

**HOUSE OF ASSEMBLY.**

Thursday, October 14, 1954.

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

**QUESTIONS.****GRASSHOPPER PLAGUES.**

Mr. O'HALLORAN—Yesterday afternoon's *News* contained the following report under the heading "Big 'Hopper Plague Ends":—

There had been a satisfactory killing of grasshoppers at Loxton, the Minister of Agriculture, Mr. Christian, said today. Spraying was nearly completed and results had been good. It was not expected there would be any further serious trouble in the area.

I am pleased that this is apparently the only infestation that has occurred in South Australia this year, but in the event of future infestations, which judging by past experience may be expected, can the Minister of Agriculture say whether the methods adopted at Loxton are likely to be successful in combating the grasshopper menace over a wider area?

The Hon. A. W. CHRISTIAN—In answering the question I wish to refer to the fine co-operation in the Loxton campaign between the officers of the Lands and Agriculture Departments in ascertaining the extent of the infestation, organizing the personnel and the plant, and prosecuting the eradication campaign. The Commonwealth Scientific and Industrial Research Organization with its expert advice was also of much help in determining the type of grasshopper there and providing the best chemical compound for use in the campaign. I am pleased indeed to reiterate that the campaign has been successful, and we think we now have the pest under control. I am, however, hardly in a position to say whether similar methods would be effective against more widely dispersed grasshopper plagues, because it would be much more difficult in those circumstances to achieve the same satisfactory result. On this occasion the grasshoppers were concentrated in a limited area and it was easier to get at them and sprayers using power and knapsack sprays were able to cover the whole area effectively. However, where the infestation is spread over square miles or hundreds of square miles much more difficulty would be experienced. The materials and methods used at Loxton could be as effectively used in a more wide-spread infestation, but we could hardly expect the same very good results in that case.

**ERADICATION OF SOURSOBS.**

Mr. HEASLIP—I have received a communication from the Georgetown District Council relating to soursobs growing on railway property in that area. In the past the Railways Department has always sought the co-operation of landholders in burning-off and in fighting bush fires, and that co-operation has been willingly given. Further, in the past this council has sought the co-operation of the Railways Department in the eradication of the soursobs, which, although not covering a large area, could become a pest. Will the Minister representing the Minister of Railways take up with his colleague the matter of securing the department's co-operation in eradicating this small patch of soursobs, which are not growing in any adjacent area?

The Hon. C. S. HINCKS—I will place the honourable member's request before the Minister concerned with a view to having the wisnes expressed by him carried out.

**FROST DAMAGE IN MURRAY AREAS.**

Mr. MACGILLIVRAY—Has the Minister of Irrigation a report on the recent frost damage in the Murray irrigation area?

The Hon. C. S. HINCKS—I asked for a report soon after frost was reported in the area, but so far I have received only an early report, which indicated considerable damage in isolated places. I have asked for a further report which I hope to receive soon, setting out in more detail the actual loss. It takes some time to ascertain the exact damage, particularly when the buds are just bursting. As soon as I receive the report I will advise the honourable member.

**SCHOOL CHILDREN'S HOLIDAYS.**

Mr. WILLIAM JENKINS—I have received a request from some of my constituents—mothers of schoolgoing children—who consider that the summer school vacation is too long. Will the Minister of Education consider reducing the length of the Christmas vacation by about a fortnight and dividing that period between the May and September holidays?

The Hon. B. PATTINSON—Naturally I have much sympathy for some of the harassed mothers in the honourable member's electorate; but this is neither a new question nor one easy to solve. It has been brought forward intermittently over a period of years; my predecessors have dealt with it and I have had it before me only recently. The request is not supported by the Teachers' Institute,

the executive of the Public Schools' Committees' Association, or the Education Department. As at present advised I do not favour a change, but, if I were assured that it had general support I would be willing to reconsider it.

#### HENLEY AND GRANGE POLICE STRENGTH.

Mr. HUTCHENS—This morning the mayor of Henley and Grange contacted me, pointing out that, because tramcars are now running through from the eastern suburbs, a shortage of police officers has become apparent in that town. At present there are only three there, and, if they arrange their shifts and have their days off according to regulations, on many occasions only one officer is on duty. Recently it took a person two days to contact a police officer to report a matter because of the circumstances mentioned. Will the Minister representing the Chief Secretary take up the matter to see if it is possible to make available at least one more police officer at Henley Beach and Grange?

The Hon. C. S. HINCKS—Yes.

#### NEW UNLEY HIGH SCHOOL.

Mr. DUNNAGE—My question relates to the Unley high school, the Unley girls' technical school and the Unley primary school. I have received a report from the Minister of Education setting out certain particulars in this matter, but I would deem it a favour if he would make a public statement on it because I feel many parents are now considering to which school they will send their children in the coming year. If they could be assured that something will be done in respect to the Unley schools parents would send their children to them knowing that in the near future there was likely to be better accommodation there. Has the Minister any further information to give regarding a new Unley high school?

The Hon. B. PATTINSON—A proposal was submitted to Cabinet a year ago for reference to the Public Works Committee for the construction of a new Unley high school but the estimated cost of £632,871 was considered by Cabinet to be excessive. It included a large assembly room and a large number of other amenities, and as a result it was referred back for further consideration. Since then I have given great consideration to the matter because I realize, as does the honourable member and Mr. Dunks, as well as the committees of the three schools, that a new high school is urgently required, but it would be impossible

