HOUSE OF ASSEMBLY.

Tuesday, October 5, 1954.

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

QUESTIONS.

PETERBOROUGH, TEROWIE AND YONGALA WATER SUPPLY.

Mr. O'HALLORAN—Has the Minister of Works any further information to give the House about the proposed amended water scheme to serve Peterborough, Terowie and Yongala that I understand the Engineer-in-Chief has under consideration?

The Hon. M. McINTOSH—I have had a number of discussions with the Engineer-in-Chief, and his engineers have drawn up a revised plan, but unfortunately there are so many things inherent, even in a smaller plan, that there is not anything like a corresponding reduction in costs as a result of the reduced quantities of water to be delivered. I have asked the Engineer-in-Chief to see whether, by utilizing different types of pipes, we could still further reduce costs to bring them down to what might be regarded as reasonable for the benefits received. That investigation is still being made.

FIRE IN ARCHITECT-IN-CHIEF'S FACTORY.

Mr. GEOFFREY CLARKE—Following on the disastrous fire last week at the Architect-in-Chief's store, can the Minister of Works say whether the Government will arrange for private contractors to take over work which was being done in that factory so that equipment for schools will not be unduly delayed?

The Hon. M. McINTOSH—I am glad to say that the estimate of the damage made at the time of the fire was, like the earlier report of Mark Twain's death, very much exaggerated. Under the circumstances, the insurance was quite a favourable one. Work will proceed at the factory at Finsbury, which will be brought into operation to take up the lag so as not to delay the construction of furniture and equipment for schools. The Architect-in-Chief is taking out a list of outstanding orders for such purposes and I will submit them to Cabinet on Monday at the latest with a view to placing outside orders for such work as we cannot do within a reasonable period.

ESTABLISHMENT OF COUNTRY ABATTOIRS.

Mr. McALEES—A case concerning the licensing of abattoirs and meat works has been before the High Court. The people in my district know only what has appeared in the press. Can the Premier say whether a decision has been given, or has he any information which might be encouraging for the people of my district?

The Hon. T. PLAYFORD—I have heard of no report yet of any decision of the High Court being available, nor have I any inside information on what it will be. We are awaiting it, and I hope it will be favourable for the honourable member's district.

Mr. HAWKER—Can the Minister of Agriculture say whether it is proposed to proceed with the erection of the proposed export abattoirs at Kadina?

The Hon. A. W. CHRISTIAN—My information is that the promoters of the project will not proceed with the undertaking until the High Court gives its judgment in the Noarlunga Meat Co. case. The hearing of the case was completed two months ago and judgment reserved.

INDUSTRIES FOR COUNTRY AREAS.

Mr. WHITE—According to the *Advertiser* of October 1, when giving evidence before the Public Works Committee regarding matters concerning the new satellite town, the chairman of the Housing Trust said, "A French organization which had nothing to do with munition manufacture was examining the area and would settle if water was available." From this statement it was apparent that this French firm regarded a good supply of water as essential to the successful running of its factory. In Murray Bridge, Tailem Bend, and Mannum, there are unlimited quantities of excellent water, cheap land for industrial sites, and access to other States, by either road or rail. Have the industrial potentialities of the three towns that I have mentioned been indicated to this French firm with a view to encouraging them to settle there? If this has not been done is the Premier prepared to do this or will he submit the name of this firm to me so that representations can be made to them through the local governing bodies of the towns mentioned?

The Hon. T. PLAYFORD—I confess I have no knowledge of the French firm mentioned by the chairman of the Housing Trust. I have no doubt that his information is correct, but the firm has made no inquiries through the State

Treasury. In regard to the other portion of the question, recently we lost an important industry to South Australia because the Government insisted that it go to a place where water supplies were available. We said it would be necessary for it to take a site adjacent to the Murray because we could not undertake to supply water at any other place. The industry then said, in effect, "We are not interested." It is not possible to insist that an industry establish itself in a particular locality. However, I will make some inquiries about the French industry, and if it is practicable to help the honourable member's district or any neighbouring district on the Murray I shall be happy to do so.

Mr. RICHES—Press statements over the week-end concerning proposals in connection with the new town to be erected between Adelaide and Gawler referred to an entirely new industry coming from France. Another statement referred to an industry connected with defence undertakings and suggested that those who were sponsoring the industry desired to be located as near to the Rocket Range as possible. I have always understood that the new town was required to accommodate persons who would otherwise be accommodated in the city, but these statements indicate it is to accommodate people coming to the area with entirely new industries. Can the Premier say whether any serious investigation has been made into the possibility of establishing those industries in some other part of the State rather than so close to the metropolitan area?

The Hon. T. PLAYFORD—I refer the honourable member to an answer I gave earlier this afternoon to a similar question.

MARION ROAD WATER MAIN.

Mr. FRANK WALSH—Some water pipes were placed on the Marion Road for a new service, but I understand that they have been removed to another site. Can the Minister of Works say what delay will be occasioned in the laying of the new main on Marion Road as a result of the pipes being removed?

The Hon. M. McINTOSH—I do not know the circumstances, but I will get a reply for the honourable member, I hope within the next day or so.

FROST DAMAGE IN BAROSSA VALLEY.

Mr. TEUSNER—Has the Premier received a report from officers of the Department of Agriculture relating to frost damage suffered by certain horticulturists and viticulturists in parts of the Barossa Valley, and can he make that report available?

The Hon. T. PLAYFORD—The Minister of Agriculture has obtained a preliminary report. It was not possible to make a detailed report in the time available. It shows that the loss in wine grapes is between 10 per cent and 15 per cent and in apricots and peaches about 30 per cent, and that the total estimated loss in the district is about £89,000. There is no objection to the report being made available to honourable members.

SPEAR FISHING.

Mr. WILLIAM JENKINS—I have received numerous complaints from bream fishermen, both local residents and tourists, about the activities of spear fishermen operating mainly at night with spotlights in the Inman and Hindmarsh. Bream fishing is a sport indulged in by many local people and visitors, and each year fishing competitions take place and are a very popular attraction, particularly to visitors. Recently, however, spear fishermen have each been taking out bream at the rate of nearly a wheat bag full a night, and while they are operating the line fishermen get none. Further, the spear fishermen clean out the rivers in a few nights owing to the shallow waters through the dry season. Will the Minister of Agriculture declare illegal spear fishing by day and fishing by spotlight by night in these rivers and within 150yds. on either side of the river mouths?

The Hon. A. W. CHRISTIAN—Although I am aware that fishing is prohibited in certain river sanctuaries, I do not know whether that applies to the rivers mentioned, and I will have the question investigated.

NEW TOWN NORTH OF SALISBURY.

Mr. JOHN CLARK—In any correspondence or reference to the new satellite town north of Salisbury the term "satellite town north of Salisbury" or "new town north of Salisbury" must be used, and both of these are very cumbersome. Can the Premier say whether the Nomenclature Committee has decided on a name for the town and, if not, when is it expected that a name will be submitted for the town, the construction of which, unfortunately, is already under way?

The Hon. T. PLAYFORD—The Housing Trust submitted three suggested names for the new town, but Cabinet considered none was suitable; the names suggested had been used in other connections. The matter has been referred to the Minister of Lands, under whom the Nomenclature Committee normally functions.

Mr. RICHES—Can the Premier indicate what will be the policy of the Housing Trust in the allocation of houses in the new town north of Salisbury? Will preference be given to employees of any new industry established there or will it be given to applications of long standing?

The Hon. T. PLAYFORD—Exactly the same policy will be followed as has operated for at least 10 years, following on its introduction at the request of the Commonwealth Government. It is essential, if a new industry coming to Australia is to become effective, for it to bring its own skilled personnel. When a new industry comes to South Australia—and I believe this is the policy of all the States—a limited number of houses are made available to its specialists, but the priority is limited to staff which cannot be obtained in this country. Under that system it is possible for an industry to establish itself by bringing to South Australia its specialists and engaging in Australia the other labour required.

BAROSSA AND WARREN RESERVOIRS.

Mr. GOLDNEY—Can the Minister of Works indicate how much water is held in storage in the Barossa and Warren Reservoirs?

The Hon. M. McINTOSH—I have not the figures offhand. Last week I replied to a question regarding the Warren storage asked by the member for Angas (Mr. Teusner), and the Warren was then in a very low condition and the Barossa in a more satisfactory one. It seemed inevitable then—and I think still is that restrictions would have to be imposed on the use of the Warren supply if the position was to be safeguarded, notwithstanding the fact that we hoped later in the season to supplement those supplies from a main connecting with the Mannum-Adelaide pipeline. However, in view of this and Mr. Teusner's question, I will bring down a more considered reply tomorrow.

TRUST HOME TANKS.

Mr. STEPHENS—Some of the trust homes at Kilburn have galvanized iron water tanks and some have none. There is a current rumour that those houses without tanks are to have concrete tanks erected and that the trust is to increase the rent of those homes to pay for the tanks. Does the Treasurer know anything about this matter, and, if not, will he ascertain the intentions of the trust?

The Hon. T. PLAYFORD—I have not heard the rumour referred to by the honourable member, nor do I usually listen closely to rumours, for they are usually inaccurate. However, I will obtain the information for the honourable member.

RADIUM HILL WATER SUPPLY.

Mr. DUNKS—I understand that Radium Hill township is linked up with the water supply of Broken Hill from the Umberumberka Reservoir. A recent press report stated that Broken Hill is now considered a drought area and its water supply is greatly depleted. Can the Premier indicate the state of the Radium Hill water supply?

The Hon. T. PLAYFORD—Broken Hill does not rely on Umberumberka for its water supply. Some years ago the State Government made the Engineer-in-Chief (Mr. Dridan) available for consultation with the Broken Hill Water Board, and he prepared a scheme by means of which the Broken Hill water supply is now secured from the River Darling and is completely independent of any local catchment.

Mr. O'Halloran—While there is water in the River Darling.

The Hon. T. PLAYFORD—Yes, but the scheme is linked up with a part of the Darling to which, I believe, the water of the Murray will flow back. I am informed that the Broken Hill scheme is completely reliable. If the honourable member reads the newspaper report more closely he will see that it refers to pastoral holdings and the water in pastoral dams in the sourrounding area, and not to Broken Hill proper. We have experienced no difficulty at Radium Hill in getting the limited amount of water for which we have contracted.

HILLCREST SCHOOL GROUNDS.

Mr. JENNINGS—Recently I was in correspondence with the Minister of Education regarding paving for the new Hillcrest school, and the Minister said that the work had been authorized. I understand from the school committee, however, that the recent slight falls of rain turned the school ground into a quagmire, with resulting inconvenience to teachers and scholars. Can the Minister of Education say when this work will be carried out, and whether it can be expedited?

The Hon. B. PATTINSON—I shall be pleased to do so. I have authorized the work and I will consult with my colleague, the Minister of Works, or the Architect-in-Chief, to see how soon it can be completed.

USE OF MYXOMATOSIS.

Mr. HEASLIP—The *Sunday Advertiser* of October 2 contained the following report under the heading "Myxomatosis Rabbits for Rundle Street Display":—

An Adelaide gunsmith plans to exhibit live rabbits, infected with myxomatosis, in the window of his Rundle Street shop. He is Mr. W. A. Hambly-Clark, who said today the exhibition would show the public how dreadful the disease was. A campaign against the use of myxomatosis as a means of exterminating rabbits had been started by the Gun Owners and Shooters Association of Australia. Many members of the R.S.P.C.A. had signed petitions against the use of the disease, and had said that they would like their organization to take up the matter, he added. "There are many ways of killing rabbits, with poison for instance but that takes only a little while to act. Myxomatosis does not kill the animals for several weeks, and they are in constant pain all the time," he said. About 70 per cent of property owners and graziers are behind our efforts to wipe out myxomatosis, and we will not be satisfied until the campaign is successful, Mr. Hambly-Clark said.

Is the Premier of the opinion that it is desirable to wipe out myxomatosis and will he take up with the R.S.P.C.A. the matter of unnecessary cruelty in exhibiting in a Rundle Street window live rabbits suffering from myxomatosis?

