislative Council with amendments:—

No. 1. Page 3, line 10 (clause 4)—At the commencement of subsection (1) of section 23d insert "Notwithstanding any other provision of this Act."

No. 2. Page 3, line 13 (clause 4)—After "and" insert "(*a*)."

No. 3. Page 3, line 14 (clause 4)—After "lease" insert "or (*b*) the said substance is salt or gypsum."

No. 4. Page 3, line 18 (clause 4)—After line 18 insert the following subsection:—

> (1a) A sum agreed upon under this section shall be payable in respect of substances mined during such period as is agreed upon between the Minister and the lessee.

Consideration in Committee.

Amendments Nos. 1, 2, and 3.

The Hon. T. PLAYFORD (Premier and Treasurer)—These amendments were all made with the same object, that of enabling the Minister of Mines and lessee to agree upon a royalty based on the weight or volume of substances mined, not only where the lessee uses the substances in manufacture, as previously provided by the Bill, but where the lessee is mining salt or gypsum. The Government has accepted this proposal after careful consideration has been given to the matter by the Director of Mines and the Auditor-General. Those officers recommended that the amendments would be satisfactory and advantageous. The position is that where a lessee is processing salt or gypsum from his mine the processes may be such that it would be extremely difficult to calculate the amount upon which royalties would be payable in the ordinary way. As honourable members will remember, that amount is arrived at by deduction from the gross proceeds of sale costs included by the lessee on transport to the buyer and on treatment other than treatment required to make the substance a marketable product. The amendment will enable the Minister in a proper case to agree with the lessee on a royalty based on the weight or volume of the substance mined. These are amendments practically consequential to amendments which I moved in this House. I suggest that amendments Nos. 1, 2, and 3 be agreed to.

Amendments agreed to.

Amendment No. 4.

The Hon. T. PLAYFORD—This amendment provides that where a royalty based upon the weight or volume of the substance mined is agreed upon under the Bill the agreement should operate for a specified period. The Auditor-General and the Director of Mines have advised that if the Government allowed such a royalty to be payable on salt or gypsum pursuant to an agreement, the Bill should make it clear that the agreement should be binding only for a specified time. I move that the amendment be agreed to.

Amendment agreed to.

TRUSTEE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from December 2. Page 1815.)

Mr. LAWN (Adelaide)—The Bill makes it necessary for the consent of beneficiaries to be obtained to any variation of an employees' benefit fund. Where an employer has some 2,000 employees or more, many of whom may be away from work owing to sickness or accident on any day, it would be difficult to get in contact with all the beneficiaries to obtain their consent. It is necessary that the consent of three-fourths of the beneficiaries present at a meeting shall be given in order for any variation to be made. In Committee I propose to move an amendment to clause 3 which I think will be acceptable to the House. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Variation of employees' benefit fund."

Mr. LAWN—I move to add the following subsection:—

(2a) A person voting at a meeting under this section shall do so by marking his vote on a ballot-paper provided by the trustees; and the meeting shall be so conducted as to ensure that the voting shall be secret.

The object is to ensure that when beneficiaries vote they shall be in no danger of subsequent victimization. There should be no objection to a secret vote.

The Hon. M. McINTOSH (Minister of Works)—I think it is desirable that on all such occasions the ballot should be secret and therefore support the amendment.

Amendment carried.

The Hon. M. McINTOSH—I move—

After subsection (6) of proposed section 35b insert the following subsection:—

(6a) Subject to subsection (6) of this section, where the instrument creating an employees' benefit fund provides for the variation of the instrument, the instrument may be varied in accordance with its terms or in accordance with this section.

This amendment is intended only to clarify the meaning of the Bill. Some doubt has arisen whether the Bill in its present form will prevent the exercise of any power to alter the terms of an employees' benefit scheme which may be contained in the instrument creating the scheme. It appears that the instruments creating a number of schemes contain such a power. The Bill was never intended to interfere with any such power; the power to alter contained in the Bill was only intended to be alternative or supplemental, and this is, in my opinion, already implied in subsection (6) of the proposed section 35b. This amendment, however, will remove any doubts about the matter by expressly stating that where a power to alter is contained in an instrument, either that power or the power contained in the Bill may be exercised.

Amendment carried; clause as amended passed.