for the Government to spend anything like that sum of money on one school when only £1,050,000 was voted this year for school buildings generally. During the last few weeks I have endeavoured to reconcile various conflicting opinions as to the type of school which should be erected. The Director of Education, the Deputy Director and I are in substantial agreement on the matter now and I think the committees of the three schools are also in agreement. As a result, I have requested the Architect-in-Chief to prepare plans of the proposed school as soon as possible for submission to Cabinet. If Cabinet subsequently approves them they will be referred to the Public Works Committee, and I hope provision will be made on the Loan Estimates for 1955-56 for the commencement of the work. The proposal is that the school shall consist of two units, under independent control, as a boys' school and a girls' school, to form one suite of buildings on an area that has been set aside for the purpose. Accommodation will provide for 890 boys and 710 girls, a total of 1,600. The plans to be prepared will omit the workshop block for boys, a central library block and an assembly hall, which were included in the original plan, but a proviso will be included that ultimately these buildings will be required. After very careful consultation with the Director, the Deputy Director and the school committees concerned we consider that the schools should be constructed over a period of three years to spread the cost in stages so that they may be progressively occupied. The first stage will allow the boys to move across as enrolments expand and I hope that it may be possible to have this ready by February 1957, to be followed immediately by the construction of the remaining section to enable room to move in, say, a year later. I have asked the Architect-in-Chief to plan a two-storey building, avoiding as far as possible the spread of buildings suggested in the earlier rough sketches. I hope that these plans will be completed within the next two or three months so that I can submit them to Cabinet for approval and, if approved, to the Public Works Committee.

#### HILLCREST SCHOOL GROUNDS.

Mr. JENNINGS—Last week I asked the Minister of Education a question regarding the paving of the school grounds at the Hillcrest primary school. I pointed out that I had been in correspondence with him on the matter and had been informed that the expenditure had been authorized, but the school committee is

getting impatient about the start of the work. The Minister has some personal knowledge of the position because he and I were together when he opened the school several weeks ago. Has he any further information on the matter?

The Hon. B. PATTINSON—I was in correspondence with the honourable member some time ago and approved the work, but after going to the school in company with him to see the grounds I was impressed even more than before with the urgency of the matter, and I asked the Architect-in-Chief to expedite the work.

Mr. Fred Walsh—Come down my way.

The Hon. B. PATTINSON—I shall be only too pleased at any time to consider the position of schools in the honourable member's district, or in the district of any other honourable member, because that is the only way I can really get to understand the position, and it would give some pleasure to the members concerned. I have asked the Architect-in-Chief to expedite the work at the Hillcrest school and am pleased to be able to say that it will be commenced early next month.

#### MELROSE-WILMINGTON ROAD.

The Hon. Sir GEORGE JENKINS—Has the Minister representing the Minister of Roads a reply to the question I asked last week regarding the completion of the portion of the Main North Road between Melrose and Wilmington?

The Hon. C. S. HINCKS—I have received the following report from the Commissioner of Highways:—

It is intended to bituminize the Main North Road between Melrose and Wilmington. The construction, however, is being undertaken by the district council of Port Germein which is doing the work in stages. During the current year £20,000 has been provided for the purpose.

#### REGISTRATION OF UTILITY TRUCKS.

Mr. RICHES—A request has come to me from my district concerning the registration fee charged for utility trucks used for private purposes. A number of workmen in the northern districts who could ill afford to purchase motor cars have obtained secondhand utilities but have found that, because of the alteration to registration fees which Parliament sanctioned last year, all utilities are now regarded as commercial vehicles and are subject to a higher registration fee than a heavy motor car. For instance, the registration fee for a utility is £22 a year, whereas the fee for a Customline car is £17 10s. Will the

Minister consider reducing the amount of registration on utilities which are used exclusively for private running and not for commercial purposes?

The Hon. C. S. HINCKS—The honourable member will agree that if that field were opened up a tremendous number of vehicles would be affected and it would lead to a severe loss of revenue. However, I will take up the question with my colleague and let the honourable member have a reply.

#### WEED KILLING ON RAILWAY PERMANENT WAY.

Mr. PEARSON—Despite the dry season there is a considerable growth of weeds and grass on railway permanent way and immediately adjacent thereto on Eyre Peninsula. On the mainland I have seen spray trains, consisting of a number of tank cars coupled to a control van, in operation. They can spray a large mileage with weed killer in one day. That equipment is not used in the Eyre Peninsula division, where various makeshifts are used. With the equipment available the men are not able to keep the line clear of inflammable material which could cause trouble during the summer. Will the Minister representing the Minister of Railways examine the position as it applies to the Eyre Peninsula division and take steps before the spring of next year to have equipment sent to the area to enable the permanent way staff to do an effective job of weed killing?

The Hon. C. S. HINCKS—I will give consideration to that request.

#### CHILDREN'S EVIDENCE.

Mr. DUNSTAN—On September 21 I asked the Minister representing the Auditor-General a question relating to the intentions of the Government with regard to the uncorroborated evidence of unsworn children, following upon a decision of the Full Court in which it called the attention of the legislature to the disparity between our legislation and that in other States and other parts of the British Commonwealth. Has he a reply to that question?

The Hon. B. PATTINSON—I referred the question to the Attorney-General, and he has supplied me with a report from the Crown Solicitor as follows:—

The Court of appeal did not make any recommendation. What they said was "The present appeal seems to us to afford some ground for our venturing to draw the attention of the legislature to the existing provisions of the Statute Law in force in England and the

other States dealing with the same." I do not see any good reason for the amendment suggested by the honourable member. The provision that the unsworn testimony of children under 10 is acceptable in lieu of sworn evidence has been in existence for many years, and I do not believe that it has ever led to injustice. I have known of cases where men have been convicted who would have escaped if the law had been as the honourable member suggests it should be, but that is a different matter. Subject to the warning always given by presiding judges in sexual cases, it is lawful for juries to convict on the uncorroborated evidence of a witness of 10 and upwards both in this State, and generally speaking in most British communities. In this State the distinction made elsewhere in the case of children under 10 does not exist. This does not mean that the evidence of young children is acted on indiscriminately. Before unsworn testimony is given, the presiding judge must explain to the child that she (or he) is required to tell the truth and if the child has not the intelligence or is too young to appreciate this obligation, the evidence is not permitted to be given. Even if it is given, great care is taken to advise the jury that they must not act on it without close scrutiny.

