HOUSE OF ASSEMBLY.

Wednesday, December 8, 1954.

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

QUESTIONS.

GOVERNMENT SERVICE APPEAL BOARDS.

Mr. O'HALLORAN—Some time ago I received a communication from the United Trades and Labor Council, forwarded at the instance of the Australian Government Workers' Association, pointing out that, although appeals against promotions were provided for in respect of a number of Government departments, there was practically no right of appeal for many members of the A.G.W.A., particularly those engaged in mental hospital services. It was suggested that I raise the question with the Premier and that consideration be given to the constitution of something in the nature of a general appeals board to deal with those sections of the Government service not covered by existing appeal boards such as the Railways Appeals Board. From extensive inquiries in other States I have found that generally there is a wider provision for appeals against promotions in those States than in South Australia. Can the Premier say whether the Government will consider this matter during the recess and whether if that consideration is favourable, legislation on the subject will be introduced next session?

The Hon. T. PLAYFORD—I shall have this matter examined and a decision made upon it. I will advise the Leader in due course of the Government's views on it.

OLD ROAD AT BELAIR.

Mr. DUNKS—Last Sunday's edition of the Adelaide *Mail* contained an article on a little-used road leading from Belair to the Mount Lofty Road. The length of the road is only three miles, but the cost of its improvement would be too much for the councils concerned, because there are very few, if any, houses in that area. Will the Minister of Works refer to the Minister of Roads the possibility of constructing that road in order to relieve the congestion on the main Mount Lofty Road?

The Hon. M. McINTOSH—Some considerable time ago the Government, with the approval of this House, referred to the State Traffic Committee the question of alleviating congestion on the main road from Glen Osmond to Nairne and beyond. The Committee's recommendation, which has been before the Highways Commissioner and approved by the Government, was that that road should be widened and straightened. That work is proceeding with, I think, much expedition and satisfaction, and I would not think it advisable to divide our resources until it is completed. Subject to that reservation I will ask the Minister of Roads whether the honourable member's suggestion is acceptable or whether the other alternative road on the other side of the city, namely the Greenhill-Crafers Summit Road, should be proceeded with first. I make no commitments on this matter and will ask the opinion of the appropriate authority.

COMMONWEALTH HEALTH BENEFITS.

Mr. FRANK WALSH—For a long time the Commonwealth Government has legislated on certain health matters, and in order to derive the full benefits from that legislation people have had to contribute to some approved organization. I have had brought to my notice again recently some unfair competition existing in this matter. I am not advocating any particular society or condemning any companies dealing in the matter. Can the Premier say whether the Government intends to introduce, even at this late hour of the session, legislation that will guarantee protection to people who subscribe for hospital benefits with non-approved organizations?

The Hon. T. PLAYFORD—The honourable member has raised this question on a number of occasions and I agree entirely with his views. On the occasions that I have discussed the matter with the Parliamentary Draftsman I have found myself in difficulties because the legislation we would have to pass would deal with a matter which comes under the jurisdiction of the Commonwealth Government. The last information Mr. Bean gave me was that the Commonwealth Government had announced its intention to provide safeguards in this matter. I will check up with Mr. Bean and advise the honourable member what the Commonwealth proposes to do. We can legislate only in accordance with our Constitutional powers. The registration of the health benefit societies falls directly within the scope of the Commonwealth Parliament and it is not possible for South Australia to pass legislation on the matter. We have our normal company laws, but I agree that at present they do not give the necessary protection. I will make the inquiries.

BEAUMONT WATER SUPPLIES.

Mr. GEOFFREY CLARKE—Can the Minister of Works say whether anything has been done about the matter I raised last week of a small section of the Beaumont water supplies completely ceasing at certain hours of the day?

The Hon. M. McINTOSH—I have received the following report from the Engineer for Water Supply:—

A number of complaints of poor pressures and lack of supply have come from residents in Dashwood and Katoomba Roads, Beaumont. The land in these two streets is on a high level and the mains supplying them are at the tail end of the system fed by the Sunnyside tank, which in turn is supplied by pumping water from Millbrook trunk main. In recent years many properties have been added to this system and during periods of high demand, such as have recently been experienced, the consumers on the lower levels take most of the water and supplies have failed for periods in the two roads in question. To overcome this trouble larger mains and a larger pumping plant are necessary but as this cannot be done quickly because of the long length of main involved consideration has been given to some temporary method that can be installed quickly. One such method is to install a pumping plant and connecting main and to pump water from the Millbrook trunk main into the Dashwood Road end of the system. This temporary pumping proposal was put forward by the District Engineer one day last week and I instructed him to anticipate approval and try and obtain a suitable pumping unit. He has done this and negotiations are at present in hand to install a temporary pumping plant on land owned by the Highways Department.

It is hoped that the work will proceed soon. Every step has been taken to overcome the difficulty.

OIL REFINERY FOR SOUTH AUSTRALIA.

Mr. RICHES—On November 2 I asked the Premier a question about a proposal to establish an oil refinery in South Australia. I asked whether a site had been definitely selected and offered the suggestion that if a refinery were to be constructed by the Gulf Oil Refinery Company the appropriate place for it would be at a Spencer's Gulf port. I also asked whether he would bring the matter under the notice of the company. The Premier said that if there were an opportunity to present the suggestion the Government would do it. Since then the district I represent has submitted to the South Australian representative and the solicitor of the company a case for a Spencer Gulf port. Can the Premier say whether any further negotiations have taken place between himself and the company and, if so, can he make a statement on the proposal, and in particular whether he has had the opportunity to ask the company to consider a site away from the metropolitan area?

The Hon. T. PLAYFORD—Negotiations are continuing with interests that at present do not desire their names bandied around, and for that reason I am not disclosing the names of the firms particularly interested in this matter. At present there is an officer of the firms in South Australia making investigations into various matters. The Government has received a request for certain information, none of which it will be difficult to supply. We have received a request for an area of land to be reserved pending a decision by one company, which has asked that the land be not allocated to other firms which may be in competition with it. The investigations appear to me to be going forward satisfactorily. I can find no support at all for the suggestion that it would be possible to establish a plant at a Spencer Gulf port. The big market for the materials would undoubtedly be in the metropolitan area. Not only will there be motor spirits, but heavy oil residuals are an important part in the refining process and they would be required particularly in the metropolitan area.

Mr. Riches—Earlier you said it might be handy for steel works at Whyalla.

The Hon. T. PLAYFORD—That matter was examined and is still being examined, but if some of the production did go to steel works at Whyalla it would be only a relatively small proportion of the total. Amongst other things the oil refinery would be interested in supplying gas to our Gas Company. Large quantities of gas would be produced and the company would be interested in supplying a large proportion of the gas which is now produced from coal. That makes it almost essential for the industry to be established close to the larger markets. Information is being obtained at present by me for submission to the company, and then all the facts concerning the economics of the project will be known. I do not hold out hope that it will be possible to put forward a good economic case based on Whyalla.

STEEL WORKS AT WHYALLA.

Mr. RICHES—Last week the press announced that representatives of the firm of Peel and White, American financiers, were in South Australia and prepared to invest 20,000,000 dollars in industry here. They were

to have a conference with the Premier. Can the Premier say whether this could be a means of obtaining finance for the establishment of a steelworks at Whyalla? Finance seems to be the reason for the delay in establishing such an industry. If it could, is he prepared to mention this matter to this firm?

The Hon. T. PLAYFORD—The question of a further conference with the Broken Hill Proprietary Company is due to be considered in a few days. So far as I know the project for Whyalla is going along satisfactorily. I do not know of any difficulty, although the honourable member mentioned finance as such. When this matter was last considered finance did not seem to be a factor delaying the project. I cannot take the matter further until the next conference has given some definite decision on what the company proposes to do.

HILLCREST HOUSING TRUST HOMES.

Mr. JENNINGS—I have received a petition signed by 380 residents of Hillcrest, representing an overwhelming majority of the total residents of that area. The petition reads:—

We, the undersigned tenants of Housing Trust homes at Hillcrest Gardens register a strong protest at the excessively high rental of £3 5s. per week which is charged for the timber-framed homes we occupy, and which is imposing upon us an intolerable burden. We submit that the rental charged is far in excess of value received as it is considerably higher than that of all other trust homes of a similar size.

I have been requested to continue my efforts to have the rentals reduced. I know from previous replies to questions that the Premier is sympathetic towards this problem. I realize there will not be time for him to obtain a report before this session concludes, but will he refer this matter to the trust with a view to having the rents reduced to a more reasonable figure?

The Hon. T. PLAYFORD—Yes.

ELECTRICITY TRUST CHARGES.

Mr. FRED WALSH—Has the Premier a reply to the question I asked on November 25 relating to deposits demanded by the trust from tenants of premises, such as shops, before electricity is supplied?

The Hon. T. PLAYFORD—I have received a reply from the chairman of the trust as follows:—

It is not the policy of the trust to retain deposits for more than two years. Some deposits have been retained for longer periods owing to a misinterpretation of policy. In cases where the account is satisfactory the deposit will be returned at the expiration of two years.

KENSINGTON PARK AND FIRLE WATER SUPPLY.

Mr. DUNSTAN—Residents in Gwynne Street, Firle, and Corinda avenue, Kensington Park, have complained that water pressures at peak periods are so low that they cannot have baths and on occasions their lavatories will not flush. Will the Minister of Works take this matter up with the district engineer in an endeavour to have the pressures increased?

The Hon. M. McINTOSH—I shall be glad to do that. As I have indicated in the press on occasions, isolated pockets where these conditions arise are inseparable from a huge reticulation system. As we improve it in one direction frequently another area is robbed because of the extra flow in the larger mains. I will have this matter examined immediately with a view to rectifying the condition as early as possible and will report back what steps have been taken.

BRANDING OF LEATHER GOODS.

Mr. O'HALLORAN—On July 29 I asked a question relating to the branding of leather goods in South Australia. In his reply the Premier said:

The matter now raised may ultimately have to go, if it is to be policed effectively, to a Premiers' Conference for consideration of joint State action.

Can the Premier say whether this question has been considered at such a conference and, if not, will he see that it is listed for early consideration with a view to taking appropriate action in this State?

The Hon. T. PLAYFORD—Since the honourable member first raised this question the matter has received consideration and has been the subject of discussion between the States. It has also been the subject of a request from the Chamber of Manufactures in this State. I believe that one State has devised some legislation that has been introduced and possibly passed. I will obtain a copy of that legislation and, if it is suitable, have it considered by Cabinet with a view to introduction here at the appropriate time.

HILTON BRIDGE ROADWAY.

Mr. FRED WALSH—Has the Premier a reply to the question I asked on November 24 concerning the roadway over the Hilton Bridge?