Title passed. Bill read a third time and passed.

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

BUILDING ACT AMENDMENT BILL.

Consideration in Committee of Legislative Council's amendment—

Page 2, line 15 (clause 2)—At the end of the clause insert the following new subsection:—

(14) Any plans, working drawings or specifications in respect of any building which are delivered to the council or the surveyor pursuant to this section shall be signed by the owner of the building, and if the plans, drawings or specifications have been prepared by an architect, shall be also signed by the architect, and if a contract has been entered into with a builder for the carrying out of the work, shall also be signed by the builder.

Every working copy of any plans, drawings, and specifications which, pursuant to subsection (13) hereof, is required to be available for inspection, shall also be signed as is hereinbefore provided in this subsection.

The Hon. T. PLAYFORD (Premier and Treasurer)—The Building Act provides that plans, working drawings and specifications of any building are to be lodged with the council for approval and clause 2 of the Bill provides that, when plans are approved by the council, a working copy is to be kept on the job and to be available for inspection by the building surveyor. The Legislative Council's amendment provides that plans, etc., which are lodged with the council for approval are to be signed by the building owner, by the architect if the plans have been prepared by an architect, and by the builder if a contract has been given to a builder. It also provides that the working copy held on the job is to be similarly signed. The purpose of the amendment is to secure that, when plans are lodged, those responsible for their preparation should, in effect, indorse the plans and accept responsibility for them. It is also put forward that the signatures to the working copy kept on the job will ensure that the working copy is a copy of the plans approved by the council and accepted by the building owner. The amendment was accepted by the Government in the Legislative Council and I would suggest that it be accepted by the Assembly. I move that the amendment be agreed to.

Amendment agreed to.

SCAFFOLDING INSPECTION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 4. Page 1320.)

Mr. FRANK WALSH (Goodwood)—I regret that I rise to speak to a rather flat House.

The SPEAKER—The honourable member having drawn my attention to the state of the House I will count it. There being too few members to form a quorum, the bells will be rung.

A quorum having been formed:

Mr. FRANK WALSH—In speaking on this measure the Premier, as Minister of Industry and Employment, said that, because no accidents had been reported from areas in which

the Scaffolding Inspection Act did not apply, his Government would not agree to the Bill, but, from my experience of working on scaffolding, I know of the dangers of the work and the measures which should be taken to protect workers using scaffolding. In view of the fact that, if the State is to progress large buildings will have to be erected in country towns, the Premier's objection is ridiculous. He said that the Chief Inspector of Factories may appoint any person an inspector of scaffolding and that the inspectors already in the department had power to act as inspectors of scaffolding, but I remind him that the Act provides that an inspector shall have at least four years' experience on this type of work.

The Premier said that the employment of more inspectors would necessitate increased expenditure, but the inspectors are needed and should be appointed. In Adelaide today the Cyclone Company has replaced old scaffolding with a patent type which is being used extensively, but there are many pitfalls connected with its use, because, if all the bolts and nuts are not secured properly, injury may be sustained by workers using it. In view of the increasing use of this scaffolding the provisions of the Act should be extended to apply to country areas. Recently, after inspecting scaffolding being used not far from this building, I rang the Factories Department requesting that in the interest of the painters using that scaffolding it should be strengthened. Those men were working on a makeshift arrangement, comprising four trestles and four or five single planks, with the result that they jigged up and down like a jack-in-the-box. In view of that state of affairs this House should at least pass the second reading and enable the amendment on the file in the name of the member for Thebarton to be moved in Committee.

The House divided on the second reading—

Ayes (13).—Messrs. John Clark, Corcoran, Davis, Dunstan, Hutchens, Jennings, Lawn, McAlees, O'Halloran, Riches, Tapping, Frank Walsh (teller), Fred Walsh.

Noes (21).—Messrs. Brookman, Christian, Geoffrey Clarke, Dunks, Dunnage, Goldney, Hawker, Heaslip, Hincks, Sir George Jenkins, Messrs. William Jenkins, Macgillivray, McIntosh, Pearson, Playford (teller), Quirke, Shannon, Stott, Teusner, Travers, White.

Pair.—(Aye)—Mr. Stephens. No.—Mr. Pattinson.

Majority of 8 for the Noes.