I have sufficient faith in the jury system to believe that juries do not act on evidence of this kind lightly and are to be trusted not to convict people about whose guilt there is any real doubt. I do not think any good purpose would be achieved by providing a different rule for children of 9 years and 11 months and those of 10. In either case the witness is a child of tender years and should be so regarded in assessing the value of her evidence. Sometimes such evidence is irresponsible and valueless, sometimes any sensible person can see that it is trustworthy and sometimes the very youth of the witness provides a reason for believing that her version could not be based on anything but an actual happening. What is sometimes overlooked is that very often the only possible witness to an indecent interference with a child is, in the nature of things, the victim herself. If her version could never be enough to prove the charge, a large number of guilty men must escape. The case referred to in the honourable member's question is a good illustration. The defendant was found guilty of an indecent assault on a child of six years and one month. Although there was no legal corroboration of the child's evidence, 11 of the jurymen were satisfied that it was true and the conviction was upheld on appeal by three Supreme Court Judges. If the law had been as the honourable member suggests it ought to be, a guilty man would have escaped punishment by reason of having chosen a victim of sufficiently tender years.

#### BLANCHETOWN BRIDGE.

Mr. STOTT—Some time ago I asked the Premier if he would bring down a report of the committee appointed to make inquiries into the provision of a bridge across the river at Blanchetown. Has the Minister temporarily in charge of the House that report?

The Hon. C. S. HINCKS—I have a report from the Commissioner of Highways which reads as follows:—

The survey mentioned in the above report has been completed and revised plans and estimates are approaching completion. These will be considered by the committee, and unless any other unforeseen point arises a proposal for submission to the Public Works Committee can be then prepared. The matter is being handled as promptly as the many other calls on the members of the committee will allow.

#### ANZAC HIGHWAY REPAIRS.

Mr. FRANK WALSH—Under the heading "Highways and Local Government Department" the Auditor-General's report states:—

This department is responsible for the construction and maintenance of the main highways of the State.

Will the Minister representing the Minister of Highways ascertain whether that department can assist the Adelaide City Council—which I think would be the council concerned—to construct and surface the Anzac Highway between the intersection of South and West Terraces and Keswick Bridge. My impression is that after several months' work that road has been left in a condition which could be affected by erosion through not being properly sealed. Water would materially affect it. In addition, will he obtain a report whether the high tension poles there could be removed to another site from that conglomeration of engineering that has taken place in the traffic island?

The Hon. C. S. HINCKS—I will get a report for the honourable member.

#### SCHOOL LITERATURE.

Mr. MACGILLIVRAY—Some time ago I gave the Minister of Education a copy of a pamphlet that has been circulated in some of our public schools, and which could be construed as propaganda against one of the oldest primary industries in this State. I do not doubt the sincerity of the people who sponsored this pamphlet, but if sincerity is the only test of literature circulated in our schools we might easily have communist propaganda in schools, and I am sure the Minister would be the last to approve of that. Has the Minister any control over literature made available in our schools outside the curriculum and the books provided by the department? If not, will he see that in future no literature of the type I have mentioned is used in schools without his express permission?

The Hon. B. PATTINSON—I was not aware of the existence of the pamphlet or booklet to which the honourable member refers until he drew my attention to it recently, but I have ascertained that it was produced by the Albert District Branch of the Independent Order of Rechabites, and has been in existence and distributed through the schools since 1925. It is apparently used for the purpose of an examination on temperance knowledge. From a cursory inspection of the booklet it seems to be in favour of the virtues of total abstinence, whereas I understood that temperance was considered to be one of the cardinal virtues. I did not know that we were preaching the gospel of total abstinence in schools. Of course, teachers who teach this subject do so quite voluntarily, and I do not know that it has done any harm, if it has not done any good. I do not know how this literature came to be used in our schools 25 years ago, but I intend during my leisure to study the booklet and I will also see whether it received Ministerial approval previously. If it did not, I will consider further whether it should now.

#### SPEAR FISHING.

Mr. WILLIAM JENKINS—Since my recent question about spear fishing in the Inman and Hindmarsh Rivers a departmental inspector visited Victor Harbour for two days and interviewed many people. In view of his report, and the evidence he received, and that under the regulations gazetted between 1917 and 1946 several other rivers in South Australia are covered in regard to spear fishing, will the Minister of Agriculture now include the Inman and Hindmarsh Rivers under those regulations?

The Hon. A. W. CHRISTIAN—The matter is being examined following on the visit of the inspector to Victor Harbour and a deputation that I received this morning from members of the Piscatorial Council and the Amateur Fishermen's Association, who also asked for certain restrictions on fishing in inland waters. I point out that at present certain restrictions are in force. For instance, there is a bag limit of 12 fish per man per day, and there is also a close season extending, I think, from May to the end of August in regard to these waters.

The request now is that all fishing, other than by rod and line or by line alone, shall be prohibited in inland waters, and that is the matter that is involved in the honourable member's question. A complete examination is now being made of what further prohibitions or measures should be taken to protect inland waters from being completely denuded of fish.

#### SCHOOL-LEAVING AGE.

Mr. HUTCHENS—Has the Minister of Education a reply to the question I asked on August 17 about compelling children who commence a year at a secondary school to complete it? I firmly believe that this would assist the smooth working of the department.

The Hon. B. PATTINSON—I considered the honourable member's question and got a report from the Director of Education. I am sorry I have not it before me now, but the question was largely one of availability of accommodation and teaching staff. The department, with its present accommodation and staff, can cope with all children who desire voluntarily to stay on, but I do not think it could cope with the additional children who would have to stay on. I understand that another 5,000 or 6,000 children would have to be accommodated and taught if they were required to continue after 14 years of age. As at present advised I am not prepared to comply with the honourable member's request because, instead of adding to the smooth working of the department, I think it would disrupt the department's work, and we could not cope with the extra children.