The Hon. T. PLAYFORD—I will take up the latter part of the honourable member's question, but in regard to the former I doubt whether all the scientists in Australia could take active control of myxomatosis at this stage.

EXAMINATION OF APPRENTICES.

Mr. FRED WALSH—In September, 1950, the Premiers' Conference (representing the Governments of the Commonwealth of Australia and all six States) approved a resolution sponsored by the Commonwealth Government for a joint Commonwealth-State examination of apprenticeship matters. Subsequently the Minister for Labour and National Service, the Honourable H. E. Holt, M.H.R., after consultation with the Government of this State, announced that Mr. G. S. McDonald, at that time Superintendent of Technical Schools and chairman of the Apprenticeship Board of South Australia, and now Deputy Director of Education in this State, would be a member of the committee of inquiry. The committee completed its task and on March 15, 1954, published its summary of conclusions and recommendations. Does the Minister of Education intend to co-operate with the Commonwealth Government with a view to giving effect to the recommendations; has he sought the advice of the Apprenticeship Board of South Australia on the recommendations; and does he intended to consult with the Apprenticeship Board on this matter?

The Hon. B. PATTINSON—The report is a most voluminous document. I think it consists of well over 100 pages of typing. I have examined it carefully and referred it to Cabinet, where the matter is still under consideration. In these circumstances I cannot reply specifically to the honourable member's questions.

COBDOGLA IRRIGATION WATER.

Mr. MACGILLIVRAY—The Minister of Lands knows from personal experience that the Cobdogla pumping station is surrounded by a lagoon, the water of which is more saline than the water in the river and affects the irrigation water pumped through the station. This has been a source of great danger to irrigation areas for many years and time after time approaches have been made to the responsible department without getting any satisfaction. The settlers have now presented me with a petition, part of which reads:—

We desire that the lagoon outlet that is overgrown with reeds and silted up be opened to allow this stagnant salty water to drain to the river and the watercourse or creek way at the top end of the lagoon opened up to allow a flow of water to continually pass through the lagoon, thereby lowering the salt content so that in the future this lagoon cannot be an ever-present menace to both vegetable and fruitgrowers as it has been for the past few years. The causeway that at present separates the lagoon from the intake channel cannot at any time be satisfactorily sealed off to give the grower the assurance that salty lagoon water will not be pumped on to his property.

At present the pumped water has between 70 and 80 grains of salt to the gallon, whilst the river water averages between 9 and 11. The department is at present wasting public money in making temporary repairs in the form of sandbags in an attempt to prevent the lagoon water having any effect on the pumped water from the river. The sandbags placed in the embankment soon rot. The following is a portion of a letter received from the Local Board of Health:—

For several years my board has taken this matter up through the Central Board of Health, Dr. Hustler, as representative, visiting the area on the last occasion in January 1952 when filthy stagnant water was being supplied through breaks in a causeway allowing swamp water to percolate into the creek from which

our supplies were pumped. Dr. Hustler took the matter up with the appropriate authorities and we expected preventative measures to be taken so soon as flood waters subsided. This menace to health, and now to orchard properties, is again upon us and it is hoped that immediate attention will be given to it to prevent ruination of orchards and spread of disease throughout the area.

Is the Minister aware that the growers in the irrigation area and the settlers have been misled for years by the Government department which made promises that have never been fulfilled, and that they have thereby suffered considerable loss and inconvenience? Will he now see that a conference is called of the responsible heads of departments—I believe there is an internecine war between the departments—at which I can be present to submit the views of the settlers? Could the conference be held soon, if possible tomorrow, as there is a special irrigation today and there will be a general irrigation before the end of the month?

The Hon. C. S. HINCKS—I cannot digest the whole of this long question offhand. I had a departmental report on the matter nearly a week ago. The honourable member knows that before an irrigation a test is taken of the water used for pumping, and that is how it was known that water from the lagoon had become salty through a breach in the bank. The report, dated September 30, was as follows:—

I have to report that the district officer, Barmera, advised by telephone this morning that with a rising river salt and stagnant water from the pump adjoining the inlet canal to the Cobdogla Pumping Station is being forced into the canal through breaches in the protecting bank, which occurred during the last flood, and that at the pumping end the salinity reading is 77 grains to the gallon. As this is far too high for irrigation or domestic purposes it is urgently necessary to seal the breaches and remove as much as possible of the salt-laden water from the canal to allow for its replacement by fresh water from the river. The district officer is taking action accordingly by sandbagging the breaches and pumping out of the canal. At the moment water is required for vegetable growing and domestic purposes, no general or special irrigations being in progress. The district officer anticipates that it will take several days to relieve the position by the means he is adopting.

Mr. MACGILLIVRAY—Evidently the Minister misconstrued the purpose of my question because he simply read a statement from the local district officer at Barmera, which in effect substantiated my remarks. Although the district officer has done his best under difficult circumstances, the Advisory Water Board and the Local Board of Health are not in accord with what has been done by the departments under the Minister of Irrigation and the Minister of Works. In fact, there has been a form of internecine warfare between the two departments, and they cannot come to a decision despite the promises made over the years. Will the Minister of Irrigation arrange a conference between the departments concerned so that immediate action may be taken to correct conditions at the Cobdogla Pumping Station, and will he make it possible for me to be present at the conference to explain the point of view of both the Advisory Water Board and the Local Board of Health?

The Hon. C. S. HINCKS—I will confer with the Minister of Works, get a report from the Engineering Department and advise the honourable member.

WATER PRESSURE IN WESTERN SUBURBS.

Mr. HUTCHENS—I express the appreciation of people in my electorate of the prompt action taken in having bore water connected to the mains when the unpredictable circumstances that arose last week created a grave situation. I also express gratitude to the Engineering and Water Supply Department for its endeavours to improve the supply, particularly in the industrial areas of Hindmarsh, by the completion of the new main which, I understand, will be connected within the next few days. There is some concern that the existing mains are so old and have so deteriorated that people will be denied the full advantage of the new connection. Can the Minister of Works say whether any provision has been made to ensure that the old main will be able to carry the additional pressure anticipated from the new main?

The Hon. M. McINTOSH—I thank the honourable member for his expressions of appreciation of the work undertaken by the Engineering and Water Supply Department. It is like balm to a wounded spirit because so often expressions are the reverse. The point raised has not been overlooked and it will be necessary, when the new main is connected, to carefully watch the effect on the existing reticulation system. The Engineer-in-Chief, officers of the Engineering and Water Supply Department, and I, have been in conference about it and the new supply will be turned on gradually and watched all the time. To use the words of the Engineer in Chief, "We will have a man or men sitting on the valves." The by-pass will be put in today and it is hoped that, by the end of the week, the main will be ready to receive the

water into the tank at North Adelaide. Then, of course, the full pressures could be applied. However, they will not be applied without full regard to the factors mentioned by the honourable member.

EARTHQUAKE DAMAGE TO STATE BANK HOMES.

Mr. LAWN—Following questions asked earlier this session regarding earthquake damage and insurance to State Bank homes, is the Premier in a position to make known to the occupiers of those homes what is proposed in relation to the future insurance of those homes against earthquake damage?

The Hon. T. PLAYFORD—All persons occupying State Bank homes will receive, if they have not already done so, a communication from the State Bank Board setting out the terms of insurance proposed for the future, what will be covered, and what the payments will be.

FEED PROSPECTS.

Mr. O'HALLORAN—I understand the Minister of Agriculture now has further information regarding the question I asked last week concerning reserve stocks of fodder. Will he make that available to the House?

The Hon. A. W. CHRISTIAN—The Director of Agriculture obtained some figures and they are included in his report which also compares the position in 1944-45 with the present position. It might be illuminating to quote the report in full. It states:—

In March of this year, 11,822,000 sheep were recorded for South Australia, and 488,000 head of cattle were carried. The total population of our main lines of livestock was therefore equivalent to 15,238,000 sheep. When the State entered the 1944-45 drought, the sheep population was 10,360,000 and cattle totalled 415,000. So that at that time the State was carrying the equivalent of 13,265,000 sheep. Two years later after the 1944-45 and 1945-46 drought, sheep numbers had fallen by one-third to 6,787,000 and cattle numbers were lowered to the extent of 31,000 head. So that the total stock losses were the equivalent of 3,860,000 sheep. On 30/11/44 the wheat reserve held by the State amounted to 19,250,000 bushels and by the 30th November, 1945, wheat reserves were down to 900,000 bushels and were maintained at approximately the same level the following year. During the two years of drought over 10,000,000 bushels of wheat were used as stock feed in South Australia alone. It is expected that the wheat carry-over on 30/11/54 will be of the order of 18,500,000 bushels.

Examination of other fodder reserves prior to the 1944-45 and 1945-46 drought shows that the State produced in the year immediately preceding the drought years 2,294,000 bushels of oats and 407,000 tons of hay of all kinds. This year the oat crop was of the order of 4,369,000 bushels and in March 420,000 tons of all types of hay were held. These figures indicate that although the State is carrying the equivalent of about 2,000,000 more sheep than when the last drought began, the position today is about the same as far as wheat and hay stocks are concerned, with oat reserves somewhat better.

Referring to the other part of the honourable member's question regarding stocks of hay still on hand from the last drought period to which I referred, the Minister of Lands, who now has charge of that matter advised the other day that we were holding about 4,000 tons of hay but the quantity suitable for use is not known. A careful examination would have to be made of the stocks, which are known to have deteriorated considerably. I point out, however, that the conservation of fodder to which the honourable member alluded last week is, in my opinion, primarily the responsibility and duty of landholders and stockowners. They must learn to make adequate provision against the lean years. During the last two years my department has been continually stressing the necessity of their shouldering that responsibility fully. The Government should not be called upon to embark on a venture such as it undertook in 1944-45. It spent much money then on haystacks that were not required eventually, but they have deteriorated greatly and the taxpayer has to shoulder the loss. Stockowners should do all they can, particularly this year, to provide against any drought that may occur next year. We have had providential rains in many parts of the State which have greatly relieved a serious position; nevertheless, stockowners must bear in mind that there may be a bad drought next year.

PORT PIRIE STREET RAILWAY.

Mr. DAVIS—Last Tuesday I asked the Minister representing the Minister of Railways a question about the removal of the railway line from Ellen Street, Port Pirie. The Minister replied:—

I have had estimates from the Harbors Board but I have not received any from my colleague. As I have said, the estimated cost of doing the work is very high. Some exception has been taken to being asked for estimates regarding work that is not possible of execution. As the Premier said about another question, this is a matter that has no future.

Am I correct in interpreting the Minister's reply as a refusal to give me the information I have asked for?

The Hon. M. McINTOSH—No. I now have a reply, and I propose to give it, though I said the question was not regarded as of sufficient urgency to transfer men, who were already usefully engaged, to the task of taking out estimates that were not likely to result in any subsequent works. For the information of the honourable member I shall quote from a report from the Railways Commissioner on this question:—

It is not possible to prepare a reasonably accurate estimate of the cost of removing the railway tracks from Ellen Street without having a complete scheme of the remodelling of the harbour facilities between Baltic Wharf and the B.H.A.S. Company's works. There is not only the question of the alignment of the new tracks required to replace those in Ellen Street, but there is also the problem of providing alternative accommodation for that at present used in the stacking of zinc concentrates for shipment. However, a very rough estimate of the cost of establishing new railway tracks and facilities between the buildings fronting the northern side of Ellen Street and the Port Pirie harbour is £160,000.

A Harbors Board engineer reported adversely on the whole proposal. He said that if it were feasible to carry out the harbour works, which he doubted, the board's costs would be roughly £495,000. Therefore, the total cost of removing the tracks from Ellen Street and the Harbors Board works would be about £655,000, a figure which puts it out of the realms of practical politics.

PRICES CONFERENCES.

Mr. DUNKS—Do the Prices Ministers intend to hold regular conferences? Who pays the cost of fares and accommodation for the Ministers? Why was the price of petrol reduced by a penny a gallon? And why was the price of the higher octane petrol fixed at the same figure as ordinary petrol?