The Hon. T. PLAYFORD—I have received the following reply from the Commissioner of Highways:—

The Hilton Bridge and approaches were originally constructed by the South Australian Railways. Under an agreement signed in 1924, the South Australian Railways accepted responsibility for the maintenance of the bridge and fences, the Corporation of West Torrens the maintenance of the footpath, and the Highways Department the maintenance of the pavement. Ever since the bridge was constructed there has been considerable subsidence in the approaches, and almost annually this department has had to add material to the pavement to maintain a reasonable surface. Earlier this year several test holes were sunk in the pavement to ascertain the cause of this continued subsidence, and tests of the material extracted showed that the bridge was apparently constructed of very poor material having a high liquid limit and a low bearing value. Some of the subsidence may also be due to the fact that the abutments of the bridge themselves have moved, showing a definite lean towards the railway tracks. The South Australian Railways Department are aware of this fact and I understand are taking steps to effect repairs. It is not known when these will be done. I consider that, apart from the complete removal of all the material in the approaches behind the abutments, and the strengthening of the abutments of the bridge, there is no permanent remedy, and this department must be prepared to keep on adding to the pavement as it subsides. At present, although it is in a somewhat rough condition, it cannot be classified as dangerous, and I would suggest that broken springs in cars would be the result only of excessive speed. This department is watching the pavement fairly closely, taking levels fairly regularly, and maintaining it to what is considered to be a safe standard.

TEST OF RAILWAY ENGINES.

Mr. LAWN—Has the Minister of Works, representing the Minister of Railways, a reply to the question I asked recently about the testing of freight trains loaded with motor bodies?

The Hon. M. McINTOSH—Through the Minister of Railways, I have received the following report from the Railways Commissioner:—

Last September a consignment of motor bodies to Melbourne was badly spattered during the journey through the Adelaide Hills. It was at first thought that the deposit on the car bodies came from the roof of one or other of the tunnels through which the train passed. However, it was subsequently ascertained that the damage was caused by the engine priming. Every precaution has been taken to ensure against a repetition of the trouble.

I have not any details of what happened in the case referred to, but I suppose that it will still be a matter of negotiation with the people aggrieved.

LOCAL OPTION POLLS.

Mr. MACGILLIVRAY—During the debate on the Licensing Act Amendment Bill yesterday I drew the Premier's attention to an omission in provisions for the taking of local option polls in certain constituencies and pointed out that they would not get the benefit that the Government intended. I had an amendment on the files that I thought might meet the case, but at the Premier's request I did not press it, because he said he would have the matter attended to. The first local option polls held under this Bill will be conducted next June, and I ask the Premier whether he will have amending legislation ready so that the four constituencies I refer to will get the benefit of the intentions of the Bill when the first poll is taken?

The Hon. T. PLAYFORD—When the honourable member was discussing this matter yesterday I said that I was in sympathy with his proposal, but that there were physical difficulties attached to it because there were no rolls for any part of a district and that under those circumstances the Governor could not issue a proclamation which could be given effect to; therefore, although I agreed with the principle of his proposal, it did not provide any solution of the problem. I said I would examine this matter from an entirely different angle, namely, whether it would be possible, under the Electoral Act, to provide for subdivisions to be established in the four districts concerned. That point will be examined, and if it is at all possible it will be carried out, but in any case I cannot hold out any hope that it will be possible to segregate the names in one subdivision from another and print a roll, and also to have the necessary machinery set up to establish subdivisions, before next June. I do not know what is involved.

Mr. Macgillivray—There is very little involved. I went into that fully with the Parliamentary Draftsman.

The Hon. T. PLAYFORD—I do not know what is involved, but I know there is a physical problem which is a substantial one when it comes to getting the printing of the rolls undertaken. The Electoral Rolls in this State are provided under an agreement with the Commonwealth Government under which the Commonwealth roll is accepted for State purposes, the State paying a portion of the cost of the production of the roll. I cannot assure the honourable member, even if it is straight going, that it would be possible to have new rolls and subdivisions prepared by the time he mentioned, which would be only about four months from the time the Bill is

assented to. However, I promise him that I will take up the matter actively and we shall see how far we can get. If it does not get to the stage he desires it will not be for any want of trying on my part.

SOUTH-EAST FISHING FACILITIES.

Mr. CORCORAN—Some time ago I approached the Minister of Marine on the matter of providing a boat haven at Beachport as a result of representations made by people engaged in the fishing industry there, and I ultimately received a reply that it would be given favourable consideration in due course and that a haven would be established. A slipway has been constructed at Robe, but the Minister knows that it is in need of repair. He took up the matter with the Harbors Board and I have been told that the necessary alterations and adjustments will be made. Can he say what progress has been made in these matters?

The Hon. M. McINTOSH—I do not want to enter into a controversy, but I point out that a great deal has been done at Robe at little cost to the people concerned, and I am somewhat amazed at the lack of response to that. Beachport is not very distant from Robe, and probably many other places should take precedence in the scheme of things. I see the member for Wallaroo smiling, but all places must take priority in accordance with importance and urgency. However, I will get a full report from the Harbors Board.

FREIGHT CHARGES FROM PORT PIRIE.

Mr. DAVIS—Through the Premier, I received a reply from the Railways Commissioner regarding a question I asked recently about additional charges made to a manufacturer in Port Pirie when sending goods by road to Adelaide. The reply stated:—

Mr. Davis refers presumably to a small number of large iron kettles manufactured by J. and R. Forgan and Co. of Port Pirie, which were railed from Mile End to Melbourne, account I.C.I. during the last two years.

Does the Premier think it right that a firm should be penalized for sending goods by road when the Railways Department is not able to cope with heavy articles? Will he consider removing that penalty?

The Hon. T. PLAYFORD—I did not know that there was any penalty for using the roads; indeed, I have always been told that the penalty was incurred by people forced to use the railways. I know of no penalty such as that referred to by the honourable member which I could alleviate.

SUPERANNUATION ACT AMENDMENT BILL.

His Excellency the Governor recommended to the House the appropriation of such amounts of the general revenue of the State as were required for the purposes mentioned in the Superannuation Act Amendment Bill.

Second reading.

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

That this Bill be now read a second time.

This is a complex Bill containing some rather involved amendments of the principal Act and a number of tables of figures, but the basic ideas of it are relatively simple. The most important proposal is to increase the pensions of employees and ex-employees of the Government. It can be regarded as another consequence of the monetary inflation of recent years. The amount of these pensions was last considered by Parliament in 1951 and in that year an increase of one-fifth was made. The unit of pension was then increased from £32 10s. to £39 and contributions to the superannuation fund were also increased by one-fifth. At the same time existing pensioners were granted the same increase of pension and, of course, there was no question of obtaining any further contributions from them.

Since 1951 the "C" series index has increased by 15 per cent and the living wage by 18½ per cent. In addition, there have been increases in the prices of a number of commodities not covered by the "C" series index. There has thus been an appreciable measure of inflation since pensions were last considered and it has caused a good deal of hardship to pensioners. This was recognized recently by the Commonwealth Parliament in connection with old age pensions as well as pensioners of the Commonwealth Government Superannuation Fund. Following on representations made on behalf of the pensioners of our own Public Service Superannuation Fund, the Government has had this matter fully investigated by expert officers and has also ascertained what has been done by the Commonwealth and in the other States. It is clear that there is a justification in South Australia for increasing the pension; and the amount of the increase in prices and wages, as well as the action taken in other parts of the Commonwealth, indicates that the appropriate amount of increase is about 16 per cent, or one-sixth. The Bill therefore proposes to increase all existing pensions under the Superannuation Act by this amount. The unit of pensions will accordingly rise from £39 to £45 10s.

It is, of course, impossible to increase existing pensions without also increasing the pension rights of Government employees who are now contributing for pensions. Otherwise those retiring in future would be in a worse position than those who have retired in the past. However, the Government considers it just that if existing contributors are to have their pension rights increased, it should be upon the condition that their contributions are increased in the same proportion. The Bill therefore provides that units of pension now being subscribed for will be increased from £39 to £45 10s., and that there will be an increase of one-sixth in the contributions payable for these units.

All units taken up in future by existing or future contributors will also be contributed for in accordance with a new scale set out in the Bill which represents, on the whole, an increase of one-sixth. The Government realizes, however, that the proposed increase in contributions may be burdensome to some contributors. For this reason the Bill will give every existing contributor the right to elect that all or any of his units shall not be increased in amount, and if he so elects he will, of course, be absolved from the obligation to pay any increased contribution.

Another problem also arises from the increase in the value of the unit. Under the present Act Government employees are entitled to subscribe for one unit of £39 for each £52 of salary, subject to a maximum of 20 units. This means that all such employees, except a small number in the higher ranges of salary, can subscribe for pensions up to 75 per cent of their salary. If the unit of pension is increased as is now proposed, and no provision is made to the contrary, a Government employee will be able to subscribe for a pension equivalent to seven-eighths of his salary, that is a unit of £45 10s. for each £52 of salary. It is generally agreed by actuaries and experts in pension schemes that this is much too high. It encourages early retirement and there are always some people who will take advantage of this position. Pension schemes now-a-days seldom provide for a pension exceeding two-thirds of a man's salary. The Commonwealth Parliament recently legislated so as to reduce the permissible ratio of pension to salary. They adopted the ratio of 70 per cent of salaries up to £1,300 and 35 per cent of salaries in excess of £1,300.

The proposals of the Government in connection with this problem will be found in clause 7 of the Bill. I need not specify the details of it beyond saying that, in general, it enables a Government employee to contribute for a pension up to an average of approximately 62½ per cent of his salary. At some rates of salary it is a little higher, at others a little lower. An existing contributor who is contributing for a pension higher than that allowed by the new scale will not be compelled to reduce the present number of his units; but he will not be permitted to take up additional units until his salary increases sufficiently to enable him to do so in accordance with the scale.

Another problem dealt with by the Bill is the limit which is placed on the number of units which may be subscribed for. Under the present law of this State no contributor can have more than 20 units, however high his salary may be. In this respect South Australia has for some years been out of line with other States. The Commonwealth permits officers, provided their salary is high enough, to subscribe for 36 units, New South Wales 26, Victoria 26 and Western Australia 26. Tasmania allows 48 units but in that State the unit is only half the value of ours so that, in effect, they allow 24 of our units. In these circumstances it can hardly be denied that the South Australian figure ought to be reviewed and it is proposed in this Bill to increase the maximum number of units from 20 to 26. Thus some officers will now be entitled to subscribe for up to six more units. Most of these officers are well over middle age and the contribution payable by them will be high. It is proposed to grant any officer who elects to take up additional units a concession similar to that granted when the scale of units was lengthened in 1948, namely, that if the officer is over fifty, half of the units which he elects to take can be contributed for at the rate appropriate to age 50.