#### EGG BOARD'S OPERATIONS.

Mr. DUNKS—Can the Minister of Agriculture say when the Auditor-General's report on the operations of the South Australian Egg Board under the Marketing of Eggs Act will be available to the House?

The Hon. A. W. CHRISTIAN—I think the special report referred to is submitted to the Minister only and not to Parliament. I received one such report about a month ago, and I think he makes a report on such particular matters. When the next report comes to hand I shall be pleased to discuss it with the honourable member.

#### PORT ADELAIDE GIRLS TECHNICAL SCHOOL.

Mr. STEPHENS—Recently the Minister of Education and some of his officers visited the Port Adelaide girls technical school in connection with certain alterations to be made there. Can the Minister say what the department intends to do in that matter?

The Hon. B. PATTINSON—I am not quite sure on what particular aspect the honourable member is seeking information, but when I visited the site of the school with him the question of the demolition of two houses was raised. One is an old derelict house and the other in reasonable order and tenanted. I

was assured by the school committee, the mayor of Port Adelaide, some members of his council, and the Education Department, that they had no objection to demolishing the houses, and I subsequently approved of their demolition. One house, however, is occupied by a mother and her son and it was necessary to give them notice to quit. Further, although the department is not obliged to do so, it was considered desirable that every effort should be made to obtain alternative accommodation for them. That is now being done, and in due course the two properties will be demolished.

#### PUBLIC SERVICE STAFF.

Mr. STOTT—Some time ago the Public Service Commissioner, in a report, criticized officers in the Public Service, saying they were not studying enough to qualify for higher office. Further, in his report tabled yesterday the Auditor-General states:—

In view of the prevailing unsatisfied demand for manpower in the Public Service, both the administrative and the legislative machinery for dealing with promotions, transfers, appointments, and grading of salaries should be subjected to drastic overhaul and alteration with a view to achieving greater expedition in dealing with those staffing problems and thus ensure the efficient conduct of Government business in the interests of the community.

Will the Acting Leader of the Government ask the Premier to confer with the Commissioner and the Auditor-General to see whether the Commissioners' report can be amplified, and whether he is still of the same opinion, and to ascertain the policy the Government intends to adopt to implement the recommendations of the Commissioner and the Auditor-General?

The Hon. C. S. HINCKS—I will refer the question to the Premier, but I cannot give the honourable member any guarantee on what action will be taken.

#### OIL DEPOSITS.

Mr. RICHES—I have received the following letter from the Andamooka opal fields:—

We hear and see both by radio and daily press a great deal about oil-bearing country in Australia, which brings me to the point about which I would appreciate if you will kindly bring under the notice of the Premier (Hon. T. Playford) or the Minister of Mines regarding the subject contained in this letter. On the Yellecowie Station just west of Lake Torrens during the year of 1918 I was minding sheep and had an aboriginal for a mate. We often brought into camp several pieces of different types of mineral, and some of it was claimed by the late Mr. George Crowden as being oil shale of good quality. The shale was found in No. 2 paddock. The station is now called

The Bosworth and is owned by Mr. Hervin Greenfields. If the Mines Department has no record of this shale, it may be worth checking, and could be a valuable asset to the State, if found to contain a large percentage of oil. Would be glad to receive a reply to my letter, also the results of the tests made of this shale. If my assistance could be of any further value I would gladly respond. Hoping the information given proves successful.

Reports in last week's press indicated that the whole of this area—in fact, about two-thirds of the State—has been given over to private companies for exploration. Will the Minister representing the Minister of Mines have this matter placed before the Mines Department for a report? Can he inform me whether the department has any rights reserved to it to conduct tests in this area?

The Hon. C. S. HINCKS—I will take up the honourable member's question with the Minister of Mines. The Mines Department frequently receives such reports, some of which are discussed in Cabinet. Investigations are usually made into the possibilities of the areas mentioned. I will let the honourable member have a reply in due course.

#### SWAN REACH PUNT.

Mr. STOTT—Last Monday, in returning from the Loxton show and to avoid a delay at the Blanchetown punt I travelled to Swan Reach where, together with many other motorists, I was held up for 1½ hours. While there I saw the punt convey a wood carter's truck, and it was too small to take any other vehicles. Indeed, it is so small that it can hardly hold four small cars at the same time. Will the Minister representing the Minister of Local Government take up with his colleague the possibility of installing a larger punt?

The Hon. C. S. HINCKS—Yes.

#### PORT AUGUSTA EXPORT ABATTOIRS.

Mr. RICHES—Has the Minister of Agriculture obtained the report he promised on the number of stock that might be available from the Northern Territory, the far north and Eyre Peninsula if an export abattoirs were established at Port Augusta?

The Hon. A. W. CHRISTIAN—I had the matter investigated and the facts regarding the movement of cattle from the Northern Territory and the northern parts of South Australia are pretty well-known. The number of cattle coming down from these parts totals anything from 30,000 to 40,000 a year. Many of them are store cattle and require to be fattened before being slaughtered. At the moment I have no precise information as

to the number coming through ready for store purposes, but I know it is considerable. We have no figures regarding Eyre Peninsula, because there has been no check. I know there are some, but we have kept no record of the number. My answer may seem somewhat indefinite, but it is so because of the total number of cattle coming down it is not known what proportion have to be agisted somewhere for fattening.

#### LOXTON HIGH SCHOOL.

Mr. STOTT—Can the Minister of Education say when it is proposed to start work on the high school at Loxton?

The Hon. B. PATTINSON—I am sorry that off-hand I cannot say, but a small amount of money has been allocated for the commencement of the work. Over the week-end I will ascertain the position from the department and the Architect-in-Chief and inform the honourable member next week.

#### WHYALLA TECHNICAL SCHOOL.

Mr. RICHES—Last year an amount of £40,000 was placed on the Estimates for additions to the Whyalla technical school. Since then nothing has been heard of the project, although the need for it has been repeatedly demonstrated. Will the Minister of Education ascertain the department's intentions on the matter and whether the plans, when completed, can be submitted to the school committee for information and comment?