The Hon. T. PLAYFORD—It is proposed to continue holding conferences of Prices Ministers because uniform prices could not be maintained unless conferences were held from time to time. Each State pays the expenses of its own delegates, though it is customary for the State in which the conference is held to provide lunches. Most of the Ministers at the Brisbane conference thought that the importation costs of petrol and the charges incurred in handling it had fallen sufficiently to enable a reduction of one penny a gallon, in fairness to the consumers and the companies concerned. Some figures that were fairly relevant to the position were not produced, so it was decided to hold another conference as soon as practicable in the new year, when petrol prices will again be considered if necessary. The Ministers were told that all companies would distribute higher octane petrol and that the inferior type would not be available when present stocks were exhausted. In the meantime many petrol stations would be selling a shandy-gaff, and as some would have more higher octane spirit than others the Ministers considered it impracticable to fix varying prices for varying grades.

MEDICAL BENEFITS LEGISLATION.

Mr. FRANK WALSH—I understand that Australian Hospital and Medical Benefits Limited, recently of Victoria Square and now of the Chamber of Manufactures Building, Pirie Street, Adelaide, is not an approved organization within the meaning of Commonwealth legislation for benefits under that Act. Can the Premier say when the Government will be in a position to introduce the legislation he promised last session?

The Hon. T. PLAYFORD—The legislation has been prepared by the Parliamentary Draftsman and it will be introduced this session.

RENTS OF GOVERNMENT HOUSES.

Mr. JOHN CLARK—Last week I asked a question about the proposed increases in the rents of departmental school residences. Has the Premier a reply?

The Hon. T. PLAYFORD—I received a joint deputation from the Public Service Association, the Teachers' Union, and the Trades and Labor Council. Some public servants occupy Government houses at extremely low rents, others occupy houses for which the rents were fixed by the Housing Trust, and a big majority of officers do not occupy Government houses. Much friction and difficulty has been experienced as a result. Cabinet decided that rents should be fixed on a basis that would be fair to all Government employees. The deputation made certain proposals and I advised it that the matter would be held up pending a further communication from it, setting out its considered views, for there was a certain disparity between the various views expressed by members of the deputation. I asked for a reply in time for the matter to be dealt with and notices of the change sent out on October 2. The communication, however, did not come in time and the persons concerned were advised of the alterations; but recently I received a submission from the deputationists and I have advised them that it will be examined and

that, if on examination any of its proposals can be implemented, any adjustments in the rentals affected would be dated back to October 2. From my examination of the document I consider it breaks no new ground, but it is being examined critically, and if any ground exists for its acceptance the adjustments will be dated from October 2 and any amounts paid in excess of the ultimate determination refunded.

MOONTA RAIL SERVICE.

Mr. McALEES—This morning's *Advertiser* reported that a new type of rail car is to be used on the Adelaide-Morgan line. Will the Minister of Works inquire of the Minister of Railways when the new type of rail car will be used on the Adelaide-Moonta service?

The Hon. M. McINTOSH—I will direct the question to my colleague and bring down a reply as early as possible

PRESENTATION OF BUDGET.

Mr. O'HALLORAN—Can the Treasurer indicate when the Budget will be presented?

The Hon. T. PLAYFORD—Probably on about October 21. At the moment there is a big item outstanding. The main reason for the delay, however, is on account of printing, for as honourable members like to have the Auditor-General's report available before the presentation of the Budget the Government Printer has been instructed to give priority to the Auditor-General's report; therefore, the printing of the Budget is being delayed.

BAKING MONOPOLY.

Mr. FRANK WALSH—I understand that the number of firms baking bread in the State has decreased from about 140 to 30 over the past few years owing to the operation of a monopoly known as the Western Bakery Co., which has taken over many small bakeries and threatens to become a State-wide bread manufacturer. In view of the successful attempts made some years ago to suppress the growth of a chain pharmacy monopoly, can the Premier say whether similar action would be desirable in the case I have mentioned?

The Hon. T. PLAYFORD—The tendency mentioned by the honourable member exists in every State and probably in every country in the world, and arises from the fact that it is much more effective to make bread in the large mechanized plants than in small bakeries. At present the South Australian bread price is fixed to enable the small bakers to continue to operate. If the price were fixed only on the results obtained by the larger bakeries it would probably be different. The change arises from the economic circumstances of the industry and I do not think it is possible to legislate to prevent it, nor would it be desirable in the interests of the consumers to have the legislation because a higher price would have to be fixed for bread under the system of small bakeries that used to exist.

LEVEL OF LOCK 4.

Mr. MACGILLIVRAY—Has the Minister of Works obtained any further information about the matter of raising the water level of Lock 4?

The Hon. M. McINTOSH—As I told the honourable member, our Engineer-in-Chief is the South Australian representative on the River Murray Commission, and he took plans and data to a meeting of the commission in Melbourne last week. I have been told the position by him and it has been confirmed by the secretary of the commission in the following words:—

At its meeting held on September 28 and 29, 1954, this commission approved the execution of the work outlined in your letter of September 23, 1954, and accompanying plan as a capital works. It was also decided that provision for this work should be made in the 1955-56 programme of works.

PUBLIC PURPOSES LOAN BILL.

Returned from the Legislative Council without amendment.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL.

The Hon. C. S. HINCKS, having obtained leave, introduced a Bill for an Act to amend the Renmark Irrigation Trust Act, 1936-1952. Read a first time.

BREAD BILL.

Read a third time and passed.

VERMIN ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Section 23 of the Vermin Act provides for the imposition of penalties upon owners and occupiers of land who fail to destroy vermin upon their land as required by the Act. Subsection (2), which was enacted in 1945, imposes penalties on owners or occupiers who fail to destroy rabbit burrows when required to do so by notice given by the council under

section 22a. The penalty in each case is the same. For a first offence the section provides for a minimum penalty of £2 and a maximum penalty of £5; for a second offence the minimum penalty is £5 and the maximum £20; and for subsequent offences the minimum penalty is £20 and the maximum penalty £50. The Eyre Peninsula Local Government Association has asked that these penalties be increased. The association states that it frequently occurs that fines of £2 or £3 are imposed for breaches of this Act and points out that, under existing conditions, this is not a sufficient deterrent to secure that landowners will comply with the duties imposed upon them by the Act.

Accordingly, the Bill provides that the penalties under section 23 are to be as follows. In the case of a first offence, the minimum penalty is to be £5 and the maximum penalty £10. For a second offence the minimum penalty is fixed at £15 and the maximum at £30. In the case of a subsequent offence the minimum penalty is to be £25 whilst the maximum penalty is left at the existing amount of £50. It should be borne in mind that section 75 of the Justices Act authorizes a court to dismiss a complaint or to inflict a nominal penalty in the case of an offence of a trifling nature and, in the case of a first offence, to reduce the amount prescribed for the penalty for the offence in question.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

The Bill has been considered by another place and clarifies what was previously regarded as the law. Its principal object is to enable a council to recover road moieties, as they are commonly called, from owners of abutting ratable property, notwithstanding that a loan has previously been raised to finance the work. Section 319 of the Local Government Act provides that a council may recover the cost of making a road from the owners of abutting ratable property, up to an amount of 7s. per foot of the frontage of the ratable property. Section 328 provides in the same way for the recovery of the cost of constructing a footpath. The amount recoverable is limited to 1s. 6d. per foot of frontage. Section 424 provides that a council may borrow money by debentures for the purpose of carrying out various specified works, including the construction of roads and footpaths. Until recently, the practice of councils was to raise money by debentures under section 424 for roadmaking and then to recover part of the cost under section 319. An ordinary suburban road at present costs between 25s. and 30s. a foot. Of this amount a total of 14s. a foot could be recovered from owners of abutting property on each side of the road. In raising loans for road works, and then recouping themselves by collecting moieties from those who derived special benefit from the works, councils were doing nothing unusual or unfair. Almost every governmental authority does the same sort of thing.

The validity of this practice, however, was recently considered by the Full Court in the case of Campbelltown Corporation *v.* Johnston. The Full Court held that if a council raised money by debentures under section 424 for the purpose of constructing a road, it was not open to the council to recover any part of the cost of the works under section 319. Although section 328, which deals with the cost of footpaths, was not in issue, it is obvious that the Full Court decision would also apply to section 328. The result of this decision is that a council must either finance the construction of a road or a footpath by recovering part of the cost under section 319 or section 328 and finding the balance out of general revenue or, alternatively, wholly by debentures. This will lead to a considerable diminution in the construction of roads. An anomaly will also arise. Some roads in a neighbourhood may be paid for by raising a loan while others are paid for out of revenue. In the one case, the owner of abutting property will contribute nothing, while in the other he will be liable to pay the amounts provided by sections 319 and 328. The decision will have serious consequences for the finances of councils.

The Government, of course, does not dispute the correctness of the Supreme Court's judgment. There is, however, no doubt that Parliament never intended that the power to raise loans and the power to levy road moieties should be alternatives. It was never intended that the Act should be construed in this way, and the Local Government Advisory Committee has recommended that the Act be amended to authorize the practice followed before the decision. The Government has accepted this recommendation and accordingly is introducing

this Bill which amends sections 319 and 328 to give effect to that recommendation. The decision also creates grave difficulties in connection with what has been done in the past, and the Bill deals with this aspect also. The first difficulty is that where the moieties for any work are at the moment partially collected, those who have not paid cannot now be called upon to pay. Leaving aside for the moment the question of whether the councils can be legally compelled to make refunds to those who have paid moieties, are they morally obliged to refund the money of those who have paid if the remainder cannot be made to pay? If they are so obliged, what is to be done about moieties on earlier road works? The second difficulty is that councils are faced with the possibility of actions against them for the return of moieties paid in the past. Whether such actions would succeed is most difficult to say, since the questions of law involved are difficult, but the possibility is there. So also is the possibility that some ratepayers would have good claims and others not, so that many anomalies might arise.

The Government is informed that metropolitan councils over the past three years have expended loan moneys to the amount of approximately £70,000 on road works. The councils have recovered in respect of the work so financed about £23,000 by way of road moieties and an amount of £6,400 is still outstanding from the owners of the land abutting the roads in question. The Government has the choice of doing nothing, or attempting to legislate to deal with the question. In all the circumstances, the Government feels that, while no completely satisfactory solution can be found by legislation, the balance of convenience is in favour of settling these problems by legislation.

The Government has given the question careful consideration and has decided to ask Parliament to validate all payments made in the past, and to declare that moieties outstanding in respect of ratable property abutting roads and footpaths paid for out of a loan raised in the past shall be payable, subject to two exceptions. The first is that Mrs. Johnston, the defendant in the Campbelltown case, shall be allowed the benefit of the judgment given in her favour and this is provided for by subclause (2) of clause 6. The second exception relates to the action brought by the Campbelltown Corporation against a Mr. Musilino at the same time as the action against Mrs. Johnston. Both actions dealt with the same matter but, by agreement between the parties, it was arranged that the action against Mrs. Johnston should be proceeded with first, leaving that against Mr. Musilino to stand or fall by the judgment in the action against Mrs. Johnston. The Government is of opinion that, in the circumstances, Mr. Musilino should be placed in the same position as Mrs. Johnston and the effect of subclause (2) of clause 6 is that, as regards the two actions in question, the law applicable is to be the law in force before the passing of the Bill.

A further point raised in the judgment was to the effect that the section at present does not prescribe a time within which the council should demand payment of road moieties from the persons liable. In order to meet this point, it is provided by the Bill that, where the council desires to recover payments under section 319 or section 328 it must, within six months of the completion of the work, give notice to the owner of the land in question specifying the amount payable and requiring its payment. In his judgment in the case of Campbelltown Corporation *v.* Johnston, the Chief Justice, among other things, stated, in effect, that he was of opinion that where a council submitted a loan proposal to the ratepayers for the construction of works, the ratepayers should in an appropriate case, be informed that road moieties are recoverable in respect of the work. The purpose of clause 5 is to give effect to this suggestion of the Chief Justice.