In addition to the changes in the pension system there are two administrative provisions in the Bill. One provides that a medical examination will be required before an employee is admitted to contribute for a normal pension, but that permanent employees who cannot pass the medical examination may become contributors subject to special conditions to be prescribed by regulations.

Another amendment deals with the interpretation of the expression "employees employed in a permanent capacity." There has been a lot of trouble in recent years in determining whether persons taken into Government employment in connection with works and undertakings are permanent employees or

not, and it is desirable that some general principle should be laid down to guide the board in determining such questions, which have commonly arisen in connection with daily or weekly paid employees. It is proposed by clause 4 to declare that persons employed otherwise than as members of the ordinary staffs of the Public Service, the teaching service and the railway service, will be regarded as being employed in a permanent capacity if they are employed in employment which is not casual, is not limited by contract to a specific term and is not likely to terminate on completion of some particular work or undertaking. In this latter class of case it is provided that the board may treat a man as temporary until he has worked for the Government for some period approved by the board.

The only other matter which I need mention at this stage is that it is proposed that the new scheme of pensions and contributions will operate from February 1 next. I realize that in a technical Bill of this nature members may desire some further explanations of the clauses. I shall be pleased to obtain these on request.

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

POLICE PENSIONS ACT AMENDMENT BILL.

His Excellency the Governor recommended to the House the appropriation of such amounts of the general revenue of the State as were required for the purposes mentioned in the Bill.

The Hon. T. PLAYFORD (Premier and Treasurer) moved—

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution:—That it is desirable to introduce a Bill for an Act to amend the Police Pensions Act, 1954.

Motion carried.

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

The Hon. T. PLAYFORD—I move—

That this Bill be now read a second time.

It seeks to deal with an unforeseen difficulty which arose when the calculations of the specific amounts of pensions payable to certain existing police pensioners were being made for the purpose of the Police Pensions Act recently passed. The pensioners concerned are some of those who have already retired because of invalidity after at least 15 years' service. Under the old Act the rate of pension for these persons was £150 a year, plus £10 a year for each complete year of service in excess of 14. The new pension is £182 a year, plus £9 for each year of the member's age at retirement in excess of 40. Honourable members will note that the new Act made a change in the variable part of the pension so that instead of being based on years of service it was based on years of age. This change was made for sound actuarial reasons and for consistency with other provisions of the Act, particularly those relating to the payment of lump sums on a graduated scale to members who retired before the normal retiring age. Although the method of calculation laid down in the Act is correct as a general principle the age and service of some existing pensioners were such that it does not give them an increase of at least one-sixth in the amount of their pensions, as was intended by the Act.

These consequences of the new method were not discovered until the Public Actuary worked out the actual amounts of all the new pensions. The anomaly might have been discovered in advance by working out all the actual amounts before the Bill was passed, but it was considered that the work involved in doing this could hardly be justified until the decision of Parliament on the Bill was known. The Government does not desire that any group of pensioners shall suffer any discrimination, and therefore has brought down this Bill. It contains a simple provision which will ensure that where the new method of calculating the invalidity pensions in question does not result in an increase of one-sixth in the present pensions, the pensioner shall nevertheless receive an increase of this amount.

Mr. O'HALLORAN (Leader of the Opposition)—The Opposition does not desire any group of pensioners to suffer through discrimination. It appears that an error was made when the Bill introduced earlier in the session was being drafted and as a result men who retired on an invalidity pension have suffered an injustice. The Bill removes that injustice and I wholeheartedly support it.

Bill read a second time and taken through its remaining stages.

LONG SERVICE LEAVE BILL.

Adjourned debate on second reading.

(Continued from October 13. Page 979.)

Mr. FRANK WALSH (Goodwood)—I agree entirely with the sentiments expressed by the Opposition with regard to the provision of long service leave in industry. At present industry

suffers because of the transfer of labour. Men frequently transfer from industry to industry and during that process a number of man-hours are lost. It is vital for industry to maintain a proper standard of man-hours. I suggest that if private industry provided similar long service leave concessions to what are provided in the Government service their employees would not be so inclined to change their employment. Although industry has become considerably mechanized it experiences difficulty in maintaining its man-hours. Not many years ago when a person was disabled he was regarded as no longer of any use in industry, but nowadays persons suffering from disabilties—even some in wheel chairs—are engaged by some industries in their attempts to maintain their man-hours. Some Government members suggested that inflation would result from the implementation of long service leave in industry, but I cannot see how long service leave in the Government service has resulted in inflation. Some country members of the Government party participated in this debate, but I doubt whether they gave full consideration to this measure. They said that in some industries which are seasonal it would be difficult to apply long service leave provisions. I point out that over 60 per cent of this State's population has settled in the metropolitan area because workers cannot enjoy reasonable conditions in primary industries. If country members desire to retain their employees they should endeavour to provide attractive conditions.

Long service leave is not a new innovation. Some members have already mentioned that it applies in industry in some other States. They have said that it is Labor's policy to provide long service leave. That is so, but this Government should be mindful of what is happening in industries in other States. I can visualize a difficulty that may arise from long service leave applying in, say, New South Wales and not in South Australia. There may be firms in South Australia that are Australia-wide in their operations. A man working in New South Wales might be transferred to South Australia, or *vice versa*. The man at present employed in New South Wales and enjoying long service leave, when transferred to South Australia would lose that concession. Employees in this State are tempted to transfer to other States, particularly to those that grant long service leave to workers in industry. If South Australia is to keep abreast of the progress made in other States this Government must broaden its outlook and insist on private industry granting long service leave to employees. To say that industry cannot afford this concession is nonsense, for it would cost no more than 1¼ per cent of the total wages and salaries. It may not even cost that, because many women are now engaged in industry, and many of them get married and do not remain in their employment for more than eight or ten years, so they would not become eligible for long service leave. If South Australia is to get the best efforts from its labour force it must provide long service leave as laid down under the Bill.

Many firms grant their employees certain concessions, but there is no compulsion on them to do so. Some employers offer inducements that are not prescribed under awards. They grant travelling time, appearance money, or employment on a 12-monthly basis, but we should make it compulsory for all firms to grant their employees long service leave; therefore, I support the second reading.

Mr. O'HALLORAN (Leader of the Opposition)—The Australian Labor Party steadfastly believes in the principles sought to be established by this Bill. The Premier's criticism of it was based on three premises. Firstly, he said that the argument I had used in my second reading speech, namely, that the Government had granted long service leave to its own employees on a more generous basis than those I propose, was no argument in favour of long service leave for employees in private industry. He said that the granting of long service leave to Government employees depended on satisfactory service. That is so, but it is only on rare occasions that they lose their leave on this account. However, that point is adequately covered in my Bill. The drafting of the clauses has been couched in different terms from that of the legislation relating to Government employees, but in spirit and in intent the provisions are the same. The Premier said that in clause 4 I included a proviso that continuity of employment was not to be deemed to be interrupted as the result of industrial trouble. That clause was inserted deliberately, because workers have to be protected from victimization and from being deprived of long service leave under the pretext of their association, either directly or indirectly, with some industrial trouble. Labor members do not desire to foment industrial trouble; in fact, it is our desire to establish conditions that will reduce it to the minimum, and this Bill is a step in that direction. It will encourage workers to ascertain the type of employment for which they are best suited

and to seek out the employer who offers it, and thereafter to make employment with that firm their career.

The member for Goodwood (Mr. Frank Walsh) and others said that it would be in the best interests of industry to grant long service leave. They referred to the loss of man-hours that occurs as the result of employees transferring from one employer to another. This legislation is necesary to avoid that loss and stabilize the labour force. The Premier said that this Bill was class legislation of the worst kind, but I point out that the employer and the employee are partners in industry, even though one receives a larger share or return than the other. The employer has no difficulty in taking leave or time off when he wants to, but the worker, apart from his annual leave and certain public holidays, has no opportunity for taking recreation leave. This legislation is necessary in order to enable workers, after they have served the prescribed period, to have an opportunity to recuperate, and thus go back to their work and render even better service than before. Therefore, it is laid down that the employee may not, while on long service leave, accept employment with another employer.

This is not class legislation, but legislation designed to give a long-delayed measure of justice to South Australian workers in private employment, and which has been granted to workers in Victoria, New South Wales, and Queensland. I have heard of no complaints about the operation of the legislation there. I have not seen any reports in the press of any move to have the legislation there amended or repealed. The Premier said he had a sheaf of letters asking him to oppose the Bill. One would expect that if a large section of public opinion was outraged by my proposal it would make some protest to me. No organization or individual, however, has protested to me against the Bill. Reference has been made in this debate to the decision of the Victorian Court on the legal aspect of the legislation in that State, but I point out that apparently it was learned, after the preliminary hearing before the lower tribunal, that the Victorian Act was *intra vires* the law-making power of the Victorian Parliament; that is to say, that it was possible for the Victorian Parliament to legislate on long service leave in respect of employees under Commonwealth awards where no provision for their long service leave had been made. Therefore, it will be seen from all the weight of justice and argument that the possibility of the establishment of better employer-employee relations in South Australia rests on the passing of this Bill.

The House divided on the second reading—

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

Noes (22).—Messrs Brookman, Geoffrey Clarke, Dunks, Dunnage, Goldney, Hawker, Heaslip, Hincks (teller), Sir George Jenkins, Messrs. Jenkins, Macgillivray, McIntosh, Michael, Pattinson, Pearson, Playford, Quirke, Shannon, Stott, Teusner, Travers, and White.

Pair.—Aye—Mr. Tapping. No—Mr. Christian.

Majority of 9 for the Noes.

Second reading thus negatived.

PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL.

In Committee.

(Continued from October 6. Page 924.)

Clause 3 "Prohibition of shooting at captive birds"—to which the Hon. T. Playford had moved the following amendment:—

After "at" in the last line of new section 5a (1) (a) to insert "forthwith upon being so liberated".

Mr. MACGILLIVRAY—The amendment seems to be redundant. The object of the Bill is to prevent the shooting of birds on certain occasions, and, as the sponsor of the Bill has indicated his willingness to accept the Premier's amendment, could he indicate the amendment's effect?

Mr. JENNINGS—I indicated earlier that I was prepared to accept the amendment, and although it may seem superfluous to the honourable member it does not interfere with the effectiveness of the Bill. Indeed, according to the Parliamentary Draftsman it will tighten its provisions. Under the amendment, for an offence to be committed the shooting must take place when the bird is liberated.

Mr. SHANNON—This amendment alters the whole tone of the Bill. Obviously the sponsor of the Bill would have us believe that the problem he is trying to solve is cruelty. If not, his arguments break down. Anyone who has seen a pigeon shooting match knows that the bird is not actually liberated. It is not given its freedom to fly and stop and go as it likes, but is thrown into the air by a mechanical device to become a target. The shooter does not have to be told that he must shoot forthwith. He knows he must do that or the bird

is gone. I do not know what Mr. Jennings really wants. The amendment will make the Bill definitely apply to cruelty in one form of sport and in that connection I would like someone to define for me just what is "sport."