Second reading thus negatived.

FRUIT FLY ERADICATION METHODS.

Mr. DUNSTAN (Norwood)—I move—

That, in the opinion of this House, a Bill to amend the Fruit Fly Act should be introduced this session to give effect to the prayer contained in petition No. 1 presented to this House on November 4, 1953.

I realize that there is little time this session to introduce a Bill, but the reasons for the motion should be made clear to members, and they should have an opportunity to express an opinion on a matter which has raised a considerable amount of feeling in my district. The petition stated:—

(1) That no infestation of fruit fly has been found in the present proclaimed fruit fly area.

(2) That the stripping of all home grown possible host fruit from trees in the area places a heavy burden on householders within the area.

It then asked Parliament to amend the Fruit Fly Act to provide for certain things. From the questions asked here this session some members appear to have felt that there was in my district a disregard of the need for fruit fly eradication. All people who have gone into the fruit fly question agree on the vital need to eradicate the fly. In this instance we should look at the evidence and then put into effect measures designed to cope with the situation. A fly was found in a trap in Edward Street, Norwood, and it appeared to have been there for some time. When it was discovered the trap was dry and an examination of the portion of the carcass which remained proved to entomologists that it could have laid eggs. From that certain things were deduced by the department, which suggested that the campaign was not based on the one fly found in the trap but on the fact that only a small percentage of flies are likely to enter a trap. A trap does not normally collect all the flies but only a small percentage, because the flies do not easily enter a trap; that is, in the immediate area. From that the department deduced that there were other flies in the area which might have laid eggs. Following that up we must deduce not that there were other flies within a one-mile radius of the point where the first fruit fly was discovered, but that there may have been other flies in a position to enter the trap; otherwise, the deduction is invalid. In consequence, it is possible to deduce that there may have been a certain number of other flies in the area around the trap.

It has been suggested that the method of eradication used here is the only method, but

where investigation of the fruit fly has taken place it is regarded as probably the best method, but not the only successful one because in Tasmania many years ago two outbreaks of fruit fly were successfully dealt with. There they stripped all the fruit from the trees in the immediate vicinity and picked up all the fallen fruit in the immediate area, and then sprayed the ground with kerosene. It killed off all the latent fruit fly, but it also ruined the gardens. The method, however, completely wiped out the fruit fly. I have examined material on the fruit fly in the library of the Department of Agriculture and also in the Public Library of South Australia, and I have corresponded with the Departments of Agriculture in New South Wales and Western Australia to find out the real basis of the business and to see whether the methods they used are the best possible. Entomologists are agreed that the fruit fly is a very poor flier. Its chance of getting outside the one mile radius is one in two hundred thousand at the outside. As I have said, we can deduce that there were other flies in the area at Norwood. The department stripped the fruit in the immediate area and examined it for eggs and maggots, but none was found. There was no sign of infestation of fruit within a quarter-mile radius. In addition, spraying was carried out in the immediate area. On the recommendation of the department DDT was used because it was considered better than kerosene. The department went further. It stripped, up to the half mile radius, all trees apart from certain citrus fruits left to act as a trap. Fruit was collected, but at no stage was any infestation found. That is a completely different situation from any previous situation in South Australia, or for instance, that found in Florida, upon whose methods the South Australian scheme has so far been based. In fact, there has been no proved infestation of fruit. All we can say is that one or two pupae may have escaped the DDT treatment and may hatch, but that is a remote possibility.

Stripping has proceeded, and now practically the whole area has been stripped of fruit likely to be a host of the fruit fly, but no infestation has been found. Therefore, a scheme can be implemented to cope with any possibility of an outbreak and at the same time safeguard the rights of people prepared to do the work themselves. I suggest a scheme along the following lines:—

(*a*) That such householders within the proclaimed fruit fly area as wish to do so may register their fruit trees with the Department of Agriculture.

(*b*) That a condition of registration and its continuance should be the agreement of the householder to collect windfalls, spray his trees, and maintain a fly trap.

(*c*) That registered fruitgrowers be permitted to retain the fruit on their trees unless infestation is found.

(*d*) That registered fruitgrowers be subject to regular inspection by departmental officers.

(*e*) That stripping continue in unregistered gardens, or gardens which are de-registered through non-compliance with the conditions of registration.