Section 425 of the Local Government Act provides that before proceeding to borrow money for carrying out works or undertakings, the council is to prepare a statement giving details of the proposal. The statement is to be available to the inspection of ratepayers. The construction of roads and footpaths is a work or undertaking within the meaning of the Act. Clause 5 therefore provides that, where the work or undertaking is a road or footpath and, where under section 319 or 328, the council could recover part of the cost as road moieties for the work when completed, the statement of the council under section 425 is to include a statement that payment of part of the cost may be recovered in this manner. The amendments of the law so far discussed are the result of the Full Court decision. In addition, the Bill proposes other amendments to sections 319 and 328 which have been recommended by the Local Government Advisory Committee. As has been mentioned before, section 319 provides that the council may require contributions

towards the cost of roadways from adjoining owners and the maximum amount which may be recovered is 7s. per foot of the ratable property. Thus, the council can, by recovering contributions from owners on each side of the street, recover 14s. per running foot. However, the cost of forming, metalling and sealing an ordinary suburban street is from 25s. to 30s. a foot and this does not include the cost of water tables and kerbing. The committee has suggested that the amount of 7s. provided by section 319 is now inadequate and, following the recommendation of the committee, it is proposed by clause 3 of the Bill to increase this amount to 10s. per foot.

Section 328, which deals with the construction of footways, provides that the council may recover up to 1s. 6d. per foot from the adjoining owners. No alteration to this amount is proposed. Both sections 319 and 328 provide that, where notice is given to an owner requiring payment under the section, interest at 6 per cent, is to be chargeable on any amount outstanding three months after the giving of the notice. It is proposed to alter the rate of interest to 5 per cent, and to provide that interest it not to run until after the expiration of six months from giving the notice. No provision is now made whereby this interest may be remitted and the Bill provides that, where the council is satisfied that the payment of the interest would inflict grave hardship, it may remit the interest either wholly or in part. Thus, while it is proposed to increase the road moiety from 7s. to 10s. per foot, it is also proposed to give some concessions with regard to the payment thereof. Other provisions of the Act provide that a council may give extended time to pay amounts owing to the council.

A further amendment is proposed to section 319. It sometimes occurs that a council makes a roadway which is not constructed to the full width and subsequently the roadway is widened. It is provided that where this is done, the cost of the widening may be charged to adjoining owners as provided by the section. It should, perhaps, be made plain that sections 319 and 328 only apply where the making of the road, footpath, etc., is new construction. The sections do not apply to maintenance or the reconstruction of a road or footpath. The sections only apply where the work in question has not been previously carried out. It is possible for the council to carry out the work in stages. It may form and pave the roadway and, at a later stage, construct the water tables and kerbs. The council may recover the charges under the sections at each stage of the work but the total amount recoverable from the adjoining owners is limited to the amounts provided by the sections.

Mr. FRANK WALSH secured the adjournment of the debate.

CATTLE COMPENSATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 30. Page 848.)

Mr. O'HALLORAN (Leader of the Opposition)—There is nothing in this Bill to which I can take exception. If one desired to make any complaint it would be that the Bill was not introduced sooner. I cannot understand why the fund was permitted to grow to £73,121 4s. 2d. before action along the lines proposed in the Bill was taken. I am fully aware that in recent years the stamp duty was decreased from one penny to three farthings in the pound and that the maximum market value per head of cattle for compensation purposes was increased from £30 to £60. According to information furnished by the Minister the fund has accumulated at the rate of £7,000 a year for the past five years, so the actual amount in hand increased by £35,000 during that time. Last year receipts totalled £17,428 13s. 6d. and payments totalled £7,124 6s. 7d. It seems to me that we could give producers a fairly long holiday from making any contribution to the fund because, unless some unexpected epidemic occurs, the fund will be ample to meet demands for compensation.

I support legislation of this nature, which is another form of socialism because the owners of cattle could, if they so desired, insure their stock under some form of insurance policy, but the Government obviated the necessity of their so doing by providing this excellent scheme for a fund to which every person who sells cattle contributes and from which those whose cattle are found to be diseased when submitted for market are compensated. I support the second reading.

Mr. WHITE (Murray)—I support the Bill because the dairy cattle industry is an important one in the district I represent. In the reclaimed swamp areas in my district one could find some of the best dairy cattle in the world, and it is important that the incidence of disease be kept to a minimum. The administration of the Act in this respect is most efficient, and dairy farmers are encouraged to report any diseases promptly because they know

that by doing so they will not lose much money. The Minister explained that the fund established under the Act has grown to £73,121, and under the present stamp duty charges the credit to the fund last year, over and above the compensation paid out, was about £10,000. Although it is necessary to have a substantial credit balance in the fund to meet any serious outbreak of disease, at the same time the growing knowledge of stockowners about prevention of disease and the progress of veterinary science makes the possibility of a serious outbreak improbable. Therefore, it is not necessary to accumulate bigger credit balances. The amount of stamp duty collected for the sale of cattle in order to maintain the fund will be reduced, and I am sure that the Government's action will be appreciated by all those interested in the cattle industry.

Bill read a second time and taken through Committee; Committee's report adopted.

HEALTH ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 30. Page 849.)

Mr. HUTCHENS (Hindmarsh)—I support the Bill, which further improves our health legislation. It is necessary to frequently amend the Health Act to meet changing circumstances resulting from medical discoveries and to protect the health of the community. The Act was amended in 1947, 1950, 1951, 1952, and 1953. The Bill clearly defines infectious diseases and notifiable diseases, and this will have several advantages. The list may be altered from time to time by proclamation, and the Bill makes it clear that the head of the house must make the notification to the proper authority. It is now clear who is responsible to do this, and the medical officer attending the patient must also report to the local board of health. The new provision in regard to notification is a big improvement and will save unnecessary cost and work.

Persons in charge of slaughter houses will have to see that dogs not being used in yarding stock are chained, thereby minimizing the chances of spreading infectious diseases. My experience in slaughter houses makes me realize the necessity for such a law. I have seen dogs allowed to roam and devour offal, and I have some knowledge of hydatids in offal. There have been many protests about the way meat is served in butcher shops, but few people realize the necessity to take great care in places where meat is being prepared. I am glad to observe that in 1952 there were no deaths from diphtheria. I believe that the Health Act and the immunization of infants aganist this disease have been responsible for this result. I remember that when the late Hon. John McInnes was mayor of Hindmarsh he took steps to compel people to have their children immunized, but he did not get much support. However, I am sure that people are now grateful for his efforts.

Bill read a second time and taken through Committee; Committee's report adopted.

POLICE PENSIONS BILL.

Second reading.

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

That this Bill be now read a second time.

As its long title states, it makes further and better provision for police pensions. Towards the end of last year the South Australian Police Association made representations to the Government on this subject. They pointed out that whereas in previous years the South Australian Police Pension Scheme had been better than those of other States, it was now lagging somewhat, and they indicated certain increases in benefits which they desired. The Government investigated the matter and found that there was some truth in the contention of the Police Association. The existing rates of police pensions were last fixed in 1950 at amounts which were then reasonably in line with the current Australian standards. Shortly afterwards, however, the benefits payable in New South Wales, Victoria and Queensland were further increased. This fact, together with the general increase which has taken place since 1950 in salaries and payments generally, supports the claim for increased rates of pension.

The police pensions scheme of South Australia is unique in one respect, namely, that part of the benefit is taken in the form of a lump sum payment on retirement at age 60. Another feature of our scheme is that as the pension rates for retiring officers have been increased over the year, a corresponding increase has been made in the pensions payable to persons who had entered upon pension before the passing of the legislation which granted the increases. In this respect South Australia has been more generous than the other States. For these reasons, it is not possible to make a comparison between the South Australian scheme and that of the other States by merely comparing the actual annual rates of pension payable to police officers on

retirement. The lump sum payment has also to be taken into account and also the relative values of the pensions and allowances for widows and children. In working out the various rates in this Bill the Government has aimed at providing for members of the police force, superannuation benefits which, allowing for different retiring ages, are of approximately the same total value per head as those of members of the State public service in receipt of equal salaries, and which are approximately equal in value to the benefits payable to the police in Queensland. The police pension scheme of Queensland may be regarded as representing the average Australian standard. To carry this principle into effect, it is necessary to increase the present pensions by almost 50 per cent and the Bill does this. The cost of the increase will, however, fall to a greater extent upon the Government than upon the contributors to the police pensions fund. The reason for this is that the police contributions are based on the ages of the men at entry to the force and present members of the force, irrespective of their age, will obtain the additional benefits under the Bill although their contributions will be at the rates applicable to their ages at entry into the force.

This Bill is in the form of a consolidating and amending Bill. Honourable members will see from the Statute Book that owing to the frequent amendments of the principal Act it has become desirable to re-write the whole of the legislation, incorporating the new rates which I will explain, and omitting obsolete provisions.

I will draw the attention of honourable members to the main alterations in the present Act, in the order in which they occur. The first matter is that of contributions. The new scale will be found in clause 14. The proposed annual contributions for males run from £41 a year in the case of a man who commences to contribute in his 22nd year to £80 in the case of a man who commences to contribute at the age of 37 or more. The present scale of contributions for the same ages runs from £27 to £71, so that the increase is approximately 50 per cent for men joining the force at the normal age. It is a good deal less than 50 per cent for those joining at older ages. Corresponding increases are made in the scale for women contributors. The present principle that commissioned officers contribute six-fifths of the amount prescribed for other members of the force is retained.

Since the Bill was laid on the table of the House, representations have been made to the Government by the Police Association concerning the scale of contributions. The rates of contribution in the Bill depend on a man's age at entry to the force. The point made by the association was that there are in the force now a number of returned soldiers whose age at joining the force was considerably higher than the normal joining age of 21. It was pointed out that the new rates in the Bill—though justified on other grounds—would cause a fair amount of hardship to these men, particularly those with growing families. Some of them would have to pay about 30s. a week. The Government, after considering the matter and ascertaining the amount of money involved, promised the association that it would seek an amendment of the scale of contributions, so as to make the burden lighter on those who join the force at ages above 27. Amendments for this purpose will be submitted in due course.

Clause 19 prescribes the retiring age for members of the force. No alteration is made in the requirement that a member shall retire from the force on attaining the age of 60, or, at his option, at any time between his sixtieth birthday and the next following first day of July. Turning to the new scale of benefits, the first clause to be considered is clause 20. This sets out the normal rate of pension on retirement at or after age 60. The present lump sum payment of £1,250 is not altered. There is, however, a substantial increase in the annual rate of pension. At present the pension is £312 a year for the first five years after retirement and £156 a year for the remainder of the pensioner's life. This scheme for a reducing pension was introduced with the concurrence of the police in 1950 when the scheme was last amended. The lump sum was regarded as a capitalization, so to speak, of a part of the pension, and a compensating reduction was made in the amount of the pension. The idea of the reducing pension has never been very popular and it is now proposed to raise the pension to a uniform rate of £364 a year for the life of the pensioner.

Clause 21 deals with the pensions of members who are forced to retire by reason of injuries received in the actual execution of police duties. The pension in such cases is at present £312 a year, and there is no provision for a lump sum. It is proposed in the Bill to raise the pension to the standard rate of £364 a year and, in addition, the retiring officer will receive a lump sum of an amount

varying according to his years of service and his age. The Bill recognizes the principle that a police officer is to be regarded as gradually earning his right to a lump sum throughout his service so that if he retires before becoming entitled to the lump sum of £1250 he will receive a part of it. The method of calculating the lump sums payable to police officers who retire by reason of injury before age 60 has been worked out by the Public Actuary and his recommendations are included in the Bill. If an officer has less than 10 years' service he will receive twice the amount of his contributions. If he has over 10 years' service he will receive £400, plus £40 for each year of his age over 40. The maximum lump sum will, of course, be £1250 in every case.