Mr. STOTT—I would like someone to explain to me the meaning of this new section 5a with the addition of the words "forthwith upon being so liberated."

Mr. TRAVERS—In moving his amendment I think the Premier had in mind the legal maxim *volenti non fit injuria*. Apparently if a bird is liberated from captivity for the purpose of being shot at, is missed and then comes back for more, it does so at its own risk. I assume that that is why the Premier moved his amendment. He believes that if a person releases a bird from a cage and takes a shot at it he is committing an offence. If the bird is shot at after being released, is missed, and comes back for more, it is *volens* and consequently *non fit injuria*.

Mr. HAWKER—In this debate we have heard a lot about cruelty and we have had mention of myxomatosis and rabbits. Why should it be cruel to capture a bird and shoot at it on liberation, and why should it not be cruel to catch an animal, liberate it, shoot at it, or let dogs chase it? Shooting at animals has taken place from time immemorial. It is nauseating to me to capture a bird, put it in a cage and then let it out for the purpose of being shot at. Shooting at birds and game whilst walking around the countryside is different from shooting at birds and game released from captivity. There is the same difference between open coursing and plumpton coursing. I cannot see what is behind the clause. In the world today there is much unnecessary cruelty. If a bird is released to be shot at how many yards must it go before it is not shot at forthwith? It would be difficult to prove that a bird had been let out of a cage for over an hour and had then been shot at. It may have been a bird that had come from somewhere else. The whole thing is ill-conceived, and deals with birds in only one special set of circumstances. I would not support the clause even if the amendment were accepted.

Mr. FLETCHER—I had a pigeon which I sold to a gun club, but it escaped on two occasions. I thought that after two escapes the bird was entitled to its freedom. I do not consider that trap shooting is cruel because the bird has a reasonable chance of escaping. Since the introduction of this measure the Mount Gambier Gun Club has conducted a meeting at which 60 shooters competed. After the eleventh round only seven remained, which proves clearly that the birds were getting the better of the deal. Five traps are used and when the shooter comes to his mark he does not know from which trap the bird will be released. It is surely just as cruel when a man discharges his gun into a flock of pigeons feeding on a country pasture or flying overhead. If it is fair to restrict the activities of trap shooters it is just as fair to restrict persons who shoot at birds willy-nilly in the open where there is more likelihood of their being wounded and escaping. Men who conduct trap shooting meetings are reputable citizens who should be commended for the opportunities they provide for birds escaping. If members read Mr. Moorhouse's report on the pigeon shooting meeting at Murray Bridge about which *Truth* made such an outcry they will realize that nothing cruel took place. The photographs used to illustrate that article were misleading because they were taken at a shooting match in Victoria.

Mr. SHANNON—In moving this amendment on October 6 the Premier said:—

I do not know what the difference between the words "promotes, arranges, conducts, assists in, receives money for, or takes part in" is. I would have thought it sufficient simply to insert words to the effect that "any person who participates in any event." I do not know the reason for defining "event" because it is already described in subsection (1). As the clause reads, birds could be shot at any time subsequent to their liberation and my amendment will make it clear that an offence is committed if the shooting takes place immediately the birds are liberated.

Mr. Fred Walsh—He wants to give the birds a flying start.

Mr. SHANNON—I do not know whether "forthwith" could mean other than "immediately," but I imagine that the Premier's proposal is to enable a person to fire at a bird at some time subsequent to its release. For example, an official would indicate to the shooters when they could fire at a bird after its release so that an offence would not be committed.

The Hon. T. PLAYFORD—My amendment was designed as a drafting amendment only, but as there seems to be some doubt about it I ask leave to withdraw it.

Leave granted: amendment withdrawn.

Mr. SHANNON—I move—

After "subsection" in paragraph (*b*) to add "or" and the following new paragraph—"(*c*) take part in any shooting for sport in

which there is a reasonable probability that animals or birds will be wounded and not recovered.''

This amendment is designed to test the sincerity of those who support this Bill. If the Committee is attempting to prevent persons from taking part in sports it considers cruel then more than pigeon shooting is involved. Both Mr. Fletcher and Mr. William Jenkins have referred to the manner in which pigeon shoots are conducted. Those associated with this sport are not the beasts some persons suggest but decent, reputable citizens. A person shooting at game in the open country is more likely to wound birds or animals and not recover them than is the case at meetings conducted by organizations. The Bill, it seems to me, is aimed at preventing people from enjoying a comparatively innocent sport. There is nothing of the Spanish bullfight flavour about it. Some members have said that the trap shooting of pigeons is a relic of the dark ages, but they should have a look at their own affairs. They are probably taking part in sports more cruel than this, though perhaps they do not realize there is any cruelty in them.

Mr. JENNINGS—The amendment is not acceptable to me. Mr. Shannon said he moved it to test the sincerity of members, but he opposed the second reading and found the numbers were against him, so he is now endeavouring to torpedo the Bill by making this clause so wide and all-embracing that it would be unacceptable to another place. The principle of the Bill was accepted by the passing of the second reading, but the amendment introduces an entirely different principle. Not long ago Mr. Shannon complained about the vagueness of the Bill, but could there be anything more ambiguous than his amendment? He told Mr. Pearson that sport could not be defined, yet he inserts ''sport'' in the amendment.

Mr. STOTT—Mr. Shannon's amendment reminds me of the words of Adam Lindsay Gordon:—

> No game was ever yet worth a rap
> For a rational man to play,
> Into which no accident, no mishap,
> Could possibly find its way.

The Committee should reject the amendment.

Amendment negatived.

The Hon. A. W. Christian, for the Hon. T. PLAYFORD, moved—

After ''practice'' in proposed new section 5a (2) insert ''or''.

Amendment carried.

The Hon. A. W. Christian, for the Hon. T. PLAYFORD, moved—

In proposed new section 5a (2) to leave out ''or other event whatever.''

Amendment carried; clause as amended passed.

Title passed. Bill reported with amendments.

Mr. JENNINGS—I move—

That Standing Orders be so far suspended as to enable the Bill to pass through its remaining stages without delay.

Mr. SHANNON—No.

The SPEAKER—I hear a dissentient voice, and therefore there must be a division on the question.

The House divided on the motion—

Ayes (32).—Messrs. Brookman, Christian, John Clark, Geoffrey Clarke, Corcoran, Davis, Dunks, Dunnage, Dunstan, Fletcher, Heaslip, Hincks, Hutchens, Sir George Jenkins, Messrs. Jennings (teller), Lawn, Macgillivray, McAlees, McIntosh, Michael, O'Halloran, Pattinson, Pearson, Playford, Quirke, Riches, Stephens, Teusner, Travers, Frank Walsh, Fred Walsh, and White.

Noes (5).—Messrs. Goldney, Hawker, Jenkins, Shannon (teller), and Stott.

Majority of 27 for the Ayes.

The SPEAKER—There is a majority of 27 for the Ayes, which is a Constitutional majority and the motion thus passes in the affirmative.

Committee's report adopted. Bill read a third time and passed.

MOTOR SPIRITS DISTRIBUTION BILL.

Adourned debate on second reading.

(Continued from September 29. Page 827.)

Mr. GEOFFREY CLARKE (Burnside)—The member for Burra, who has taken a great interest in this Bill, some weeks ago forwarded a letter to the *Motor*, a motoring publication which is produced in New York by an organization that is in no way interested in the distribution of petrol. He asked that organization to express, on behalf of the American motoring public, views about one-brand petrol stations, and he has received the following reply:—

The rule in the U.S. seems to be that each petrol station, or filling station as we call them, sells the fuel produced by one refiner, although this usually includes two and occasionally three grades . . . We have no exact figures but the proportion of filling stations selling the products of one refiner so far exceeds the number selling the fuel of several refiners that the odds must be thousands to one.

Although an innovation in Australia, one-brand petrol stations are not new in the motoring world: they are firmly established in the U.S.A. and other countries. The preamble of the Bill suggests that it provides for the licensing of petrol resellers and prohibits any financial interest in petrol reselling being enjoyed by wholesalers. The Bill does not look very much like an effort to provide for what the member for Norwood (Mr. Dunstan) termed "free and fair competition." Moreover, it would be easy, under this legislation, for a one-brand company to circumvent its provisions by sponsoring a finance company which could invest in one-brand stations. The Bill is the very embodiment of militant Socialism. After all, petrol is a very important ingredient in the means of production, distribution and exchange, and the socialization of these means is the objective that holds the Labor Party so firmly together as a happy family unit. Once control of petrol reselling were achieved, a strong hand could be placed over the control of the whole economy.

Although I am sure that Mr. Dunstan would not deliberately mislead the House or distort the truth to suit his case, I am unable to agree with his statement that certain houses have been demolished for petrol stations. He said that a house property on a corner in Fullarton Road, Rosefield, had been demolished. Later he said:—

> At the corner of William Street and Victoria Avenue, Lower Mitcham, a house is to be demolished for a C.O.R. garage.

I have, however, received the following letter from the C.O.R.:—

> I would be very grateful if you would make it known that the property referred to as having been demolished is still standing, and that it is not our intention, nor has it ever been our intention, that this house should be removed. The statement made about the Lower Mitcham home can also be refuted, as our plans for this property have never included demolition. Should the sites be developed ultimately then additions will be made to the dwellings and the existing houses used as dwellings by the operators.

When Mr. Dunstan replies in this debate I hope he will withdraw his charges regarding the demolition of these houses. He said that his only quarrel with the Australian economic system was that in many instances fair and free competition did not or could not exist. He said that it seemed that fair and free competition in the petrol reselling business was being driven out of existence by large-scale interests. This is the kernel of the matter he raised. Although it is refreshing to know that he stands for free competition, I consider he must find it difficult to reconcile that attitude with the Labor objective of the socialization of the means of production, distribution and exchange, because that is the very negation of free and fair competition, as it cuts out competition altogether.

The Bill prohibits the investment of funds by oil companies in petrol-reselling businesses and provides for the licensing of petrol stations; but that would limit competition and not free it, which Mr. Dunstan says he desires. I have seen no evidence that petrol resellers are facing bankruptcy as a result of the increased number of petrol stations. It is not true that a monopoly is being developed because of the establishment of one-brand stations; in fact it has resulted in keen competition between the oil companies. Of course, there is often confusion over the terms "big business" and "monopoly," but by no stretch of imagination can it be said that any monopoly exists in the petrol-reselling business. It is sometimes said that because petrol stations sell substantially the same product there must be a monopoly, but, merely because an industry has a code of business to which it subscribes, it does not necessarily follow that that business is a monopoly. For instance, it is never suggested that there is a monopoly in the legal fraternity merely because lawyers subscribe to the same code of ethics and join the Law Society. True, they have similar services to sell—some with greater skill than others—but a monopoly does not exist merely because they combine in an association to advance their profession.