The Hon. B. PATTINSON—Whyalla is not unique in the matter of having a sum of money voted for certain work and then not having it carried out because of more urgent work superseding it. I am not aware of the exact position in relation to the Whyalla technical school, but recently the Superintendent of Technical Education has been concerned about it. I will ascertain the present position and let the honourable member know. I cannot promise that the committee will be supplied with the plans in advance. I do not know where it would lead us if such a precedent were followed and plans were submitted to high school councils and school committees, but I see no objection to it. I will discuss the matter later with the honourable member to see if any useful suggestions can be made by him or the school committee. I will bring down a further report next week.

#### RECRUITMENT OF TEACHERS.

Mr. STOTT—The Minister of Education knows that because of the increased school

population in this State there has been a great shortage of teachers. I understand the department is concerned about the matter and has instituted a drive for teachers. Can the Minister indicate the progress made and is it proposed to get teachers from overseas and other States to make up the shortage?

The Hon. B. PATTINSON—During the last few months with the assistance of the Director of Education and members of the staff of the department I have been endeavouring to secure as many additional teachers as possible. A drive has been made in Great Britain with the assistance of the Agent-General and Mr. Nietz, senior lecturer at the Teachers Training College, who is now on leave in England. We are endeavouring to recruit graduates from the various universities and are offering, I think, adequate salaries and the payment of the cost of transport for themselves, and for their wives and families if married. We have met with a good response. Strange to say, I received a letter today from the Agent-General on the matter, but I think it is too soon to give a detailed report on the measure of success. We are hoping that a number of trained graduates will be in this State by about the end of next January. I understand that for some time there has been a gentlemen's agreement between the Directors of Education in the various States not to poach on each other's preserves.

Mr. Stott—Could those arriving in January take over after the school vacation?

The Hon. B. PATTINSON—That may be possible, but we are hoping that they will first take a short course. In addition, we are making a drive in the State and have enlisted the services of some skilled persons like Miss Ruth Gibson and Mr. Jones, staff inspector. We also have the help of some accomplished high school teachers, one from Renmark and one from Port Augusta. They have been visiting the schools in various parts of the State and have met with a good response. They report that it is the best response received up to the present, but it is too soon to state the final result of the appeal. We are also receiving a comparatively large number of people who are educated, and who have been trained as teachers, as a result of the recruiting drive, and we are taking on as many temporary teachers as we can. I am not optimistic that we will receive the full complement of teachers by the beginning of the next school year. I think we will be again short next year.

**LOXTON SOLDIERS SETTLEMENT.**

Mr. STOTT—Some time ago I asked the Minister of Lands a question about the valuation of the Loxton soldier settlers' blocks and he said that the State was negotiating with the Commonwealth on the matter. As the settlers are getting anxious can he say whether any progress has been made with the Commonwealth department?

The Hon. C. S. HINCKS—Inquiries are still being made but I have had no further report from the Commonwealth Government on the matter.

**LEAVE OF ABSENCE: Mr. H. L. TAPPING.**

Mr. HUTCHENS moved—

That a further two weeks' leave of absence be granted to the honourable member for Semaphore (Mr. H. L. Tapping) on account of ill-health.

Motion carried.

**PLACES OF PUBLIC ENTERTAINMENT ACT AMENDMENT BILL.**

Read a third time and passed.

**LOCAL GOVERNMENT ACT AMENDMENT BILL.**

Committee's report adopted.

**ELECTORAL DISTRICTS (REDIVISION) BILL.**

The Hon. C. S. Hincks (for the Hon. T. PLAYFORD), having obtained leave, introduced a Bill for an Act to provide for the appointment of a Commission to report upon the redivision of the State into electoral districts, and for purposes incidental thereto.

Read a first time.

**METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL.**

The Hon. A. W. CHRISTIAN (Minister of Agriculture), having obtained leave, introduced a Bill for an Act to amend the Metropolitan and Export Abattoirs Act, 1936-1952.

Read a first time.

The Hon. A. W. CHRISTIAN—I move—

That this Bill be now read a second time.

This is purely a machinery measure without any controversial features. Section 10 of the Metropolitan and Export Abattoirs Act provides that the Metropolitan and Export Board is to consist of a chairman and seven other members who are appointed by the Governor. The section provides, in general, that members

are to be appointed to represent various interests and the manner of appointment is for some body representative of the particular interest to submit a panel of three names from which the appointment is made. The section provides that one of these members is to represent breeders of lambs for export and the panel of three names is to be put forward by the South Australian Chamber of Rural Industries. It is also provided that a member suitable to represent breeders of pigs for export is to be appointed from a panel of three names submitted by the South Australian Chamber of Rural Industries.

The Government is advised that the South Australian Chamber of Rural Industries is dormant and is of opinion that the nominations now provided to be made by that body should, in order to secure adequate representation of the interests concerned, be entrusted to other bodies actively interested in the particular matter. Accordingly, the Bill provides that, as regards the panel of three names from which the member representative of breeders of lambs for export is appointed, the panel should be submitted jointly by the committees of management of the Stockowners' Association, the South Australian Branch of the Australian Society of Breeders of British Sheep and the South Australian Wheat and Wool Growers Association and the South Australian Executive of the Australian Primary Producers Association. As regards the member representative of breeders of pigs for export, the Bill provides that the panel of three names is to be submitted by the committee of management of the South Australian Branch of the Australian Pig Society.

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

**EVIDENCE ACT AMENDMENT BILL.**

Second reading.