Clause 22 deals with the benefits payable on retirement of a police officer by reason of invalidity, other than invalidity due to an injury received on duty. In this case, if the officer has less than 10 years' service the present benefit, namely, a refund equal to twice his contributions, will continue to be payable. Where an officer retires with from 10 to 15 years' service the present pension of £150 will be increased to £182 and, in addition, a proportionate part of the lump sum will be paid. The actual amount will be £400, plus £40 for each year of the member's age above 40. When a man retires through invalidity with over 15 years' service his present rate of pension is £150, plus £9 for each year of service in excess of 14. The Bill increases this rate to £182, plus £9 for each year of age over 40, with a maximum pension of £364. In addition, a member with more than 15 years' service will receive a lump sum of £400, plus £40 for each year of his age over 40. The provisions regarding the benefits for widows of members and widows of pensioners are in clause 29. At present the widow of a police officer who dies before retirement receives an annual pension of £112 10s. and a lump sum of £350, plus £50 for each year of the husband's age over 45. The new rate of pension for widows will be £182 a year and the lump sum will be £400, plus £40 for each year of the husband's age over 40. The rate of pension for widows of pensioners is increased from £112 10s. to £182 a year. In this latter case no lump sum is payable to the widow because the lump sum prescribed by law will have been paid to the husband of the widow during his lifetime. The allowance for a child under 16, which is at present £32 10s. per annum, is by the Bill increased to £39 per annum; and where the child is an orphan the amount of the allowance will be £78 a year. The existing provision under which the pensions for commissioned officers and their widows are fixed at six-fifths of the ordinary rate is retained.

Clause 32 of the Bill contains provisions for increasing the pensions of existing pensioners to the new rates prescribed by the Bill for persons retiring in future. Thus the normal pension for ex-members will become £364, and for widows £182, and the child allowance will be raised to £39. The other provisions of the Bill are administrative and ancillary provisions which are very much on the same lines as those in the present Act. I would, however, draw the attention of honourable members to clause 42 of the Bill which provides that in future pensions will be paid twice monthly instead of once a month as at present. This alteration was asked for by the Police Association and as it can be carried into effect without increase of staff the Government is pleased to grant it. The Bill is a somewhat technical one and I do not at this stage desire to deal further with the details. If any further information as to the scheme is desired I will be very glad to make it available to honourable members on request. I have received a deputation on this legislation from the Police Officers Association, and if the views of that deputation represent those of association members—and I have no doubt they do—honourable members may be assured that association members strongly support the Bill.

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

ANATOMY ACT AMENDMENT BILL.

Consideration in Committee of Legislative Council's amendments:—

No. 1. Page 2, line 33 (clause 4)—Leave out "on behalf of" and insert "(a) by".

No. 2. Page 2, line 34 (clause 4)—After "hospital" insert "(b)".

No. 3. Page 2, line 35 (clause 4)—Leave out "officer or".

No. 4. Page 2, lines 35 and 36 (clause 4)—Leave out "designated in that behalf by the firstmentioned person" and insert "authorized in writing by the person having such control and management".

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

That the amendments be agreed to.

They provide that a person authorized by the person in charge of a hospital to give authority for the removal of the eyes from a body must be so authorized in writing. The object of this rule is to make certain that the person

who gives permission for the removal of eyes from a body has the necessary authority from the person in charge of the hospital. The amendments will add a useful safeguard to the use of the powers conferred by the Bill. The proposal required some consequential alterations to the Bill, and the opportunity was taken to improve the language in order to make the intention clearer, namely, that the head of a hospital has power to authorize the removal of eyes from a body in the hospital.

Amendments agreed to.

PLACES OF PUBLIC ENTERTAINMENT ACT. AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 2. Page 570.)

Mr. HUTCHENS (Hindmarsh)—This Bill has received some consideration in another place, but I am not satisfied with clause 6 and I hope the Minister will give me further information on it. The first part of the measure deals with drive-in theatres, a number of which are to be built in Adelaide in the near future. All sorts of things are being provided in the way of attractions. People seem to think they will be able to attend them in a more or less semi-nude condition. No doubt we shall see females attending in green French bathers, with their hair dyed red, and accessories to match. We should take all possible action to preserve the morals of our young people and I am glad we are to have legislation to deal with drive-in theatres. Under the Bill each vehicle admitted to such a theatre is assumed to contain three persons. Apparently it is because there is said to be safety in numbers. Clause 5 makes it necessary for plans of proposed places of entertainment to be submitted for approval. This is a wise provision and must make for the safety of the people who attend them. Clause 6 amends section 20 of the principal Act by adding the words "whether public or private." Section 20 states:—

If any licensed place of public entertainment is open to the public, or is used for any entertainment, on any Sunday, without the previous consent in writing of the Minister, or anything is done or omitted therein on any Sunday contrary to any condition subject to which such consent is granted, the person using such place and every proprietor thereof shall be liable to a penalty not exceeding £100; and the licence for such place may, in the discretion of the convicting magistrate or justices, be absolutely cancelled or suspended for such time as such magistrate or justices think fit.

If the amendment is accepted the provision will read:—

If any licensed place of public entertainment is open to the public, or is used for any entertainment, whether public or private, on any Sunday . . .

There may be a good intention behind the amendment, but whenever we write anything into a law we should be mindful of the repercussions. I think there will be a real danger if we write in the proposed words. Many religious denominations possess halls that are licensed as places of public entertainment. Sometimes the Church hall is the only suitable place for entertainment in a district. Many religious bodies have after-Church services in their halls to enable young people to meet in a spirit of fellowship. The inclusion of the words may prevent the holding of such meetings, because of the penalty and the possibility of the licence being cancelled. I may be wrong in my contention and I would be glad to have an explanation from the Minister. If I get one and I do not regard it as satisfactory I may have to vote against the second reading, but at present I support it, hoping to get a satisfactory reply. Clause 7 deals with cabarets and defines a "cabaret" as any premises in which meals and refreshments are sold to and consumed by members of the public after 6 o'clock and where facilities for dancing are provided and where there is entertainment in the form of music, singing, recitations, dancing, etc. Cabarets are becoming more and more popular and it is desirable for them to be licensed in order that decent amenities may be provided and precautions taken against fire. With the one reservation I support the second reading.

The Hon. C. S. HINCKS (Minister of Lands)—Mr. Hutchens referred to a vehicle containing three passengers when admitted to a "drive-in" theatre, but we often say that there is safety in odd numbers and probably that is the reason why three is suggested. I am glad that the honourable member is interested in the morals of our young people and he suggested that great care should be taken in this matter. Section 20, which deals with Sunday entertainment, states:—

If any licensed place of public entertainment is open to the public, or is used for any entertainment, on any Sunday. . .

Now if a public entertainment is desired in a licensed place on a Sunday the permission of the Chief Secretary must be obtained. The sections continues:—

or anything is done or omitted therein on any Sunday contrary to any condition subject to

which such consent is granted, the person using such place and every proprietor thereof shall be liable to a penalty not exceeding £100. . .

The honourable member will agree that that is a high penalty. Then the section continues:—

and the licence for such place may, in the discretion of the convicting magistrate or justices, be absolutely cancelled or suspended for such time as such magistrate or justices think fit.

I think sufficient protection is provided in the section.

Mr. Hutchens—I fear that the Bill will prohibit churches from providing after-service entertainments for their congregations if their buildings are licensed.

The Hon. C. S. HINCKS—We do not want that to happen, but churches could obtain permission.

Mr. O'Halloran—Why should people be compelled to get permission for private entertainment?

The Hon. C. S. HINCKS—Does the Leader of the Opposition suggest that entertainment of the nature mentioned in the Bill should be permitted without compliance with the provisions of section 20 of the Act?

Mr. O'Halloran—The Opposition is only concerned with possible effects on churches.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Licence to state certain particulars."

Mr. DUNSTAN—Various remarks have been made about drive-in theatres with which I cannot agree. It has been suggested that if people go to drive-in theatres in some informal dress, immorality is likely to ensue. I cannot agree with that contention. If people are going to resort to motor cars for the purposes of immorality they are not likely to purchase theatre tickets and drive in beside other vehicles to do what they might otherwise do on some lonely country road. I think drive-in theatres have an advantage in that people may go to them in motor cars on a hot night dressed more informally than they would be expected to dress at an ordinary theatre. They would be able to sit in coolness and enjoy greater comfort and that is to be encouraged. I think the Minister misconceived the purposes of clause 4 because it merely provides that "In computing the number of persons who may be admitted to a drive-in theatre it shall be assumed that each vehicle contains three persons." A vehicle does not have to contain three persons. At the moment it seems that the Minister is assuming that immorality is likely to occur if there are not three persons in a car.

Mr. O'Halloran—In other words he is insisting on a chaperon.

Mr. DUNSTAN—If I wanted to take my wife to the theatre I can see no reason why I should have to include someone else in my car. Too much stress has been placed on the puritanical aspects of these matters. I believe the community is not nearly as immoral as people suggest and I do not believe that drive-in theatres will lead to immorality but will confer a signal advantage.

Clause passed.

Clause 5 passed.

Clause 6—"Sunday entertainments."

Mr. HUTCHENS—I am not happy about this clause. The Minister somewhat misunderstood my remarks. I point out that there is a grave danger in this clause. The point I make is that many church halls are licensed, but that churches conduct healthy and desirable entertainments on a Sunday evening for the benefit of their own congregations. Sometimes these entertainments are arranged at short notice. If this clause is passed it may result in young people being prohibited from using the halls and they will be driven into the streets to seek entertainment. I suggest that the Minister should make inquiries so as to assure members that this clause will not have the effect I suggest.

Progress reported; Committee to sit again.

FOOD AND DRUGS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 2. Page 571.)

Mr. O'HALLORAN (Leader of the Opposition)—I understand from the Minister's explanation that this Bill is designed primarily to deal with matters which have arisen as a result of recent discoveries in the field of medicines and drugs and to provide that certain of the new types should be controlled in the interests of the community without the methods of control being unduly onerous. I have examined the Bill and so far as I can see there is nothing objectionable in it. Fortified by the knowledge that it has already been considered by another House I support the second reading.

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

INFLAMMABLE OILS ACT AMENDMENT BILL.

In Committee.

(Continued from August 17. Page 402.)

Clause 4—"Supervision of licensed stores" —which Mr. Hutchens had moved to amend by deleting subsection (2) of proposed new section 17a.

Mr. HUTCHENS—Under the Commonwealth Arbitration Act and the State industrial laws the duties of people employed under certain awards and the duties of watchmen are separate. For instance, some employees are storemen under State awards and others are clerks under Federal awards. The proposed new section would enable the appointment of watchmen and would create considerable industrial dissatisfaction. I doubt whether the new provision could be enforced if it became law, for section 51 of the Commonwealth Conciliation and Arbitration Act states:—

> When a State law, or an order, award, decision or determination of a State Industrial Authority, is inconsistent with or deals with any matter dealt with in an order or award, the latter shall prevail, and the former shall, to the extent of the inconsistency or in relation to the matter dealt with, be invalid.

This new provision will not promote good relationships between employers and employees.

The Hon. T. PLAYFORD (Premier and Treasurer)—The real question is whether watchmen shall be allowed to do other duties when there are not other persons on the premises. The recommendation made to the Government was that these watchmen could well be engaged in other duties. It is not necessary to employ full-time watchmen when the yard is normally staffed. The question is whether we are going to have two people sitting down doing nothing or whether they may be permitted to do some useful work when they are doing their normal watching duties.

Mr. Stephens—Why do you say "two people"? Why not only one?

The Hon. T. PLAYFORD—The clause states "sufficient in number," and I believe there would be two. A report I have states:—

> The company desires to employ as part-time watchmen two reliable superannuated ex-employees of the company between midnight Friday and midnight Sunday, and the information gained indicates that such employees still desire to accept this employment, but they are not permitted to do so by the union.

I hope the Committee will not accept the amendment.

Mr. O'HALLORAN—The Premier's explanation has confirmed my doubts on the wisdom of passing the clause in its present form. He referred to "the company." Are we passing this legislation for the benefit of one company only? I think there are many companies and persons dealing in oil that would come within the ambit of the legislation. If all the other companies are satisfied there must be some peculiar reason why one company is not. It seems that there will be two former employees of one company on the premises over the week-end, but no-one else, and these two men may be detailed to do other work, perhaps to paint pipes or clean up premises. If they are given this other work they may not be able to carry out their duties as watchmen efficiently, and if a fire broke out they could be punished, but not the company that prescribed the duties. An important principle of public safety is involved. In other parts of the world there has been serious loss of life as a result of oil explosion. I should think that if a fire broke out in one of the large oil storage tanks at Birkenhead it could easily spread to others in the vicinity.