It has been said that there has been an undue growth in the number of petrol stations, but I draw attention to the following figures. In June 1939, about 91,000 motor vehicles were registered in South Australia, and in June 1954, about 220,000—an increase of 142 per cent. During the year ended June 30, 1939, 34,000,000 gallons of motor spirit was consumed in South Australia, and in the year ended June 30, 1954, 79,000,000 gallons—an increase of 132 per cent. Despite the increases in these figures, the number of petrol-reselling outlets had only increased from 1,325 in 1939 to 1,551 in 1954—an increase of only 17 per cent. I meet many motorists, but I have heard from them no criticism of one-brand petrol stations. If one were to ask the Royal Automobile Association, which gauges very carefully motorists' reactions to both Governmental and trade policy, one would find that only since the introduction of one-brand stations has the motoring public received some

of that service which is so necessary in successfully conducting business. These stations have provided for the more economic delivery of petrol, and their operations have resulted in substantial savings which have benefited the State's economy.

It has been said that the establishment of one-brand stations has resulted in an increased price of petrol to the consumers; but I point out that the Prices Ministers have never allowed the capital expenditure on one-brand stations to be considered when assessing the retail price of petrol. Moreover, even though South Australia is so far from the centres of oil production, the price of petrol in this country is the lowest of any country, including U.S.A. For these reasons there can be no suggestion that one-brand stations have a deleterious effect either on the motoring public, the finance of the community, or the financial structure of the State: therefore I oppose the Bill.

Mr. DUNKS (Mitcham)— I oppose the Bill because I think it entirely breaks away from the system that most people have advocated for a long time: freedom of contract and freedom of private enterprise. I have always considered that I was elected to this House to give a fair representation to all sections of the community and not to pick out any one section for particular attention. This Bill, however, represents a definite attempt to take away the rights of certain people, namely, those who refine and sell petrol. There are hundreds of industries that manufacture goods and sell them to the community, and in the main they give good service. They are generally able to sell to the community at a lower price than retailers who must buy from the manufacturer or the wholesaler and charge a price that includes a reasonable margin for profit. It stands to reason that these oil companies, which refine the petrol, transport it to their depots, and distribute it through petrol stations to the public, should be able to sell petrol to the public at a cheaper rate than a retailer who purchases it from the company and has to make a reasonable margin of profit. Mr. Geoffrey Clarke mentioned the low price of petrol in Australia, which is remarkable as only lately have refineries been operating in this country. The Commonwealth Oil Refinery has operated here for many years and other comapnies are now building refineries, which indicates that in the years to come it will be the general thing to have cheap petrol. Mr. Geoffrey Clarke said that petrol in Australia is cheaper than in any other country, including America, which is the home of petrol, which indicates that there is no exploitation here. Mr. Dunstan said that there are too many petrol stations in relation to the number of motorists. Mr. Geoffrey Clarke gave figures in this regard and they bear repeating. He said that we had in June, 1939, about 91,000 motor cars, whereas today we have 220,000. Would it not have been logical for Mr. Dunstan to try to restrict the sale of motor cars because too many petrol stations are being erected? The honourable member also said that 34,000,000 gallons of petrol were sold in June, 1939, and 79,000,000 in June, 1954, and that in 1939 there were 1,325 petrol resellers and 1,551 in 1954. The figures speak for themselves.

I cannot be a party to Mr. Dunstan's proposal. It would fall heavily on the section of the community that has played an important part in the development of Australia and rendered excellent service in World War II, when I do not know where we would have been without the oil companies. Now we are at peace and the natural thing for any person in business to do is to sell his products from his own shop. That is being done in hundreds of instances. I do it myself and I would not like Parliament to pass an Act preventing me from doing it. We say that we live in a democracy and a state of freedom. We talk of free speech. We agree that employers should have their own organizations to protect themselves and we say that unions should be able to band together to approach the court, yet it is suggested that the manufacturer cannot sell his goods from his own shops. I hope the House will not accept the proposal because if so it will be the thin end of the wedge and the beginning of nationalization. If we accept the proposal it will not be long before there will be attempts in other directions and we will find restrictions imposed on people who are now free to manufacture and sell their own goods. I have always been an advocate of private enterprise and I cannot agree with Mr. Dunstan's proposal.

Mr. MACGILLIVRAY (Chaffey)—I am going to vote on this Bill differently from the way I usually vote in respect to private enterprise. Mr. Dunks has said that he supports private enterprise, but he has helped to keep the Government in office, and that Government has made vicious attempts to injure private enterprise. There are Bills on the Notice Paper now seeking to prevent private enterprise from having its legal rights. I have not the slightest doubt that the two

members who have spoken against the Bill will support the Government when those measures are considered. Earlier in the session member after member asked the Premier to take steps to stop the continual building of more petrol stations, because it was wasting State assets in building materials. The Premier said he found it difficult to do so. I suggested that one way to prevent petrol companies from spending so much money on unnecessary buildings would be to stop them from making such enormous profits. The Bill deals with one of the world's greatest monopolies. Members know that the control of finance through the World Bank is the greatest monopoly, and the oil monopoly comes next. America, the home of trusts and monopolies, tried to break them but without success. There was always found some way to prevent it. There is an old saying that money cannot be hidden. Speaking generally, people with money show by their actions that they have it, and that is true of oil companies. I have a great admiration for the Ampol Company. Despite statements that it is a supporter of freedom of enterprise the Government passed legislation to control petrol, but Ampol soon stopped that. The American companies cannot take their money out of Australia because of the exchange. It is unprofitable for them to do so. Therefore they invest their money in buildings like the Shell Building. These buildings are springing up in every capital city. Now the companies are spending money on building petrol stations. This has caused dissatisfaction in country areas, where labour and building materials are scarce. When country people see a new petrol station being erected alongside one that has served an area adequately for years they ask for the practice to be stopped. I agree that we should encourage private enterprise but we should not encourage monopolies and the wastage of useful materials. For these reasons I support the Bill.

Mr. DUNSTAN (Norwood)—I wish to reply briefly to some of the statements made in this debate. Mr. Geoffrey Clarke referred to remarks I made about C.O.R. properties. I have no further knowledge of those properties than the photographs of them that were placed on the board in this Chamber. They were handed to me and information about them was given to me by the Automotive Chamber of Commerce. I relied on that information because I believed it was given in good faith. If I have made a mistake regarding demolitions by C.O.R. I regret it. I can only say what my information was. A number of members have spoken of the way in which the number of petrol stations have increased in relation to the increase in the number of motorists. The extraordinary thing about the argument based on these premises is that the Premier said "I do not believe it is necessary for additional petrol stations to be established at the moment." It is not necessary to have more petrol stations. The Premier pointed out why petrol resellers are kept down to their present margin, which is much less than the margin available to the wholesalers. He said that the resellers are able to absorb the additional demand for petrol and consequently have larger sales. The present stations are ample to cope with the demand for petrol. It is asserted that the development of one-brand petrol stations will mean more petrol resellers and more competition in the market. No-one has denied the statement by the Shell Company that the one-brand station scheme was designed not to increase but to reduce the number of petrol resellers. I have been charged with delivering an ill-prepared speech on the second reading on the score that the figures I provided were not comparable. The Premier, in his speech, saw fit to give an assurance to this House. He said:—

I publicly expressed my concern in this House, and immediately the oil companies approached me and gave a written undertaking that the number of retailers and resellers would not be increased in the metropolitan area for two years and that no premises not in operation at the time of the undertaking would be started in the metropolitan area for that period, unless other wholesalers who would not be bound by the undertaking entered the business.

That statement was interesting because it was very simple of proof that, if that was the undertaking of the oil companies, it had not been carried out.

Mr. Macgillivray—They are still developing in the country areas.

Mr. DUNSTAN—I can point to service stations within yards of my own home that were not operating at the time of the undertaking but are operating now. The South Australian Automobile Chamber of Commerce Incorporated drew the Premier's attention to a number of stations which were being developed in breach of this undertaking. The Premier's secretary replied:—

With regard to his statement in Parliament on September 22, the Premier desires me to say that he did not quote from the written undertaking given to him by the oil companies, the actual wording of which was as follows:—"That for a period of two years as from July 1, 1954, with the exception of those

outlets actually under construction at that date, no increase in the number of petrol re-selling outlets will be made within the metropolitan area of Adelaide.

That is not what the Premier told this House. It is completely different and, of course, lets the oil companies out because how can we define the places that were "under construction?" The Automobile Chamber of Commerce asked the oil companies to define "under construction" but the companies declined to do so for the very good reason, of course, that they could say "We had plans. We bought that property and we had asked our architects to prepare plans and, therefore, that was under construction." It is impossible to enforce that agreement and it is obvious that the construction of petrol re-selling stations is continuing in the metropolitan area as well as in the country despite the Premier's assurance to this House, the petrol re-sellers and the State that he would prevent that from happening. Members have said that the oil companies do not believe there is any sort of monopoly or any tie-up and that there is a satisfactory competitive situation. The extraordinary thing, if this is a competitive situation, is that petrol re-sellers who have tried to shift from one company to another have not been able to do so. If honourable members want examples of that, I can supply them. The Premier said that there was the keenest competition between these firms but in the next breath he said that they had come to him and said that they would not allow any more petrol re-sellers to commence operating in the metropolitan area. Private enterprise? Keen competition? No tie-up between the companies? It is interesting to refer to what some companies said when one-brand petrol stations commenced to operate. I have a large advertisement from Ampol Petroleum Limited headed in black letters, "Do you want a petrol monopoly in Australia?" That is what the oil companies thought of the system when it started. Ampol and smaller companies have had to enter into the scheme because it was uneconomic to stay out. They have had to compete on the same basis as the other companies. H. C. Sleigh and Ampol which were originally opposed to this petrol tie-up have had to come into it for their own protection.

It cannot be suggested for one moment that the present situation regarding the organization of oil companies in Australia is other than a most pernicious cartel and that the avowed purpose of the system is to break the hold of small men upon petrol re-selling in this State. If members opposite believe in private enterprise they should support this Bill. If they believe, as did the Nationalist members of the New Zealand Parliament, that big business has to be stopped in its depredations upon the small business man for private enterprise to continue, they should support this Bill.

Mr. Hawker—Do you believe in private enterprise?

Mr. DUNSTAN—I believe in it where it is possible for it to exist. I believe that the development of our economy has proceeded to such lengths that it is impossible to turn the clock back and the State must intervene. I do not believe it is possible to talk about private enterprise as Adam Smith did because the same economic conditions do not exist now.