Such a scheme would eliminate the possibility of any outbreak. The department considers this to be a control scheme, not an eradication scheme, but we cannot generalize in describing schemes. In certain instances it may be a control scheme, but in others it is an effective eradication scheme. We must examine the bases upon which the department made its deductions and then adapt our measures to a satisfactory eradication system based upon those deductions. A somewhat similar method is used for control in Western Australia, but different circumstances exist there, so there is no justification for saying that this is only a control scheme. It has been suggested that inspection would not reveal infestation, but I point out that under the department's method professional fruitgrowers within the mile radius, but three-quarters of a mile or more from the outbreak, are allowed, up to the time the strippers reach their properties, not only to pick their fruit but to market it outside the area. I have even been told that some fruit has been sent to other States. This fruit is subject to inspection by departmental officers. When I asked the Chief Horticulturist what the inspection consisted of he said there were two inspectors at the market charged with the responsibility of inspecting all fruit at the market for disease, and nine orchard inspectors for the whole State who inspect the commercial orchards. I know that in some cases inspectors have gone to commercial orchards in the area and carried out sample inspections. They take some fruit and open it to see if there is any infestation. The department must be satisfied that this would reveal infestation because it would not allow fruit to be sent to the market unless it was satisfied. Why cannot this method work for home grown fruit too? It would go further than the safeguards upon commercial growers because the registered home growers would be required to do more than the commercial growers are at present. The other objection of the department is that we might not find an infestation

until the fruit fly had multiplied, but my scheme would be likely to detect any fruitfly. Of course, it has been suggested that the fly may have come from an area previously infested, but I have not been given any facts proving that, or that the fly may have come from another State. The sampling and spraying carried out without disclosing any infestation means that the likelihood of infestation is remote, but we should guard against it. My scheme would do that.

The Hon. Sir GEORGE JENKINS (Minister of Agriculture)—I should be surprised if the honourable member convinced anyone by his discourse. In his opening remarks he said the eradication of fruit fly was a live and active question in his district. That indicates that politics is involved in this motion.

Mr. Dunstan—Nonsense.

The Hon. Sir GEORGE JENKINS—I remind the honourable member that the Fruit Fly Act merely provides for compensation to be paid to householders for fruit taken from their gardens in the course of eradication methods. All the work is done under the provisions of the Vine, Fruit and Vegetable Protection Act. If the honourable member had done his homework properly he would have framed his motion accordingly and sought an alteration to the appropriate Act. The prayer of the petitioners seeks amendment of the Fruit Fly Act to provide certain procedures in relation to strippings, spraying and other fruit fly control measures. These measures are implemented under the authority of the Vine, Fruit and Vegetable Protection Act and in seeking the variations in procedure that it does, the petition should have referred to the latter Act.

The proposals for variation of stripping and spraying procedure are inconsistent with the requirements of an eradication campaign, and if they were adopted, measures which have been proved effective in other areas would undoubtedly fail and enable establishment of fruit fly. They embody, *inter alia*, the placing of a measure of responsibility with each householder for stripping, spraying, etc., and recall the fact that in the 1948 eradication campaign an attempt was made to introduce a system whereby householders could do their own stripping if they so desired. The system failed, the campaign was temporarily disorganized, and in many cases gangs had to retrace their steps to complete, and in some instances implement wholly, work which some householders had contracted to do. The procedure envisaged in the petition is, in fact, the procedure which would be followed if fruit fly gained permanent establishment, as in Queensland, New South Wales and Western Australia, an eventuality which would necessitate abandonment of our eradication aim and substitution of a control scheme. Members are aware that the fruit fly is established in certain other States and they may recall a letter appearing in the *Advertiser* recently from a member of the Western Australian Parliament who had visited South Australia. After returning home he wrote to the paper strongly supporting what the South Australian Department of Agriculture had done to combat the fly danger and pointing out why that was the correct procedure. He also mentioned that the system of control adopted in Western Australia had proved irksome to householders and that there were virtually no fruit gardens left in the metropolitan area as householders would not be plagued with the continuous spraying and other work necessary to get clean fruit from their properties. The same thing has happened in Sydney, where control methods on the lines suggested by the honourable member operated and where all backyard fruit gardens have been wiped out. South Australian country districts are strongly behind the Government in its efforts to eradicate the fruit fly. I am sure that if the motion were carried the House would be attacked by those in the fruitgrowing districts. I ask the House not to agree to the motion.