The Hon. T. PLAYFORD—This clause was inserted as the result of an attempt by a union to enforce something quite contrary to law, consequently some oil premises have been unwatched for some time.

Mr. O'Halloran—Are not the other companies observing the union conditions?

The Hon. T. PLAYFORD—I have nothing in the docket before me to lead me to believe that they are or are not observing them. If the amendment is carried those appointed as watchmen will be unable to perform any other duties. The Factories Department is prepared to accept the provision in the Bill as being reasonable and in accordance with safety.

Mr. GEOFFREY CLARKE—The Leader of the Opposition suggested that the oil companies might give instructions to those acting as watchmen to perform other duties which would preclude them from efficiently carrying out the job of watchmen. Section 1 (*b*) specifically provides that any person keeping a licensed store shall give such instructions to each of the persons employed as a watchman as will ensure that if the instructions are properly carried out the store will be kept under adequate supervision at all times. It is true that the responsibility falls on the watchman if he does not carry out instructions, but the clause particularly directs the company to give instructions which will

enable him to carry out his duties. If it gives instructions which do not enable him to do that, it becomes liable. If the amendment is accepted it seems that the whole purpose of amending the Act will be nullified. The object is to prevent the unnecessary employment of watchmen while the plant is properly staffed by technical officers and others in attendance.

Mr. DAVIS—I know of a number of men employed as watchmen and there is no such thing as their doing two classes of work. The Premier has tried to mislead the Committee by stating that a man would be doing other classes of work only during the hours of day work. In most of these places the men act as watchmen only during the time between knocking off and starting time. I support the amendment.

Mr. STEPHENS—Any honourable member would agree that where more than 1,000,000gall. of inflammable oil are stored, which is sufficient to blow up the whole of Adelaide, there should be at least one man watching all the time. I do not want to hear after an explosion "Why was a watchman not on the job all the time?" Some years ago there was an inspection of oil stores at Port Adelaide by representatives from the Port Adelaide City Council and the Trades and Labor Council and it was felt that there was not adequate protection. No agreement could be arrived at with the Adelaide management, but when the managing director came over from Victoria he immediately decided that there must not be fewer than two men acting as watchmen at any time. No company should be permitted to store 1,000,000gall. of inflammable oil without proper protection. These large holdings of oil should be well away from a residential area. If the Bill as drafted were agreed to a watchman could be employed in a small workshop and unable to see what was going on outside. Anything might happen. If subsection (2) is retained premises will not be adequately protected. What would be said if we allowed all members of fire brigades and the police force to work in factories while they were supposed to be on their official duty?

Mr. HUTCHENS—I was amazed to hear the Premier's reply in which he suggested that the unions were trying to enforce something unlawful. That is incorrect, as I will establish by reading a letter sent by the secretary of the Miscellaneous Workers Union (Mr. R. G. Bannister) to the Chief Secretary, which reads:—

I wish to submit a report of the dispute that exists between the Shell Company of Australia Ltd., and The Federated Miscellaneous Worker's Union of Australia, South Australian Branch. The above company had employed three watchmen at their oil installation Birkenhead for a number of years, and one of the watchmen concerned had been employed continuously as a watchman for over 12 years. These men were members of the Federated Miscellaneous Workers' Union, and they were subject to the Watchmen's Board Determination. The first incident in the dispute was a notification by the company to the watchmen that their services in that capacity would no longer be retained, and that henceforth they would be employed in the "yard" as general labourers. In view of the fact that the men were members of this union, together with the fact that we considered the Shell Company were committing a breach of the Inflammable Oils Act, my State Council instructed me to interview the management of the Shell Company and also Mr. McColl, Chief Inspector of Inflammable Oils.

The interview with the Shell Company elicited the following information:—(1) The company had decided for economic reasons to dispense with the services of watchmen. (2) The company would employ instead, one man from 4 p.m. to 12 midnight for the five days Monday to Friday inclusive each week, as storemen, members of Storemen & Packers Union. (3) Three other men would be employed from 12 midnight to 8 a.m. for the five days Monday to Friday inclusive each week, as storemen, members of Storemen and Packers' Union. (4) In addition to this, it was the intention of the company to employ casual watchmen during the weekends for the purpose of watching the installations. From investigations conducted by officers of the union, it has been ascertained that the men employed during the week are required to grease and clean forty-five (45) lorries each night, and also fill the lorries with bulk spirit. The performance of these tasks necessitates the confinement of these men to what is known as the south compound, and as a consequence a large area of the installations is left without any supervision. These men do not perform watching duties during the night, nor have they been requested to do so. As a matter of fact the tasks assigned to them engage practically the whole of their attention during the night, in storemen's duties as outlined above.

It has also been ascertained that the Shell Company has not been successful in obtaining the services of a watchman or watchmen for the weekends, which means, in effect, that no person is present on the premises from midnight Friday to midnight Sunday of each week. During the course of the conference, the union representative pointed out that in the opinion of the union, the mere fact that employees were engaged in a restricted area on certain tasks did not constitute continuous supervision as required by the Act. A further conference was held with the management of the Shell Company, but they remained adamant to the appeal of the union that they should re-employ the men concerned as watchmen. The secretary of the union then sought an interview with Mr. McColl, Chief Inspector of Inflammable Oils, in

reference to this matter. The secretary informed Mr. McColl that in his opinion the company was contravening the section of the Inflammable Oils Act which read as follows:—"If over one million gallons of inflammable oil are kept in any registered premises, the person keeping the inflammable oil shall provide a watchman or watchmen so that the said premises are under continuous supervision."

Mr. McColl pointed out that the above provision was placed under that section of the Act that dealt with Registered Premises, and in view of the fact that the amount of oil which may be stored in registered premises was restricted to an amount less than a million gallons the provision therefore had no application to registered premises. He stated that in his opinion the provision relating to watchmen should be placed under that section of the Act entitled "Licensed Stores." He suggested, however, that it might not be advisable to give this anomaly in the Act any publicity, as other employers might take advantage of the loophole in the Act, and dispense with the services of watchmen. Mr. McColl also stated that he had been assured by the Shell Company that the premises were being adequately watched, and apparently Mr. McColl was satisfied by the assurance given to him by the Company.

Nothing further eventuated in the dispute until the union was informed that the Shell Company had asked His Honour (Mr. President Pellew) of the State Industrial Court to call the parties together in conference with a view of effecting a satisfactory settlement of the dispute. The parties assembled before His Honour in Chambers, and after all aspects of the matter had been discussed, His Honour suggested the following conditions as a basis for settlement: "That the Shell Company shall employ one watchman on each shift and that they take advantage of Definition A. of the Watchmen's Determination."

Definition A. in the Watchmen's Determination reads as follows:—"Watchman Class A. means any watchman who, in addition to or as a part of his ordinary duties is required to perform any other work for which under any Award, Order or Determination (whether applicable to watchmen or not) a rate of payment is prescribed which is higher than the rate payable to him under this Determination." This settlement was acceptable to the union, and during the conference representatives of the company did not raise any objections to it. Although the conference met several months ago, the Shell Company has not yet implemented the conditions suggested by His Honour.

The union has been prepared to make satisfactory arrangements with the company and it has been accepted for at least 12 years, and perhaps 20, that the Act applies to these places. The Bill seeks to provide that the Act shall apply to the premises referred to in the letter. If we leave this clause as it stands we will be doing a great disservice to the community because it is evident that if watchmen are permitted to carry out other duties their attention will be diverted and there will be a risk to the community. There was no need for this provision when petrol sales were much smaller than they are today, so there can be no need for it today with the large increase in sales. A full-time watchman is now more necessary than ever and I hope the committee will accept my amendment so that the greatest margin of safety can be provided.

Mr. FLETCHER—I have listened to the debate on this clause with a great deal of interest, and I cannot understand a company storing 1,000,000 gallons of inflammable oil begrudging proper care and supervision by a proper watchman. I was surprised and alarmed to hear that this is going on. If a man is appointed as a watchman, he should be a watchman and not have any other duties, because any other work diverts his attention and creates a danger, not only to the industry, but to the general public. We can very well do without this clause, and I hope that the Government will reconsider the matter. An old employee who knows every nook and cranny of an establishment is a definite asset during the hours when other employees are absent. Although it is unnecessary to employ a watchman during business hours while other employees are on the premises, a watchman should take over after business hours. Further, a full-time watchman should be employed over the week-end. I support Mr. Hutchens' amendment.

Mr. FRED WALSH—I, too, support the amendment. From the Premier's statement it would appear that pressure has been brought to bear on the Government to introduce this legislation, the object of which, I consider, is to enforce union members to comply with employers' wishes with which they have refused to comply. A person cannot do a satisfactory job as a watchman if he is also expected to do odd jobs. All the big warehouses employ watchmen from the closing of the establishment until opening time next morning, and also over week-ends. Those men are engaged solely on looking after the premises and making periodical reports. If it is proper to confine the duties of such men to looking after those premises, surely the same principle should apply in the employment of watchmen looking after inflammable oil stores where the danger is much greater. Further, more than one watchman should be employed because there is always the risk that a man may meet with an accident and not be able to raise the alarm in case of danger. Further, he may have to wait

until next morning before his predicament is discovered. Indeed, in some industries it is provided that not less than two men be employed as night watchmen. Parliament should not comply with the wishes of an oil monopoly merely to save administrative costs.

Mr. JOHN CLARK—I support the amendment. Labor members do not support it merely because a union principle is involved: a moral principle is also involved. Not only is the safety of property at stake but also the safety of lives. A watchman should be employed solely as a watchman to see that everything is in order. I endorse Mr. Walsh's remarks on the danger of employing only one watchman. From remarks made in this debate it appears that some watchmen are expected to service and refill as many as 45 motor vehicles, besides looking after the property under their control, but in an oil and petrol depot the watchman should spend all his time in looking after inflammable stores. Members have been told there is an economic reason for this provision in the Bill, but surely any economic reason is too light to offset any loss that may result from lack of supervision in these depots. After all, the most important economic unit in the community is the individual, and if a fire occurred on one of these premises many individuals would suffer.

Mr. CORCORAN—I, too, support the amendment. The principle of one man one job should be observed in this matter. A fire at a big inflammable oils depot could easily wreck a city and endanger the lives of thousands. A watchman should not be expected to do odd jobs as well as look after the premises.

The Committee divided on Mr. Hutchens' amendment:—

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

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

Pairs.—Ayes—Messrs. Tapping and Jennings. Noes—Messrs. Michael and Dunnage.

Majority of 2 for the Noes.

Amendment thus negatived.

Mr. HUTCHENS—I move—

That subsection (4) of new section 17a be deleted.

Because of the acceptance of subsection (2) it is more important than ever that subsection (4) be deleted. Under the Bill watchmen can be given other duties and then the least of their work will be associated with watching. The employer will be able to hide behind the legislation. If anything serious should happen the worker, who has been given duties impossible to carry out, will be guilty of an offence and fined £50. It is an unreasonable provision.

The Hon. T. PLAYFORD—I oppose the amendment. The instructions given under subsection (4) will be the instructions given normally under paragraph (*b*) of subsection (1). If an employer gave instructions which might prevent watching from being done the employee must carry out his duties in accordance with subsection (4). If that subsection is deleted the legislation will be worthless. Members opposite complain that the worker would not, in effect, be a watchman, but subsection (4) ensures that the watching be done. If he does not attend to his watching duties he commits an offence. The proposed instructions in subsection (4) apply only to his duties as a watchman. If members are not satisfied that it applies only to watching instructions I shall be happy to amend the provision and make the position clear, but I am assured by the Parliamentary Draftsman that what I say is correct.

Mr. Davis—Who would decide the position under paragraph (*b*) of subsection (1)?

The Hon. T. PLAYFORD—The matter would be decided by the court, should a case be taken to it.