Mr. Macgillivray—Private enterprise is monopoly enterprise.

Mr. DUNSTAN—It is obvious that when members opposite speak about private enterprise they mean monopoly enterprise. The attitude of the oil companies and their supporters on this measure is to adopt the maxim "Each for himself and God for them all," as the elephant said when he danced among the chickens. In this case I am on the side of the chickens—the small business men—and members opposite are on the side of the elephant. The plain alternatives before this House are either to provide for a commission which will see that the small businessman can still exist within this industry, or not to do anything and to allow the petrol companies—the oil wholesalers—to take over this business willy-nilly, to reduce the number of petrol re-selling outlets in South Australia and, in consequence, to have the public by the short hair. There is no other alternative and I ask members opposite, if they believe in the principles they sometimes publicly espouse, to vote for the second reading.

The House divided on the second reading—

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

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

Pair.—Aye—Mr. Tapping. No—Mr. Travers.

Majority of 4 for the Noes.

Second reading thus negatived.

HIRE-PURCHASE AGREEMENTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 1. Page 546.)

Mr. LAWN (Adelaide)—I support the Bill, but first I take the opportunity of correcting a statement I made during the debate on the Address in Reply. I said that some hire-purchase firms were coming to Australia because it is such a good field for investors. I quoted from press reports and also said:—

It is freely rumoured around Adelaide that the trading department of the State Bank is lending money at four per cent, and I understand that it has made nearly £1,000,000 available to David Murray & Co.

I have since learned that that firm has not obtained any money from the State Bank, so I withdraw what I said about it, but the fact remains that some firms are borrowing money from trading banks at four per cent and charging the public as much as 18 per cent for it. I have been supplied with the details of a transaction under which a woman purchased a motor car. The car cost £385 and she traded in her old car for £65. She paid a cash deposit of £50, leaving a balance of £270. She was obliged to make 30 monthly repayments of £12 17s., which meant she had to pay £385 10s. in all. Therefore, the rate of interest on the £270 she borrowed was 17.11 per cent. When the woman's father became aware of this he was astounded. He went to the firm financing the deal and was told that that was the normal interest rate and that no reduction could be made. He asked what the firm would take as a cash settlement, and he was told £280 1s. He was a retired business man and went to the bank with which he previously had dealings. The manager readily made the money available and the firm was paid off. I understand that the rate of interest charged by the trading bank was four per cent, compared with 17.11 per cent charged by the hire-purchase firm. To give some idea of the extent of hire-purchase in Australia I shall quote the result of a Gallup Poll, which states:—

At least three out of 10 Australian families bought something on extended terms in 1953. Mr. E. B. Coles, managing director of G. J. Coles & Co. Ltd., was reported in the *Advertiser* of June 23 as having said in Sydney:—

Too many people were buying goods on small deposits and time payment. This increased the danger of inflation. The retail trade should endeavour to refrain from encouraging customers to mortgage their future by accepting very small deposits and giving lengthy terms for repayment on hire purchase sales. If consumer credit could be kept at safe levels and freed of price and import controls, there seemed no reason why the ensuing year should not be successful. Trade was well above last year's levels, with a slight decline from December peak.

The general manager of the Australian Guarantee Corporation (Mr. Keith Bain) was reported as having said:—

The safety valve of the hire-purchase system was the initial deposit paid by the customer. With no deposit, or a low deposit, anything might happen. A motor car should not be sold under one-third deposit and for radios and similar articles 20 per cent deposit should be imposed. Chaos will result if we retain the no-deposit schemes.

I realize that the Bill does not provide for a deposit, but it is the first time, that I know of, that any attempt has been made to control hire-purchase. Although the Bill does not go as far as I would like, at least it attempts some control. If the House passes it, eventually we shall have greater control over hire-purchase with the object of making it function more in the interest of the community. Every day one can pick up a newspaper and read many advertisements saying that no deposit is required. If it were harmful to the country's economy and tended to increase inflation, as Mr. Coles said, when low deposits were paid, what must be the effect with present-day large scale purchases on no deposit? I know that many wives are asking their husbands to buy refrigerators, vacuum cleaners, and other household appliances, but when husbands point out that they cannot afford them the wives say, "No deposit is required. We can choose the articles we want and they will be delivered in a day or two and we only have to pay a little each week." Many husbands are being talked into buying articles that they cannot afford. In other cases women do not consult their husbands first, but order articles and tell them later that they only have to pay a few shillings a week. A few months ago a *News* reporter asked certain clergymen what they thought of hire-purchase. The *News* of August 28 contains an article headed "Church not against time-payment." It states:—

Hire-purchase was a good thing when disciplined. This was the essence of views expressed by church leaders today. They agreed with the Moderator of the Presbyterian Church, the Rev. R. S. C. Blance, who said yesterday that hire-purchase required control and disciplining of character. The director of Catholic education, the Rev. Father J. Gleeson, said today hire-purchase could be a good thing if it were not abused. Some form of hire-purchase was probably necessary for many families, particularly those on the basic wage. However, a system of time payment which did not demand some deposit, or only a very small

one, tended to excessive spending without sufficient thought. The Methodist Conference Secretary, the Rev. C. J. Davis, said the system could become a social problem if not kept within reasonable bounds. Many people would not have certain necessary household gadgets without it. People had to exercise control to resist enticement to spend too much.

They were statements made by clergymen who were not opposed to time-payment, but who believed that it should be controlled, particularly in the interests of those on the lower wage levels. A leading article published in the *News* of August 26 stated:—

There is no doubt that hire-purchase enables many people on low incomes to obtain helpful household items such as refrigerators and washing machines which they would once have thought forever beyond their reach. However, aspects of hire-purchase have come in for criticism, and in view of the social importance which this method of trading has assumed in the past few years, legislation on the lines suggested by the Opposition Leader, Mr. O'Halloran seems warranted. Some people may not want to go all the way with Mr. O'Halloran but those who agree that hire-purchase is a desirable thing will want to see it used wisely. One proposal of Mr. O'Halloran's which would be of particular benefit to purchasers would be the progressive reduction of payments so that interest is paid only on the amount of money still owing, and not on the originally borrowed sum.

I have stated the opinions of the editorial staff of the *News,* the clergy, Mr. Coles, and Mr. Bain. They all believe there should be some control over time-payment. The Bill seeks to establish some control, though it is a moderate measure. I see no reason why people should be fleeced to the extent that they are today. They are required to pay interest on the sum borrowed, notwthstanding that they make regular repayments. Sometimes the repayments extend over 2½ years or three years. The Bill provides for a progressive reduction in interest payments in accordance with the principal paid off. Let us examine the credit foncier system that has been adopted by the State Bank. Any one who borrows from the State Bank in order to purchase a home pays interest on a monthly basis only on the amount outstanding and not on the amount borrowed; therefore the amount of interest and the amount owing are reduced each month. The Bill provides that where the borrower is a married person no purchase shall be made without the consent of both parties to the hire-purchase agreement. There is often much unhappiness because one of the partners of the marriage has signed such an agreement. Sometimes the agent of the firm has visited the home and obtained a signature to the agreement. Members should support the Bill because it provides for some control over hire-purchase business.

Mr. QUIRKE (Stanley)—I support the Bill more because of its principle than its detail. I oppose the clause requiring the consent of the spouse to a hire-purchase agreement, because I foresee a number of complications that could arise from it. Some married people have a certain sum of money in their own right and surely they are entitled to spend that sum in the way they choose. I agree, however, that many people are led into making contracts which are extremely difficult to meet and this may lead to malnutrition in the family. To that extent these contracts can be pernicious, but it is extremely difficult by means of legislation to save such people from their folly.

I have seen the working out of the schedule to the Bill, but I would like to know whether it has been tested by South Australian actuaries to see whether it will be effective for the purpose for which it is intended. We cannot make a wholehearted condemnation of the principle of time-payment; thousands use it wisely and enjoy the benefit of some amenity in their home during the time they are paying for it, whereas it would be extremely difficult for them to bank the instalments if they did not have the article. I agree, however, that where enormous sums are borrowed at a high rate of interest there should be control over the big profit which is based on the lack of purchasing power in the community. I believe that the purchasing power of the community should be equal to the value of the goods offered for sale, but under the hire-purchase system you must mortgage your income to have the goods available, and much difficulty may arise from time-payment. Some people make great use of the no-deposit system, but I consider that some deposit is necessary so that people may recognize their responsibilities in these matters.

Mr. O'HALLORAN (Leader of the Opposition)—I do not propose to speak at length, because having listened to the opposition to the Bill I find there is nothing to reply to. I wish, however, to remind honourable members of the simple objectives of the Bill. I am not averse to the system of hire-purchase; I believe it serves a useful purpose in enabling people, provided they budget their hire-purchase instalments within their potential means, to have the benefit of the use of articles while they are still paying for them. Hire-purchase is not new. In this country it has been known by

various names, such as lay-by and cash orders, but fundamentally the principles of those systems are the same. I remember when hire-purchase operated in South Australia 50 years ago and an American firm of cycle manufacturers, the Columbia Corporation, established agencies and sold many bicycles on time-payment. Later, cream separators were sold on time-payment. Properly used, time-payment benefits the community, both consumer and trader alike. Time-payment, however, may get out of hand when people over-spend their potential budget, and if we do not impose some restriction on it there is a tendency for high pressure salesmen to canvass for contracts. Although I have a great respect for the rights of both parties to a marriage I consider that there is a danger in only one party being permitted to sign a contract for an appreciably large amount, without the consent of the other; therefore, the provision requiring the signatures of both parties to the marriage should receive the support of all members. The Bill does not control interest rates. As desirable as it is, I think it is difficult to implement such a control because there are different types of transactions relating to goods of an expendable nature. Some may be very expendable, and others not so expendable. Some goods may have a high re-possession value after a period, whereas the value of others is low, or there is no value at all. Therefore, in time-payment transactions the rate of interest has to be adjusted to provide for these circumstances. The people participating in these transactions should know the real rate of interest and they should not have to meet the present flat rate. In present-day transactions an agreement is presented for signature and the rate of interest set out is 8 per cent. However, when the agreement is signed it is found that the 8 per cent is a flat rate, and that it has to be paid on the full purchase price of the commodity whilst anything is owing in the way of instalments. The result is that instead of a rate of 8 per cent per annum it is really about 16 per cent per annum, and I protest against that. I want inserted in the agreement the annual rate of interest so that the hirer will know what interest he has to pay. In order to prevent the accumulation which occurs under the flat rate system I have provided a formula, which has been excellently commended by Mr. Quirke. I want it provided that if the agreement refers to an annual interest rate of 8 per cent that will be the real rate in accordance with the formula. Mr. Quirke said he would like to hear a debate on the efficacy of the formula. Here I want to pay a tribute to my excellent secretary, Mr. Brown, who assisted me in working out the formula. As a matter of fact, he did the whole job. I gave him the idea and he did the rest. I have had the formula tested by some of the highest accountancy authorities in Adelaide and they could find no fault with it inside its applicable limits. There is a permitted margin of tolerance, not in pounds as the Treasurer tried to make us believe, but in pence. Subsequently the Treasurer admitted that I was right and that he was wrong. Then he suggested that there was a mistake in the original *Hansard* proof, but I am not responsible for such mistakes. The margin of tolerance permitted under the formula runs only into a few pence on each instalment in each transaction. Although the Bill does not provide for everything members desire, it is a step in the right direction, and I trust that the second reading will be carried.