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

That this Bill be now read a second time. Its principal object is to make comprehensive provision for the performance of notarial acts in South Australian matters by Commonwealth diplomatic and consular officials. I use the expression "notarial act" to mean the taking of oaths, affidavits and declarations; the attestation, verification and acknowledgment of documents and generally all forms of notarial acts. At present, section 67 of the Evidence Act provides that notarial acts relating to South Australian matters may be performed outside



this State by British or Australian diplomatic or consular agents. The section defines the expression "diplomatic agent" and "consular agent" to include a variety of diplomatic and consular officers. Prior to 1947, the section only applied to diplomatic or consular agents of Great Britain. In that year, however, the section was amended at the request of the Commonwealth to apply also to Australian officials. The Commonwealth was greatly increasing its representation abroad at the time, and desired that its representatives should be able to perform State notarial acts. All States were asked to amend their law to this effect.

The Commonwealth asked only that its officials should be enabled to perform notarial acts to the same extent as British officials and, accordingly, when the principal Act was amended in 1947, that was all the amendment did. It now transpires that there are a number of Australian diplomatic and consular officials who could perform notarial acts outside the State but who do not fall within the definitions contained in section 67. The Commonwealth desires these officials to be included. The Commonwealth has requested each State to embody in their law a model definition of the Australian officials who are to be permitted to perform the notarial acts of the State abroad. This definition mentions the following officials who are not so permitted at present under the principal Act, namely, High Commissioner, head of mission, commissioner, councillor or secretary at a diplomatic post other than an embassy or legation, and Trade Commissioner.

The Government considers it desirable that these officials should be enabled to perform notarial acts in South Australian matters abroad and has agreed to embody the model definition in the Evidence Act. Clause 4 makes the necessary amendment to section 67 of the principal Act. The Bill also deals with another matter.

Section 17 of the principal Act provides that in proceedings instituted in consequence of adultery, a witness shall not be liable to be asked nor compelled to answer questions tending to show that the witness has been guilty of adultery, unless he or she has given evidence in disproof of the adultery. It is proposed in this Bill to abolish this rule of evidence. The primary reason for so doing is that the rule has completely ceased to have any logical justification.

Until some time in the last century there was a general rule of law in England in both

ecclesiastical and civil courts that a person should not be compelled to answer a question tending to show that he or she had been guilty of adultery. The reason for this rule was that to compel a person to answer such questions might expose the person to ecclesiastical censure or punishment by an ecclesiastical court. In all the early English and South Australian enactments relating to the evidence of parties in matrimonial causes, exceptions are made which make it clear that such a general rule was still regarded as being in existence, and that it was desired to preserve the rule. Section 17 is in origin an enactment of this kind, though it appears to be a modification of the general rule. It originally formed the proviso to an enactment passed in England in 1869 which made parties and their husbands and wives in divorce proceedings instituted in consequence of adultery competent for the first time to give evidence in such proceedings. The position at present is that there is no longer any such general rule of privilege from answering questions tending to establish adultery, the courts having recognized that the privilege has become an anachronism. The general rule has certainly ceased to exist for 50 years and probably for considerably longer. As section 17 is confined to proceedings for divorce on the ground of adultery, it preserves for those proceedings a rule which has long since ceased to apply to other proceedings, and is therefore an anomaly. The continued preservation in England of the rule laid down in section 17 was severely criticized early in the century. A Royal Commission which sat there in 1912 to consider the law of divorce recommended the abolition of the rule. More recently, in 1947, it was considered by a committee presided over by Lord Justice Denning, and was again condemned.

Although the rule has nevertheless not yet been abolished in England, it was abolished both in Western Australia in 1948 and in Victoria in 1952. The rule is one which leads to unfortunate results. First, it may prevent the parties in divorce proceedings instituted in consequence of adultery from being questioned about the very matter in issue, a situation which seems contrary to common sense. Secondly, the rule has given rise to a series of complicated and divergent judicial decisions. The rule is not well framed and the courts have found that this, coupled with its anomalous nature, has made it very difficult to apply. Thirdly, the rule has the extraordinary result that a plaintiff seeking a divorce on the ground of adultery, who is himself guilty of adultery

is, so long as he does not deny his adultery, privileged from answering questions about the adultery. It also may prevent the defendant from calling a co-defendant where his evidence would be valuable to the defendant, and *vice versa*. It was this aspect of the rule which most concerned the commission of 1912 and the committee presided over by Lord Justice Denning. The Denning Committee quoted the following passage from the report of the commission:—

The result is that however guilty the petitioner may be and however much the judge may suspect his or her guilt, so long as he or she confines his or her evidence to the case against the respondent, no question can be put to the petitioner as to guilt on his or her side, and all the court can do is to direct the King's Proctors' attention to the case. Moreover, if the respondent does not choose to appear, and the co-respondent does and fights the case, he is in a difficulty about compelling the respondent to give evidence. So, also, is a respondent if a co-respondent will not contest a case. These restrictions should, in the interest of justice, be done away with.

It is impossible in the present day to find any justification for the retention of the rule. To any suggestion that it protects innocent persons from being injured by disclosures of adultery or that it prevents the asking of vexatious questions, it can be answered that there are nowadays adequate provisions in the law for prohibiting the publication of evidence and for preventing the asking of vexatious questions. The rule is an artificial and technical one, the main effect of which is to hinder the courts in finding out the truth. The Law Society has been approached about the matter and supports the proposal to abolish the rule. Clause 3 accordingly repeals section 17 of the principal Act.

Mr. DUNSTAN secured the adjournment of the debate.

#### SWINE COMPENSATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 13. Page 983.)

Mr. O'HALLORAN (Leader of the Opposition)—The Bill is a simple measure designed to do two main things: firstly, to reduce the amount of stamp duty payable on the sale of pigs in order to provide a fund out of which compensation is payable; secondly, to tighten up the machinery provisions in regard to instructions given by inspectors to people who may have diseased pigs in their possession. The Bill also deals, to some extent, with the

settling of claims for compensation. It is proposed to reduce the stamp duty from 1d. for each 10s. or part thereof (with a maximum of 5s.) to 1½d. for each pound or part thereof (with a maximum of 3s. 9d.). Instead of the average rate of duty being 2d. in the pound it will be 1½d. in the pound. The Minister said that the compensation fund had a credit balance of £73,884 on June 30, and that the greatest expenditure in any year was 1951-52, when £10,885 was paid as compensation. It is estimated that the new rate of stamp duty will return between £10,500 and £11,000 annually. That, together with the substantial balance in the fund, should be adequate to meet any future claims, even if a serious outbreak of disease occurred. I support the reduction in the stamp duty, for we should not continue to accumulate unduly large funds. I have no objection to the clause relating to the powers of inspectors, for it will tighten up the legislation, and I support the second reading.