Mr. FRED WALSH—I think the Premier is under a misapprehension. He said that subsection (4) relates to persons employed under paragraph (*b*) of subsection (1), but that is not so. We want the workman to be employed only as a watchman. If he is given other duties to perform his work as a watchman will be impaired. It is wrong for the legislation to throw an onus on the employee when it gives the employer the right to instruct him to do other work.

Mr. TRAVERS—As I see it the matter presents no problem. The Bill envisages there being an employer and an employee, and contains two parts, one being complementary to the other. One part places a duty, and not a privilege as has been suggested, on the employer to give instructions to ensure that certain watching is done. That is found in subsection (1), paragraphs (*b*) and (*c*). With all due respect to the Parliamentary Draftsman, I think (*c*) should have preceded (*b*).

Then the position would have been better understood. The onus on the employer under (*c*) is that he shall take all reasonable precautions to see that the store is kept under adequate supervision at all times. If that is not done the penalty is £100. Under (*b*) the employer is obliged to give such instructions as will ensure adequate supervision. With a combination of (*b*) and (*c*) there is a burden on the employer, and there is no room for doubt, but if the employer closes his eyes to the position of the employee and in effect tells him to do other work because he wants to take advantage of his labour he is liable to a penalty of £100. However, if the employee commits a breach of the instructions he has been given he is liable to a penalty of £50. The clause provides that "any person who without reasonable excuse fails to keep watch" shall be guilty of an offence. If an employer says to the employee, "Instead of keeping watch you run down the street and buy me a sandwich" and a fire occurs while he is away, then he has a reasonable excuse. He is doing what his employer told him to do and is therefore not liable to a penalty. I think there has been much ado about nothing. There is an onus upon the employer to do what is right and a penalty if he doesn't, and there is an onus upon the employee to do what he has to do and a penalty if he doesn't.

Mr. FRANK WALSH—Subclause (2) states:—

Subsection (1) of this section shall be deemed to permit the appointment of persons to act as watchmen who are also required to perform duties other than that of acting as watchmen.

Why are we providing that a man may perform two sets of duties? It may be suggested that while performing other duties he has neglected to do something else. There must be an element of doubt about this provision from the beginning. The company has asked for certain things to which the Government has agreed. The company apparently has not been able to make up its mind what the form of engagement of an employee shall be. For part of the time an employee is expected to act as a watchman and for the remainder of the time he must do something else. He may be called upon to fill tanks or get petrol trucks ready and an overseer may say that he has not performed his duties and has neglected them. A man is appointed for two purposes and if he fails to achieve both of them then he is guilty of an offence. A man employed as a watchman in the bank does not have to perform other duties. He patrols the building as a watchman, yet in this vitally important matter a company is entitled to engage a person to act in a dual capacity. If he does not perform his dual duties he can be penalized. In all probability he will not have time to perform all the work he is instructed to undertake.

The Hon. T. PLAYFORD—The member for Goodwood suggests that the Government has provided for everything the company has requested. I will read a letter which will reveal how far his contention is correct. The letter is dated August 27 and was received by me on August 30. It states:—

The Bill at present before the House is causing me some concern, and also other oil company managers, in that as it stands it could easily be interpreted to mean that watchmen, as such, would require to be appointed and to act during the company's regular working hours, that is, hours during which the company's other employees are regularly engaged on their duties within the precincts of the licensed store. This is not regarded as in any sense necessary even by the Inflammable Oils Department, and from your remarks when introducing the Bill—in particular referring to the opinion received by you from the Chief Inspector of Factories—it appears that you yourself did not intend that this should be implied.

It may be considered that the objections raised should be partly met by the fact that subsection 17 (*a*) (2) of the Bill provides that a person appointed to act as watchman may be required to perform other duties. However, watchmen as you are aware, operate under a State Award and as most of the duties in bulk oil installations require the employment of persons operating under Federal Awards, in actual practice this would not work. Employees engaged in bulk oil installations, on pumping and other operations during working hours, are obviously charged with the responsibility of exercising proper care and supervision of the company's property. In addition, elaborate precautions are taken to train all employees at the plant in the need for safe working, and fire drill exercises are regularly carried out. In view of the above, I respectfully suggest the attached amendments to the Bill, and should be grateful if you would give the matter your consideration.

A list of amendments was attached, but the Government did not think they were necessary or desirable and has proceeded with the Bill as originally drafted in accordance with the recommendations of the department which has the duty of controlling this matter. I mention this to show how completely wrong the member was in suggesting that this Bill was designed to give effect to the wishes of the company.

Mr. Stephens—Did the company ask you to insert subclause (2)?

The Hon. T. PLAYFORD—No. The company requested that in paragraph (*a*) we should delete the words "at all times to act as watchmen" and insert "to act as watchmen at all times outside those hours during which the employees of the person to whom the store is licensed are regularly engaged on their duties within the said store", and that in paragraphs (*b*) and (*c*) instead of words "at all times" in each case we substitute "at all such times". In other words it proposed that this Bill would only apply to a limited period of the day or night or at times when other persons were not on the premises. The Government contends that it is necessary to have someone on the premises at all times. They may be employed in other duties provided those duties do not interfere with their duties as watchmen. I have been asked, "Why is it necessary to have this clause at all?" Watchmen have been known to sleep on duty. Does any member believe it is right that a watchman at an oil installation should curl up and go to sleep immediately all other employees leave the plant? He would not be carrying out his duties as a watchman and in the interests of the administration of this Act it is not desirable that a person should be permitted to neglect the duties assigned to him, for which he is paid, and which are in the interests of the safety of the community as a whole. The Bill does not give expression to the wishes of the oil companies but to the desires of the department administering this matter. It provides that stores which contain large quantities of fuel shall at all times be watched. It also provides that a person need not necessarily be confined completely to those duties but may perform other useful duties provided they do not interfere with his duties as a watchman. I hope the Committee will not impair the effectiveness of this Bill by striking out subclause (4).

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

Mr. LAWN—I am convinced that the Premier does not realize the importance of the clause, and I hope he will see the Opposition's point. Despite the statements in the letter read by the Premier the Bill meets the oil companies' wishes as regards the appointment of watchmen. The companies asked that they be exempt from providing watchmen while other employees were on the premises, and the Bill enables employees, such as storemen and packers, to do watching duties. This relieves the companies of employing full-time watchmen at all hours, but should a storeman and packer be told to make periodic inspections and as a result of carrying out his normal duties forget to make a round, he would commit an offence and be liable to a penalty of £50.

Mr. Macgillivray—Wouldn't he have a "reasonable excuse"?

Mr. LAWN—If forgetfulness were accepted as "reasonable excuse" new subsection (4) would be futile, but no court would accept forgetfulness on the part of a watchman as reasonable excuse. If the Bill merely provided that the oil companies must appoint watchmen it would be adequate. It is wrong to allow them to instruct other employees to do watching. If the companies do not employ watchmen they will be liable to a penalty of only £100. To a big oil company that is insignificant, but a penalty of £50 on an employee is heavy.

Mr. John Clark—And he would be sacked as well.

Mr. LAWN—Of course. The heavy penalty on employees would not be so bad if only full-time watchmen could be appointed. I hope the Government will agree to striking out new subsection (4), or to recommitting subsection (2).

Mr. MACGILLIVRAY—The Opposition has argued that proposed new subsection (4) is very onerous on employees, but I agree with the arguments of the Premier and Mr. Travers. This provision not only imposes a liability on the employee, but also provides a protection. I would have thought that the criticism of the Opposition would be that this subsection is entirely redundant, because if any employee were a watchman or a clerical worker and failed in his duty without reasonable excuse he would be discharged forthwith. The question arises whether this penalty of £50 is an arbitrary sum which the court must inflict however trivial the offence be.

Mr. Teusner—The amount could be reduced. The £50 is the maximum.

Mr. MACGILLIVRAY—If I can have the Premier's assurance to that effect, I shall be happy to support the subsection.

Mr. QUIRKE—Having voted against the subsection (2) I want to make my position clear in relation to the subsection in dispute. I saw no necessity for the insertion of subsection (2). The Bill would have been better without it, but the will of this Committee is that it should be included. Every one of the subsections, except subsection (4), refers to

the oil companies. Under subsection (3), if there were a fire and it were proved that a man was employed on some duty other than that of a watchman, the company would be liable. There is protection for a man engaged on other duties. Any oil company which would give a watchman other duties under this Act would be extremely foolish. It is only under subsection (4) that responsibility is placed on the watchman in the words "who without reasonable excuse fails to keep watch in accordance with instructions given." I think the member for Adelaide put the position backwards. The first thing to be done is to appoint the watchman. Any man who was servicing trucks, trailers and tanks, etc., would become a watchman secondarily. Under the Bill he must first become a watchman, and if he is given other duties which detract from his capacity to act as a watchman, he is not responsible. I think that subsection (4) is a protection to watchmen, and for that reason I support it.

Mr. HUTCHENS—The Premier requested that the subsection should provide against a watchman falling asleep on the job. No-one would employ on any job a watchman or any other employee who failed to that extent. He would rightly be penalized by dismissal. An employee is always subject to a penalty for not carrying out his duties. Mr. Travers dealt with the legal aspect. It would appear that whatever experience he has had in law he lacks in industry, otherwise he would not have stated what he did. As he said, under subsection (1) an oil company is obliged to provide watchmen for adequate supervision of stores at all times, and if they fail in that respect there is a penalty of £100. He said that a man was only penalized for not carrying out instructions. These could be given in writing by the manager of one section, perhaps a man responsible for the supervision of the watchmen, but there is also a foreman-storeman who would have certain jurisdiction under the Bill and might give other instructions and if the employee refused to obey them he immediately faces the possibility of dismissal. Under the Bill the instructions would be so laid down as to protect the employer to the detriment of the employee and submit him to the possibility of being charged before a court for not obeying an instruction which was a physical impossibility. He would be faced with the possibility of having to prove some "reasonable excuse." It might cost him much more than £50 which he could be fined under the clause. He could lose his job and then he would be held in suspicion owing to the unreasonableness of the employer. Because of the evidence which has been submitted here today I should think that one firm is prepared to be unreasonable toward its employees.

Mr. TEUSNER—Mr. Macgillivray said he would be prepared to support the retention of subsection (4) if he could be assured there was power for the court to reduce the fine of £50. I can give him that assurance. Under subsection (5) of section 75 of the Justices Act the following is provided:—

> Subject to the provisions of the Special Act the court may, in inflicting a fine, if it is imposed in respect of a first offence, reduce the prescribed amount thereof.

That makes it clear the court has power to reduce the penalty for conviction for a first offence. Subsection (2) of section 75 goes further. It provides:—

> If the court thinks that the charge is proved, but that the offence was in the particular case of so trifling a nature that it is inexpedient to inflict any punishment, or to inflict any other than a nominal punishment, the court may—
>
> (*a*) without proceeding to conviction dismiss the complaint.

Mr. DUNSTAN—I differ slightly with the view expressed by the honourable member for Angas. Trivial offences under the Justices Act are only those in which there is inadvertence and those that are not serious in themselves. In my experience it is highly unlikely that on a second offence for a charge of this nature the court would consider it trivial and dismiss it or convict without penalty. For a second offence a fine would be inflicted. There is a further matter; members have pointed out that if subsection 2 were not in the Bill it would be satisfactory. I agree with that view, but as it is in the Bill it has an effect on the results that would flow from subsection 4. It must be remembered that although a man may escape the provisions of subsection 4 provided that he can prove a reasonable excuse, the proving of that reasonable excuse is a burden that is upon him. Inevitably when a man is charged with doing something without reasonable excuse, whether, as in the Police Offences Act the matter is *prima facie* proved if stated to be without reasonable excuse or whether, as in this case, nothing is said, in practice if a witness goes into the box and says that the defendant could not have had a reasonable excuse the burden of proof is on the defendant, who must discharge the *prima facie* case. The burden is heavier on him than on the prosecution. Consequently, where the balance is between his word and somebody else's word the tendency will be to go

against him notwithstanding the onus that is always on the Crown to prove its case beyond reasonable doubt. The words "a man who without reasonable excuse fails to keep watch" place a heavier burden on the accused than would otherwise be the case. Taking into account the effect of subsection 2, too much burden is placed on the accused. He is not solely a watchman, therefore what the Committee has done by inserting new subsection 2 has a bearing on the consideration of new subsection 4. In all the circumstances the Committee should not accept new subsection 4.