The House divided on the motion:—

Ayes (11).—Messrs. John Clark, Corcoran, Davis, Dunstan (teller), Hutchens, Jennings, Lawn, McAlees, O'Halloran, Frank Walsh, and Fred Walsh.

Noes (19).—Messrs. Brookman, Christian, Geoffrey Clarke, Dunnage, Goldney, Hawker, Heaslip, Hincks, Sir George Jenkins (teller), Messrs. William Jenkins, Macgillivray, McIntosh, Pearson, Playford, Shannon, Stott, Teusner, Travers, and White.

Pairs.—Ayes—Messrs. Stephens and Tapping. Noes—Messrs. Pattinson and Michael.

Majority of 8 for the Noes.

Motion thus negatived.

PROROGATION SPEECHES.

The Hon. T. PLAYFORD (Premier and Treasurer)—In moving that the House do now adjourn until January 12, 1954, I should like to express on behalf of all members their deep appreciation of the way you, Mr. Speaker,

conduct the sittings of the House. You have filled this important office for many years, and if it is not an all-time record for any Australian Parliament, it must be very close to it. In that time you have gained a very wide knowledge of Parliamentary procedure and a deep understanding of the best way to handle the House to ensure that every section has an opportunity to submit its opinions, and that, while the majority make the decisions, the views of the minority are not stifled. I regard that as the essence of Parliamentary government. I am proud to be associated with this Parliament for two reasons. Firstly, no member need have any fear that any remark he makes in the lobbies will be retailed in this House and used to his disadvantage. In the past 15 years there has been no instance of a remark made in confidence in the lobbies being used to embarrass the member in debate. Secondly, over the years we have adopted a system which, although it may be tedious at times, is worth while—we do not use the gag to get measures passed. A vote is taken in this House only after every member has said what he wants to say in accordance with Standing Orders. Debates are not stifled, and I hope that will always be the case. Conceivably an occasion could arise when a deep difference between the Opposition and the Government would make it necessary to apply a closure to get a vote, because under Parliamentary procedure it would be possible for an Opposition, if it so desired, to continue a debate interminably in Committee. I am proud that this session the House has maintained its high standard of conduct. On many occasions we have had frank arguments, some of them heated, about the way things should be done, but I think the Opposition gives the Government credit for trying to do things in the proper way, and for my part I can say that the Government considers that the Opposition, as far as is possible consistently with its views, tries to give effect to its policy in the interests of the community as a whole.

I thank you, Mr. Speaker, for the high standard in the conduct of proceedings which you have maintained in this House, and I also associate with that tribute the Chairman of Committees, who has a difficult job, involving on some occasions long hours, for much of the work of this Parliament is done in Committee. Indeed, the major portion of the work on financial measures must of necessity be carried out in Committee, and I extend the thanks of members to Mr. Dunks. This Parliament has always had associated with it efficient officers. Early this year new officers were appointed, and this evening we have two young officers at the table the standard of whose work is just as high as that of previous occupants of those positions. I thank the Clerks and their staff for the courtesy and zeal they have shown in the execution of their duties. In this State we may well claim to have the best Parliamentary Draftsman of any State Parliament, and I make that observation after seeing Bills produced in other States and studying the work of other draftsmen at interstate conferences. Mr. Bean and his staff are a credit to this institution; indeed, I shudder to think what our legislation would look like after our legal friends had finished with it if it were not for his painstaking work.

We have an efficient *Hansard* staff, in fact it is so efficient that for years I have never taken the trouble to correct my proofs. In regard to *Hansard*, I have observed a practice among members which I do not altogether like. There is nothing more boring than for a member to commence his remarks by saying that on such and such a day he asked the Premier a certain question and then to read the *Hansard* account of that question. *Hansard* has a value in other ways, for I believe it makes members careful what they say, and it may be referred to in conjunction with the study of Bills before the House, but I think we should adopt another convention that under no circumstances should *Hansard* be quoted, although it is always available for reading. However, that opinion does not prevent my saying that the *Hansard* staff is efficient, hard-working, reliable and completely unbiased. In its zeal to assist members it even corrects grammatical errors which sometimes creep into our speeches.