Mr. MICHAEL (Light)—I support the Bill, which will be welcomed by pig producers. The Leader of the Opposition gave the reasons for passing the original legislation, but it was considered by those in authority that £50,000 would be necessary before the pig industry could be considered safe in the event of any severe outbreak of disease. Fortunately, we have not had any serious outbreak, and we have accumulated more than £50,000. At June 30 the fund had a credit balance of about £73,000, so it is now possible to reduce the stamp duty from a penny for each 10s. or part thereof to a penny halfpenny in the pound or part thereof. However, I point out to the Minister that it would simplify bookkeeping for stock agents and others if, instead of the rate being one penny halfpenny for every pound or part thereof on every pig sold, it were a 1½d. in the pound on the total sale price of all pigs sold by one producer. This would have little effect on the total amount collected. In recent years the quality of pigs produced in South Australia has improved considerably. I did not expect this Bill to be debated today because the Minister moved the second reading only yesterday, so I have not had time to ask the Association of Commercial Pig Producers for its views. However, I have been associated with this society for some years and I am sure it would support the measure. It has been the society's policy to urge a reduction in the stamp duty as soon as the accumulated fund was large enough. I speak for the great

majority of pig producers when I say they will welcome this legislation. I support the Bill and hope that the Minister will consider my suggestion.

Mr. WHITE (Murray)—I, too, support the Bill, which in essence is similar to the Cattle Compensation Act Amendment Bill passed a few weeks ago. Every pig sold has a certain value, and stock agents are compelled by the Act to deduct an amount from the proceeds of sales and pay it into the Swine Compensation Fund, which at June 30 stood at £73,884 3s. 1d. The Minister of Agriculture told us that this sum was sufficient to ensure the successful functioning of the legislation. I agree that it is not practicable to allow this fund to accumulate and eventually become so big that it will be an embarrassment to the Government. For this reason the charges are to be reduced, and I am certain that the Government's action will be appreciated by all pig producers. It shows that the Government, while trying to protect the pig industry against losses that may be incurred through contagious diseases, at the same time does not want this fund to get out of hand. I have had some experience in pig production and I consider that clause 3, which deals with the circumstances under which compensation cannot be paid, is important, because a producer cannot afford to be careless with diseases in pigs. These animals have a natural habit of sleeping together, no matter what the temperature, and contagious diseases may spread rapidly. It is necessary, therefore, to encourage the owners to be very careful and either to report any occurrence of the disease or to deal with it judiciously themselves. Consequently clause 3 is a wise provision. I endorse Mr. Michael's suggestion, the implementation of which would do much to simplify the keeping of agents' books. The Bill will be welcomed by pig producers generally.

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

#### INDUSTRIAL AND PROVIDENT SOCIETIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 13. Page 984.)

Mr. O'HALLORAN (Leader of the Opposition)—This Bill provides for steep increases in certain charges to facilitate the administration of the Industrial and Provident Societies Act; but the position is tempered by the fact that those who must make the increased contributions will do so voluntarily because by

furnishing their reports within the time prescribed by regulation they may avoid paying the increased fees. I see no objection to the Bill, although the penalty rates seem fairly steep. For instance, it is provided that a fee of 5s. is payable for the filing of certain documents under the Companies Act, and fees of £1 5s. and £5 5s. are payable on documents not filed within certain periods. It is proposed to prescribe, by regulation, fees in respect of this legislation similar to those operating under the Companies Act. This Bill, therefore, should be successful in preventing the late filing of many documents, which is its object.

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

#### PUBLIC SERVICE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 13. Page 992.)

Mr. HUTCHENS (Hindmarsh)—Last evening the Premier, when speaking on this Bill, read a long report from the Public Service Commissioner. He read it very quickly, and members wishing to comment on it have not had a reasonable opportunity to study its contents. The Premier also drew attention to the Auditor-General's report tabled yesterday, which dealt with some of the matters raised by the Leader of the Opposition (Mr. O'Halloran) earlier in this debate. However, I appreciate the difficulties of the Government and wish to co-operate to the best of my ability in this debate in the hope that, if it is necessary in the future, Government members will reciprocate. The Bill corrects a drafting defect in the principal Act and validates what had been thought to be legal. Unfortunate public servants who, through no fault of their own, have been dismissed and later re-engaged within a period of two years will now be entitled to have their previous service considered in the calculation of their long service leave. No objection could be raised to that provision. Mr. O'Halloran drew attention to some important matters in connection with the Public Service. He said—and it is the opinion of a substantial number of people—that in recent Public Service appointments, appeals and classifications there has been too intimate a relationship between the board, the Commissioner, the Department of Industry and the Premier. Later I will endeavour to prove that

in certain instances the board has been influenced by an outside party. Mr. O'Halloran said that it is obvious that the Public Service Board has become bogged down with instructions from the Government. In South Australia "the Government" means the Premier. I cast no reflection upon the present Commissioner, for I have the highest regard for him. All members of the board hold full-time positions of great responsibility.

Mr. Macgillivray—Who are they?