The House divided on the second reading—

Ayes (17).—Messrs. John Clarke, Corcoran, Davis, Dunstan, Fletcher, Hutchens, Jennings, Lawn, Macgillivray, McAlees, O'Halloran (teller), Quirke, Riches, Stephens, Stott, Frank Walsh and Fred Walsh.

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

Pair.—Aye—Mr. Tapping. No—Mr. Geoffrey Clarke.

Majority of 2 for the Noes.

Second reading thus negatived.

PUBLIC SERVICE ACT AMENDMENT BILL (No. 2) (SICK LEAVE).

Returned from the Legislative Council without amendment.

EDUCATION ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

EARLY CLOSING ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

STATE BANK ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

ELECTORAL DISTRICTS (REDIVISION) BILL.

Returned from the Legislative Council with an amendment.

HIDE AND LEATHER INDUSTRIES ACT SUSPENSION BILL.

Returned from the Legislative Council without amendment.

STOCK AND POULTRY DISEASES ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

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

ROAD TRANSPORT ADMINISTRATION (BARRING OF CLAIMS) BILL.

Adjourned debate on second reading.

(Continued from December 7. Page 1723.)

Mr. O'HALLORAN (Leader of the Opposition)—Although this Bill is short it is important. It deals with circumstances that have arisen as a result of a Privy Council decision in a case which had relation to legislative action in another State. As a result of that decision some doubt has apparently arisen in this State whether interstate hauliers who have been asked to pay fees for the right to operate on our roads are not entitled to a refund of those fees which we believed we had the right under law to collect. I do not think the House received sufficient explanation from the Premier in moving the second reading. As I remember it, he said that several lawyers believed that if this legislation were not passed a case for the refund of these fees might be sustained in a court. The Premier did not give any substantial evidence that even if this legislation is passed the hauliers would not succeed in an application to the court. Personally, I agree on practical lines to support the Bill. I think the position is that the hauliers, who have had to pay fees, included those charges in their haulage rates and the persons whose goods they carried sold those goods to members of the community in another State with that additional charge added. If hauliers succeed in actions against the South Australian Government for recovery of fees it is obvious that they will be the persons to benefit. So far as they are concerned, to use a colloquialism, it will be money off the roof. I would like to be assured definitely that this legislation will succeed. As I am not a lawyer I must apply common sense to the question whether the legislation is sound or not. I approach it from the standpoint of what I consider the law should be—namely, that as these fees, were collected in good faith under provisions we believed to be valid, now that some doubt has been cast upon their validity it is competent for Parliament to remove that doubt. I support the Bill and hope it will do what it is designed to do.

Mr. SHANNON (Onkaparinga)—This type of legislation requires the utmost care and consideration. It is obvious that by it we are attempting to set aside a decision of the Privy Council. I do not know whether this legislation would represent an infringement of the freedom of trade provisions. Although the fees which have been charged hauliers by way of permits to carry goods over our roads do not represent a major item worthy of this action, it is obvious that we are attempting to avoid what the court has ruled to be an obligation on the State. In New South Wales, where a charge of 3d. per ton mile was imposed for the privilege of carrying goods on roads, the actual revenue to the State would amount to hundreds of pounds a week from each haulier, but in South Australia the maximum permit fee was £5 and in many instances only 2s. 6d. and the total revenue derived would not amount to much. It do not know the intentions of the New South Wales Government in regard to this matter, but I can visualize a challenge of any legislation we may enact to avoid the obligation the court has ruled we are under.

Some features of this legislation are obnoxious to the average person. It does not matter what a person believes the law to be, or whether he believes he is acting within his rights: if his actions are held to be outside the law that is not a valid excuse for avoiding his obligations under the law. One cannot suavely turn aside from the path of justice which is, after all, what we are endeavouring to do at the moment. We are endeavouring to set aside what has been ruled to be a law of the State.

Mr. Travers—That is not so. Money paid under a mistaken law is not recoverable.

Mr. SHANNON—I am not going to argue the legal aspects of this matter, but it appears to me that the court has given a ruling that the imposition of certain fees is illegal under the Commonwealth Constitution and the State had no power to do what it did. If that is so, we are endeavouring to formulate a method whereby we can avoid the consequences of that ruling. The Premier suggested that there was some legal doubt whether there could be a successful appeal to recover fees.

Mr. Travers—That is based on the opinion that the original payment may have been a lawful payment and not an unlawful payment. If it was a lawful payment it cannot be recovered and if it was an unlawful payment it cannot be recovered under the laws of this State.

Mr. SHANNON—If that is so, it makes the case for the passing of this legislation all the more doubtful.

Mr. Travers—All the more unnecessary.

Mr. SHANNON—If that is so, we should not give cause for people in our community who abide by the laws of this country and who want to live by the rule of law to believe that the State is endeavouring to avoid its obligations. If that is our approach to this problem a number of people will be disquieted by the steps we now propose taking. I would much prefer to take a risk, if risk there be—and the member for Torrens seems to have little doubt on this aspect, and he is a man well versed in matters such as this. The State has collected, in all, only about £100,000 in fees, and it is not worth risking the State's good name to pass legislation such as this. I have grave doubts about the wisdom of the Bill. I would sooner let the matter take its course.

I must say that I am not happy with the approach of the road hauliers. It seems that some of them are at least threatening proceedings, but if they have any foundation in law for their claims the State should face its obligations and pay whatever is due to them. However, the State should get at least a reasonable recompense from them for their use of our highways. We have been much too lenient with them in the past. The State has been put to great expense to reinstate some of the main highways because of the damage done by road hauliers. Many of them travel through my electorate every day of the week. I will not say that they are always overloaded, but they do carry heavy loads, and often they travel too fast. They do tremendous damage to the shoulders of the road, and once the shoulders break it is not long before the whole of the road breaks up. The speed limits on heavy vehicles should be strictly enforced. I do not think the Bill is necessary. It is such a small matter that we could well afford to leave it entirely alone.

Mr. STOTT (Ridley)—I regret that we have to discuss a Bill of such a far-reaching nature in the dying hours of the session. Of course, the Government considered it had to take this action as a result of a decision of the Privy Council, but I should have liked to get more information before debating the measure. I am not a lawyer, but I greatly doubt whether this legislation would be considered valid by the courts. However, my main objection to the Bill is that it is unethical. The Privy Council ruled that legislation previously passed by this Parliament is invalid. Under that legislation the State collected fees from road hauliers.

The Hon. M. McIntosh—No, they were not collected from the hauliers, but from their customers.

Mr. STOTT—That interjection does not carry any weight. The legislation required the fees to be paid by the hauliers, and the Privy Council ruled that invalid. Now the Government wants to pass a Bill barring claims for refunds of fees. It is unethical for the Government to do this. I point out that I have no interest with any haulier; I am only talking about the moral aspect of this legislation. I do not think it could succeed at law.

Mr. Fred Walsh—I'll put my money on those who advise the Government.

Mr. STOTT—The Premier said that he had consulted lawyers, but he still has some doubts about the legislation. I do not object to road hauliers being called upon to pay for using our roads. The Government should have amended another Act to require all hauliers that use our roads to pay towards their maintenance. That would have been the proper approach. Transport firms from other States should have to pay the same fees as those operating from South Australia. I object to the Bill on ethical grounds.

Mr. TRAVERS (Torrens)—There is a short formula that we might all bear in mind when considering this Bill. Firstly, South Australian legislation has not been declared invalid by the Privy Council, nor by anyone else. Our legislation is not precisely the same as that which has been declared invalid, though it is somewhat similar. Therefore, there is room for doubt whether our legislation would stand the test laid down in the Hughes and Vale case. That is the first point.

Secondly, if the South Australian legislation is valid then clearly no claim made pursuant to it can be recovered either by the hauliers or anyone else; in those circumstances this Bill would be unnecessary and it would also follow that there was nothing immoral or unethical about it. If, however, proceedings were taken to recover money paid it would be necessary to follow each step that was taken in the recent Hughes and Vale case, because that would be

the only way to discover whether the money was recoverable and whether the South Australian law was valid.

Thirdly, if the South Australian law were declared invalid it would follow that any money paid under that law was paid under a mistake in law. The law envisages two things that are relevant in this respect: a mistake of law and a mistake of fact. If one is under a misapprehension of fact and makes a payment because of it, the money thus paid is recoverable, but if one pays money under a mistake of law it is not recoverable. We can therefore arrive at this simple formula: if the South Australian Act is valid the money is not recoverable because it was paid lawfully; if, on the other hand, the South Australian Act were declared invalid the money would not be recoverable because it would have been paid under a mistake of law.

For those reasons the only real effect of the Bill is to avoid putting anyone to the trouble of fighting this matter out as the Hughes and Vale case was fought out. Under the circumstances to test the South Australian legislation would be a thoroughly futile and costly process and any Government may be excused for wishing to avoid indulging in such a costly pastime. I do not think there is any occasion to suggest that anything unethical is being done. No-one wishes to bilk anyone's genuine claim, and I would not be party to that. This Bill merely says, "Let us put a stop to the humbug. If anybody wants to make a claim we will simply have the expense of a costly piece of litigation that will have the same result: the money will not be recoverable."

Mr. MACGILLIVRAY (Chaffey)—Like some previous speakers I find this type of legislation obnoxious. The mere fact that the Government may have made a mistake—however honestly—should not result in its trying to legislate itself out of our courts. I was surprised to hear some of the statements of the member for Torrens (Mr. Travers) who is such a leading legal authority. Actually I considered his arguments more profound than educational; I did not understand much of what he said. I believe a layman can understand first principles as well as a trained lawyer. What led the Government to introduce this type of legislation which is unique in our history? When the Privy Council decision in the Hughes and Vale case was published the Premier assured members that the Government did not intend to act hurriedly in this matter, that it was willing to wait until the full text of the decision was available, and that it would then investigate the matter to determine any steps necessary. When I heard the Premier say that, I thought the leopard might have finally changed its spots because it was the first time I had known him to speak so strongly in favour of private enterprise other than a monopolistic undertaking. However, the Premier has vacated the dignified position taken by his fellow-Premiers and said:—

I must confess, however, that during the past 24 hours I have had to modify these views. Firstly, one interstate company has already declared war on the Government and demanded a refund of the petty licence fees that have been charged in this State.