We have an efficient messenger staff, and to them I also tender my thanks. The cordial relationships which exist between the Leader of the Government and the Leader of the Opposition enhance the conduct of affairs in this House, and I tender my thanks to Mr. O'Halloran for his broadminded and co-operative approach to our problems. He has his political views which he holds very strongly, and on occasions I notice his Irish rise a little because he is prepared to fight for those views.

Mr. O'Halloran—They are worth fighting for.

The Hon. T. PLAYFORD—Mr. O'Halloran has shown a deep understanding of problems confronting the Government. I thank all members for their courtesy and assistance. In the heat of argument we sometimes exchange pleasantries, but behind them there is never anything more than occasional irritation. I thank the members of my Party for their loyalty and assistance, and adherence to tradition. The Opposition does not possess all the traditions, and members on this side are prepared to fight for all they believe in. I thank my Ministerial colleagues for their assistance. I know the immense amount of work they do in a Parliamentary session. If anything were justified in this State it was the appointment of two additional ministers. When we meet again the session will be opened by Her Majesty the Queen. We are all proud to know that this Parliament, one of the 76 Parliaments in the British Commonwealth of Nations, will be honoured next year by being opened by Her Majesty. She will spend an evening with us and we will have the privilege of meeting this great Queen, who has already shown that she stands for everything good and proper, and has dedicated her life to her people. She has won a reputation for greatness which will live for all time. I extend to all members the compliments of the season.

Mr. O'HALLORAN (Leader of the Opposition)—It is with pleasure that I second the motion. I join with the Premier in his thanks to you, Mr. Speaker. You have long and honourably occupied the Speaker's Chair. I join also in thanking Mr. Dunks for his work as Chairman of Committees. I express my thanks to the Parliamentary Draftsmen who, in addition to drafting Bills and interpreting Government policy, are freely available to assist Opposition members to draft amendments to legislation. I also thank the Clerks. These two young men have only recently assumed their important offices and they have attended to their work with ability. It reflects great credit on our Parliament. The messengers are a valuable adjunct to this place and I thank them for the assistance they render. I pay a tribute to the work of Miss Jean Bottomley and her staff in the catering section. She began as cateress at the beginning of this session, and we are all pleased with the way in which she and her staff have carried out their duties. On behalf of the Opposition I thank the Premier and his Ministers for their courtesy in explaining legislation which they believe contains Liberal principles, and in considering amendments which Opposition members are pleased to make and which they believe contain Labor principles.

This is a good Parliament. We approach the problems of the day with an open mind and within the limits prescribed we arrive at the best decisions. Our departmental officers are really back room boys. They operate behind the scenes, but they assist greatly in making this Parliament work. I thank them for what they have done to assist us. Our next session will be opened by Her Majesty the Queen, which is a signal honour and a privilege we shall always value. We are a self-governing part of Her Majesty's dominion. At great personal inconvenience she is coming here to inspire us to express in our legislation and administration the things for which she stands. Of course, the fact is that we, through our Cabinet, advise Her Majesty, and that is where the responsibility of every member of this Parliament lies. I saw enough in my recent trip abroad to observe that the British Commonwealth of Nations will in the next few years pass through a difficult period, but with the goodwill of those who, like the present members of the South Australian Parliament, have carried on in the best traditions of British Government, we shall be able to teach those who have recently had self-government granted them how to take their first faltering steps and, under the freedom they enjoy under Her Majesty, promote peace, order and goodwill throughout the world.

The SPEAKER—I acknowledge all the references which have been made by the Premier and the Leader of the Opposition, on behalf of the officers of Parliament, the Chairman of Committees, and the various departments that function in this building. On my own behalf I say how much I have appreciated the zeal and assiduity with which they have applied themselves to the work of this session. The new members have quickly mastered Parliamentary practice and procedure. Much splendid work has been done by all members, and question time particularly shows that they all seem to keep an eye on public affairs, and a finger on the public pulse, in the public interest.

Motion carried.

ADJOURNMENT.

At 11.35 p.m. the House adjourned until Tuesday, January 12, 1954, at 2 p.m.

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