Mr. HUTCHENS—Messrs. Byrne, Johnson and Aitchison. It is the policy of the Government to give puppet heads of departments part-time positions and for them to be subjected to subtle Cabinet influence. This matter has been under consideration for some time. As far back as 1939 it was raised by the late Mr. Lacey. When speaking to one of the lines on the Estimates he said, as reported on page 1156 of *Hansard* of 1939:—

I want to refer to the line which reads "Under Secretary and Secretary to Premier, Secretary to Minister of Health, Clerk to Executive Council and member of Public Debt Commission; also member, Classification and Efficiency Board, £100 per annum; also Commissioner, Charitable Funds, with fees—£986." I agree with the criticism which has been directed against a member of the Public Service holding a number of positions because I believe it is not in the best interests of the service. Some of the higher officials have had their salaries augmented in this way. If they are not being paid sufficient for the position they hold in the service their salaries should be increased. I want to make it clear there is nothing personal in this criticism because I believe the person concerned in the line is efficient. Persons holding these additional positions could better occupy their time in the departments to which they are attached. The matter has been brought up in previous years, so it cannot be regarded as new. For years there has been the feeling that a privileged few obtain appointments to additional positions to the detriment of officials of lower rank. I think an opportunity is now presented for the Treasurer to explain why these privileged few are appointed to other positions.

It is interesting to note the following reply by the then Treasurer, the Honourable T. Playford:—

I have listened with much interest to the remarks of members in regard to such appointments. A large problem is involved. I can remember as a private member some years ago raising the point myself. I wondered why the positions could not have been allocated amongst a greater number of members of the Public Service.

Today the Premier justifies something he condemned in 1939. I do not know the reason for it, but for as long as 15 years there has

been objection to men in high and responsible positions, and drawing high salaries, being given also part-time positions. It is unfair to expect them to give efficient service in both positions, as well as to maintain harmony in the Public Service. It is also unfair to junior public servants. In 1939, as reported on page 1157 of *Hansard*, Mr. Stott said:—

As this is one of the first cases on the Estimates, of an official holding more than one position this is the opportunity to protest against the system. The Under Secretary may be one of the most trusted and efficient officers in the service, but there are others in the service equally as honest and trustworthy, and under this system they are prevented from obtaining promotion. As a protest against the system I move that this line be decreased by £1.

Despite this action in 1939 nothing has been done in the matter. There is a strong feeling amongst public servants and public-spirited men throughout the State that the board is more of an evil than a blessing. Its decisions result in a great deal of dissatisfaction and many resignations. In the debate on this Bill, when the Premier said that a number of good officers were being lost, Mr. Macgillivray interjected that apparently the worst men were being retained. Whether that is true or not, the quality of the service is being reduced. Because the full-time officers must pay attention to their responsible positions their work on the board is of secondary importance.

The Hon. A. W. Christian—The Bill has nothing to do with that matter.

Mr. HUTCHENS—It was referred to by the Premier and two members. I proudly support Mr. O'Halloran who made certain claims in this matter. He only makes claims when there is justification for them. I would be failing in my duty if I did not support the remarks he justly made. His honour and his ability to sum up the position were unjustly challenged by the Premier yesterday. Under section 52 of the Public Service Act the board has certain obligations in the matter of filling vacancies, etc. It states:—

(1) Whenever a vacancy occurs in any office, if it is expedient to fill such vacancy, the Commissioner may recommend any person in the employ of the Government of the State for appointment to such vacancy, regard being had to the relative efficiency or, in the event of equality of efficiency of two or more applicants for the vacancy to the relative seniority of those applicants.

(2) "Efficiency" in this section means special qualifications and aptitude for the discharge of the duties of the office to be filled, together with merit and good and diligent conduct.

(3) Any recommendation made in pursuance of subsection (1) of this section shall be notified in the prescribed manner, and shall be subject to the right of appeal to the board.

(4) An appeal under this section shall be made in such manner and within such time as are prescribed, and may be made by any officer who at the time immediately prior to the making of the recommendation was senior in salary or length of service to the person recommended and who considers that he is more entitled to promotion to the vacant office than the person recommended on the ground of superior qualifications under subsection (1) hereof.

In 1951 subsection (5) was amended to read:—

When an appeal has been made the board shall—

- (a) give the appellant, the Commissioner and the person recommended notice of the time when and the place where the appeal will be heard;
- (b) hear and consider any relevant evidence, information, or arguments submitted by or on behalf of the appellant, the Commissioner, the head of the department in which the vacancy occurred, and the person recommended;
- (c) after all parties and witnesses have withdrawn from the hearing, determine the appeal in such manner as it deems just, having regard to the relative efficiency, or in the event of equality of efficiency, the relative seniority (as defined in subsection (11) of this section) of the appellant and the person recommended.

On the hearing of an appeal any appellant or person recommended may be represented by the General Secretary of the Association; and the Commissioner may be represented by any person authorized by him for the purpose.

This subsection shall not affect any right of the Association under section 24 of this Act.

The section continues:—

(6) Where an appeal is upheld by the board it shall so inform the Commissioner, who shall thereupon recommend the appellant officer for appointment to the vacant position and cancel the provisional appointment.

(7) Where an appeal is disallowed in pursuance of this section, or no appeal is lodged within the prescribed time, the original recommendation shall be confirmed.

(8) The recommendation of the Commissioner shall be forwarded to the Governor, who may, upon receipt thereof, appoint a person in the employ of the Government to fill the vacancy.

(9) The provisions of this section shall apply in every case where a new office is created by the Governor, and it is proposed to fill such office by the appointment thereto of some person in the employ of the Government, in the same way as they apply to the filling of a vacancy in an existing office.

The Commissioner is expected to select the most suitable applicant for a position in conformity with the provisions of the Act. Yesterday, the Premier made it clear that in certain circumstances that was not the case but rather that appointments were made at the request of the Minister in charge of the department concerned. The Premier has found it convenient to overlook the provisions of section 52 of the Act and it puts every member of the Public Service in a false position and creates a lack of confidence in this important board. I ask leave to continue my remarks.

Leave granted and debate adjourned.

#### ADJOURNMENT.

At 4.6 p.m. the House adjourned until Tuesday, October 19, at 2 p.m.