Mr. MACGILLIVRAY—I have listened with a great deal of interest to my two legal friends on this question and was somewhat confused when one said "Aye" and the other said "Nay," so I approached the Parliamentary Draftsman who drew my attention to the fact that they are dealing with the wrong Act altogether, and pointed out that the Act in question is the Acts Interpretation Act which, in section 30, sets out the case we are dealing with. This section provides:—

The penalty or punishment, pecuniary or other set out—

I. in, or at the foot of, any section of any Act; or

II. in, or at the foot of, any part of any section of any Act

shall indicate that any contravention of such section or part, whether by act or omission. shall be an offence against such Act punishable upon conviction by a penalty or punishment not exceeding that so set out; or where a minimum as well as a maximum penalty or punishment is so set out, by a penalty or punishment not less than such minimum, and not more than such maximum.

In this case no minimum is provided so the court can make the fine as low as it likes to fit the crime, but it cannot increase the maximum, so I am prepared to support the clause as it stands.

Mr. FRANK WALSH—This afternoon the Treasurer gave the impression that an oil company had at least two persons it desired to reengage on a part-time basis. He said that the Government was not introducing the matter at the request of the oil company but that it was entirely a Government measure, but this is contrary to his remarks earlier this afternoon. Consideration of new subsection 4 hinges on the decision on new subsection 2, which has already been approved. Under the Bill as it stands a person can be employed as a part-time watchman and be required to carry out other duties, yet he can be penalized if he perhaps falls to sleep on the job. If new subsection 4 is accepted it can only worsen the position.

The Committee divided on Mr. Hutchens' amendment:—

Ayes (12).—Messrs. John Clark, Corcoran, Davis, Dunstan, Fletcher, Hutchens (teller), Jennings, Lawn, McAlees, O'Halloran, Frank Walsh, and Fred Walsh.

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

Pairs.—Ayes—Mr. Michael, Sir George Jenkins, and Mr. Dunnage. Noes—Messrs. Tapping, Stephens, and Riches.

Majority of 6 for the Noes.

Amendment thus negatived; clause passed.

Title passed. Bill reported without amendment; Committee's report adopted.

THE METROPOLITAN TRANSPORT ADVISORY COUNCIL BILL.

Adjourned debate on second reading.

(Continued from August 26. Page 520.)

Mr. JOHN CLARK (Gawler)—I support the Bill, which is the latest adaptation of Labor policy. Although that policy has not been freely adopted in this case, there is in it some slight vestige of the policy Labor has advocated for many years, and because I believe that policy to be right and essential for the good of the State and the well-being of the people, I support the establishment of the new council on the principle that a little of the policy is better than none at all. Members on this side believe that public transport in South Australia is in a sick and sorry condition and that complete co-ordination and integration of all forms of transport under a Minister of Transport responsible to Parliament is the only answer to our problem. We believe in this not merely for the metropolitan area, to which this Bill is unfortunately confined, but for the whole State. After all, our transport problems are not confined to the metropolitan area.

In recent debates members have heard much regarding the position of the Tramways Trust, and it has been made obvious that all members are concerned with the parlous state of its finances and with the repeated efforts of the Government through Parliament to bolster its finances. All agree that this policy is becoming an increasing burden on all South Australians. We have been willing to experiment with the new set-up of the trust, but some experiments become far too costly to be continued indefinitely, especially when nobody can foresee the end of the road being followed. Indeed, from

the few details given members of the course being pursued by the Government in this regard all we know is that the future outlook is rather cloudy and unsettled. No-one likes walking along an unknown road, especially if the way be dark, and that seems to be the type of road the tramways experiment is following at present; therefore, members on this side have become increasingly doubtful about the wisdom of continuing the present policy of financing the trust. Apparently buses are to replace trams, but no-one can offer any proof that that policy is proper. I do not know nor does any other member, but it is our duty to find out and I hope that the proposed Advisory Council, no matter what its inadequacies, will have a beneficial effect in that direction.

To prove my argument in this regard I will quote the following report that appeared in the *Advertiser* of September 2 under the heading, "M.T.T. Will Pay More for Roads":—

Contributions by the M.T.T towards road construction costs will be increased following the new policy of gradually replacing trams with buses. The Minister of Roads (Mr. Jude) yesterday described as "unrealistic" the present bus mileage contribution of 0.17d. a mile. It had been decided that the contribution should be raised to about 1d. a mile—about equal to the normal vehicle tax. This contribution would be made to the Highways Fund, which would then assume its share of the financial obligation entailed when roads became bus routes. The M.T.T. Act would be amended to bring this about, Mr. Jude said.

Can members imagine anything more absurd than that? It gives added proof, if such proof is needed, of the necessity for the co-ordination of public transport. We make huge grants to the almost deceased or at least indisposed Tramways Trust; then we increase contributions from the trust so that we may be in a slightly better position to give the money back to them. It appears to be a matter of the dog chasing its own tail, but the dog is not even getting within snapping distance of its tail. When, as in this case, the dog is subsidized by the Government, I object, especially as the dog does not seem to be capable of wagging its tail. I realize that some of the money thus raised may be given to local councils, but that does not alter the fact that the whole scheme is very quaint. By co-ordinating transport under a Minister of Transport responsible to this Parliament, members would be given an opportunity of seeing what is being done and asking questions about what is not being done, for the Minister would have the overall control of all types of transport. I admit that some of the answers members get to their questions today are not real answers, but at least they get a certain satisfaction from asking those questions. I believe that the proposed council will be too small, and I understood Mr. O'Halloran to say that in the original draft of the Bill the council was to comprise five members.

Mr. O'Halloran—It is a case where the second thought was not as good as the first.

Mr. JOHN CLARK—Yes. The first provision was wise because this council will have a mighty job to do. The Premier said that the council was to investigate problems affecting the metropolitan transport system, and no-one would deny that that is a huge task. I see no valid reason why the council should not comprise five instead of three members. It is possible that the council will be more or less under the control of the Minister of Railways, but it is obvious from the statement of the Railways Department that he has more than enough to do now. Why cannot a new Minister of Transport be appointed so that he may devote all his energies to that job. The Government would have no difficulty in finding amongst its ranks a member sufficiently competent and qualified to occupy such a post. For years it has been obvious that savings in finance and convenience could be made on transport and this Bill may effect such savings, but I doubt it. Why should not the Bill apply to country as well as to metropolitan transport services? The answer will probably be that our Transport Control Board is supposed to be doing a similar job in the country, but I am not certain that it is doing that job. Our transport problems are not confined to the city. All country members know of the many questions asked in this House about transport matters. It shows how difficult the problem is. Questions on transport take up about one-third of our question time. Transport matters all over the State need urgent investigation. The Bill relates to railways, tramways, buses and roads, but the council could easily control taxicabs. It would be wise to give the council power to hear appeals in relation to taxicab decisions. Such appeals will have to be heard by someone and the council seems to be the most suitable and logical body. It would provide the closer co-ordination of transport that we seek. There are many headaches in relation to the railways and the tramways. The railways are, perhaps, the most important feature of our transport service and many problems are associated with

it. A few weeks ago I travelled to Gawler on a train which left Adelaide at 11.30 p.m. Because of some trouble with the firing of the engine we reached Gawler at 1.57 a.m. On arrival my attention was drawn to an elderly person in the next carriage to mine who had become impatient. Apparently he was to stay at a nearby hotel at Gawler and as he had the compartment to himself he had filled in the time by getting into his pyjamas and dressing gown and being ready for bed. It made me inclined to suggest that the Minister of Railways put sleepers on this so-called midnight train to Gawler. We have had complaints of this sort before and there have been many breakdowns. A few weeks ago Mr. Hawker drew attention to the Burra train breaking down one morning and the inconvenience caused to travellers. The breakdown did not cause any concern to people waiting for me at Adelaide, but I had to sit in the train near Salisbury for 40 minutes without knowing what was going on.

During the last few months we have had a larger number of derailments than ever before and there has been the usual weird and wonderful reasons for them, without our being told very much about the matter. The council mentioned in the Bill could investigate this sort of thing. Probably it could find the reason for the derailments. Much investigation is needed to improve our railway system, not only from the point of view of finance, but with a view to providing more safety and a better service. I have always admired railway workers, but many of the weaknesses of the railways, as well as the tramways and other transport services, are caused through a lack of co-ordination. I hope the proposed council will bring about the desired co-ordination, but I am disappointed that it is to be only in the metropolitan area, although I realize that there most of our population lives. I regret that the scope of the Bill is not wider, that the Government did not place taxicabs under the control of the council or within the scope of its investigations. I regret also that we are not to have a Minister of Transport, but it is coming. As I said earlier, the Government has freely adopted much of our policy, and the time will come when the Labor Party itself will appoint a Minister of Transport. The Bill is an experiment that is well worth while and for those reasons I am happy to support it.

Bill read a second time.

In Committee.

Clauses 1 to 11 passed.

Clause 12—"Duty of council."

Mr. O'HALLORAN—I move—

To insert "(1)" after "shall."

Later I will move to add the following new subclause:—

(2) Act as an appeal board on reference to it of any matter arising out of the exercise by the body appointed to administer The Metropolitan Taxicab Control Act, 1954, of the functions of that body under that Act.

The amendment is designed to provide an appellate tribunal to which any aggrieved party can appeal as the result of decisions made. Consideration of the Metropolitan Taxicab Control Bill is not yet completed and we do not know what type of control there will be, but whatever it is there should be the opportunity to appeal against its decisions. We have provided for appeals against court decisions. I realize that the position in relation to taxicabs is different, but important interests are involved. Various councils in the metropolitan area may be detrimentally affected by decisions of the controlling body. People licensed to run taxicabs should have the opportunity to appeal when aggrieved at decisions. These and other matters should be considered by an impartial tribunal. Under the Bill railways, tramways and bus services are subject to control and it is desirable that the proposed council should be the appellate tribunal in connection with decisions made in relation to taxicab control.

The CHAIRMAN—I remind the honourable member that the amendment deals with legislation that is not yet in existence.

Mr. O'Halloran—I suggest that we report progress and deal with the matter later.

The Hon. T. PLAYFORD (Premier and Treasurer)—Although I like to assist Opposition members when possible, the debate on the Metropolitan Taxicab Control Bill is in an interesting stage. There has been a proposal for the Commissioner of Police to administer it and some time may elapse before we finally decide who is to have the control. The sole purpose of this Bill is to solve a problem which frequently arises as the result of direct competition between two Government-financed, public-owned transport systems, which is not in the best interests of the community because neither service can adequately operate. Where that competition exists both services make heavy losses and the object of the Bill is to get co-operation between the two systems. The council would comprise a person representing the railways' point of view, another representing the tramways' point of view, and a

chairman who would be impartial and completely free from bias. I cannot understand what appeals the council would be able to consider as a result of the other measure mentioned by the Leader. I would fancy that four matters would possibly be covered—whether a man was to have a licence or not, whether an additional licence should be issued or not, whether there were too many licences being issued, and whether some sections of licences should be cancelled.

Mr. O'Halloran—There might be the question of stands.

The Hon. T. PLAYFORD—I point out that the other legislation did not give the question of stands to the new authority but left it with the local councils. Frankly I do not think that the council would be the appropriate authority to act as an appeal board on the matters I have mentioned. The whole purpose of this Bill is contained in clause 14 (4) which states:—

> It shall be the duty of the South Australian Railways Commissioner and of the Municipal Tramways Trust to comply with every direction given to him or it under this section.

There is no such provision with regard to anything else. I would not like the fate of this Bill to be too closely connected with the fate of the other Bill because this legislation should be passed without delay and I fear that the other Bill may be subjected to further consideration before Parliament finishes with it. This legislation should have a marked effect on the efficiency of the railway and tramway services in the metropolitan area where quite frequently both authorities run full services where a partial service provided by one authority would be sufficient.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 8.53 p.m. the House adjourned until Wednesday, October 6, at 2 p.m.