I can only assume that the Premier used the words "declared war" with the idea of stirring up strife in the minds of members, because anyone who deliberately declares war on the elected Government of the people takes an extravagant position. I tried to ascertain what substance there was in the Premier's statement, which he said was the result of advice from his officers; but after checking on reports from all over Australia I find there was none. At that time no interstate company of any importance had taken steps to declare war on the Government.

This Bill places the Government outside the scope of the law. Mr. Travers, who spoke of certain things being valid and others being invalid at law, may know his law, but he apparently forgets first principles. I have always understood from those first principles that life itself depends on whether we obey the law of the land, and I consider that the first responsibility of the Government is to obey the law as a private citizen is expected to obey it.

The Hon. T. Playford—Do you suggest that no claim has been made on the Government?

Mr. MACGILLIVRAY—I said that as far as I could find out no claim had been made by a company of any standing.

The Hon. T. Playford—Have you contacted all the firms? If not what is your point?

Mr. MACGILLIVRAY—I have as much right to make my point as the Premier has to make his extravagant statements. I am getting a bit tired of the Premier.

The Hon. T. Playford—I assure the honourable member that that is quite mutual.

Mr. MACGILLIVRAY—I appreciate that, but in the eyes of the Speaker the Premier has no more standing than I in this House. I was elected by a majority vote and I am paid to put my views, my only judges being my constituents. I have earnestly inquired

into this matter because since coming into this House I have never got away from first principles, and as long as I am here I will stick to them. The Premier's statement is entirely extravagant, because no war has been declared. If any company is making demands on the Government at present then I do not know about it.

Mr. Teusner—But the Premier would know.

Mr. MACGILLIVRAY—Possibly, but he has given us no names. If this legislation is passed those members from whom we heard so much ardent lip service in support of private enterprise this afternoon will not have the right to argue in the courts on behalf of private enterprise for its legal rights. Why cannot the courts decide this matter? The Premier said, "It is only an assumption in law that the repayment of fees can be claimed." If grave doubts are held that anybody could get money from the Government why not let the courts decide. Why not be big enough to go to the court? Why pass a law in favour of the Government and take from the ordinary citizen something to which he is entitled?

Mr. Travers—The only doubt is the ground on which the claim would be disallowed—whether the South Australian Act was valid or invalid.

Mr. MACGILLIVRAY—Were not our courts of justice established to protect citizens from injustices inflicted by the Crown? Governments can be as unjust as anybody else and the courts are there to protect the citizens. The Premier said that it is doubtful whether the claims would be valid in law. If he has so many doubts as to whether the Government can be attacked legally, why introduce the Bill? Why does he not let the ordinary processes of law operate? The Premier made it clear that the Labor Party, plus collaborators on the Government side, is anxious to tax private enterprise out of existence, but in the final analysis who pays for it all? It cannot be denied that the workers must pay, and 75 per cent of the people in Australia belong to what the Labor party calls the workers. The Premier said that nothing could be refunded because the fees have been passed on to the consignors who have passed them on to the consumers. I agree with that. Therefore, the worker is paying the tax imposed on the hauliers. The Labor Party, in its enthusiasm for taxing industries out of existence, is causing its supporters to pay the tax, and in order to do so the workers have to seek increased wages. I do not think there has been a Government in the history of South Australia that has got away from its principles more than the present Government. I regret very much that it has got away from the basis of our democratic system, courts of law. We are asked to pass legislation that will prevent the ordinary citizen from getting a fundamental right. This measure may be as invalid as the law that previously operated for transport hauliers, and I oppose it.

Mr. QUIRKE (Stanley)—Mr. Travers said that applications to the court would rest on the ground on which claims were disallowed. Is that correct?

Mr. Travers—Substantially.

Mr. QUIRKE—Then why introduce this Bill? Time and time again the Premier has said that the tax collected from the road hauliers does not amount to very much. He has boasted that the amount collected is small, so why not, in justice, allow the people concerned to make claims? It does not mean a thing to say that there can be no rebate to the consumers. I wish the Government were big enough to have the matter tested in the courts, especially as the amount concerned is so small. The Bill is entirely unnecessary, and it is a matter of bad cases making bad laws. It was a hasty decision and unworthy of the Government. Because of these things I oppose the Bill.

The Hon. T. PLAYFORD (Premier and Treasurer)—I regret very much that in this debate it has been necessary for some members opposite to indulge in personalities. It is always a bad thing when members have to bolster up their arguments by indulging in personalities. The argument used by Mr. Macgilliivray, in which he likened me to a leopard, is something which does him and his cause very little credit. For years I have adopted the practice of not engaging in personalities in this House and I regret that some members have not adopted the same practice. Some of them do not miss an opportunity to indulge in personalities. The honourable member has contacted a few hauliers and because they say they have not lodged claims he immediately says that my statement that there has been a claim is incorrect and untruthful.

Mr. Macgillivray—You referred to a state of war.

The Hon. T. PLAYFORD—I used that phrase advisedly. I have said in this House that the Government was prepared to accept what appeared to be the decision of the Privy Council, but the best authorities I can get up to the present do not make it clear what the decision of the Privy Council means in relation to South Australian Law.

Mr. Macgillivray—Then why not wait?

The Hon. T. PLAYFORD—The Government had planned to wait. In answer to the Leader of the Opposition recently I said that the Government did not believe that claims would be made and that it would be unnecessary for Parliament to consider legislation this session. However, within 24 hours a claim was actually lodged. I think the amount claimed was £250. The implications of the Privy Council decision have not yet been determined. This Bill, which has been introduced on the recommendation of the State's most qualified legal officers, deals with a number of matters other than claims. A number of associated matters are included in the measure. On the morals of the case, most of these road hauliers have enjoyed the use of South Australian roads free from registration charges for the last five years. The South Australian taxpayer has had to maintain those roads. In the last four years £600,000 has been spent on one interstate road alone. The hauliers who have not paid registration fees in this State have grossly overloaded their vehicles, as has been ascertained from checks, and many have travelled at excessive speeds. They have shown no concern either for other road users or for the condition of the roads.

Mr. MACGILLIVRAY—On a point of order, Mr. Speaker, do the Premier's remarks relate to the barring of claims?

The SPEAKER—The Premier is answering the debate.

The Hon. T. PLAYFORD—I shall not discuss whether taxation ultimately falls on the worker as the honourable member did but will confine my remarks to the morals of the matter. Members suggested that it was wrong to legislate to prevent things from happening in court. I can remember occasions when the member for Ridley (Mr. Stott) favoured action under farmers assistance legislation and debt adjustment legislation to prevent persons from collecting debts lawfully incurred. Parliament removed the rights of country storekeepers who had supplied groceries to collect their dues. At that time Mr. Stott was not concerned with barring matters from consideration in the court.

Mr. Macgillivray—Were you a party to that legislation?

The Hon. T. PLAYFORD—I was not a party to the introduction of the legislation, although I supported it. Many Bills which come before this House are designed to anticipate legal problems that may arise and this Bill does not represent new procedure. Legal problems could easily have arisen when many farmers were going bankrupt, but by Act of Parliament—and probably by bad legislation—we removed the storekeeper's rights to collect debts. Mr. Stott was loudest in supporting that legislation, but he suggests we should not support the present Bill. His statement was pure humbug because his record in this House does not support his present stand. There is every justification for this Bill. There is not the slightest doubt that had these hauliers not paid small permit fees they would have been required to pay full registration fees for the use of our roads. The honourable members who oppose this legislation would have been the first to say, "Why should we pay registration fees to maintain roads and allow them to be used by other people not contributing towards their maintenance?"

The House divided on the second reading:—

Ayes (28).—Messrs. Brookman, Christian, John Clark, Geoffrey Clarke, Corcoran, Davis, Dunks, Dunnage, Fletcher, Goldney, Hawker, Heaslip, Hincks, Hutchens, Jenkins, Jennings, McAlees, McIntosh, O'Halloran, Pearson, Playford (teller), Riches, Shannon, Stephens, Teusner, Travers, Fred Walsh, and White.

Noes (3).—Messrs Macgillivray (teller), Quirke and Stott.

Majority of 25 for the Ayes.

Second reading thus carried. Bill taken through its remaining stages.

LOTTERY AND GAMING ACT AMENDMENT BILL (No. 2) (GENERAL).

Second reading.

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

That this Bill be now read a second time.

It contains some diverse amendments of the Lottery and Gaming Act. One of its objects is to authorize the holding of trotting races at night on Eyre Peninsula. It also alters the constitution of the South Australian Trotting League Incorporated, permits the payment by the Treasurer to claimants of unclaimed totalizator dividends and makes a number of minor amendments to the principal Act. Prior to 1950 the Lottery and Gaming Act only permitted a totalizator to be used outside the metropolitan area at 60 trotting meetings in any year. In 1950, at the request of the Whyalla Racing and Trotting Club, the Government altered the principal Act to enable the totalizator to be used at an additional 20 meetings on Eyre Peninsula. The club and other interested parties asked only that they should be permitted to hold meetings on Saturday

afternoons and the Betting Control Board made a recommendation to this effect. Accordingly, when the principal Act was amended in 1950, day meetings only, to be held on Saturdays and public holidays, were allotted to Eyre Peninsula. This means that night meetings cannot be held on Eyre Peninsula, notwithstanding that under the principal Act day or night meetings can be held in other country districts.

The Port Augusta and Whyalla clubs recently decided that they wished to hold trotting meetings at night, and the South Australian Trotting League has requested the Government to alter the principal Act to enable them to do so. The Government sees no reason why this request should not be granted. Clause 3 accordingly amends section 21 to permit the totalizator to be used at trotting meetings held at night on Eyre Peninsula. Clause 3 also makes an amendment to section 21 concerned with another question. Section 21 at present provides that a licence may not be granted for the use of a totalizator at more than 11 meetings a year in any town outside the metropolitan area. It often happens that for one reason or another a club is not able to hold all the meetings which it is allotted. It is felt that those meetings could conveniently be transferred to other clubs which are in a position to hold additional meetings. Clause 3 accordingly removes this restriction. The Government has been advised by the Trotting League that it will be an advantage to have the restriction removed and that if the restriction is removed the league will ensure that the interests of clubs will be fully protected.

Clause 4 deals with the question which has been recently discussed in Parliament concerning the constitution of the Trotting League. Under the present law the league consists of one delegate from each affiliated trotting club. There is no power for delegates to appoint proxies, and no power to have an executive committee or any sub-committee of the league. With the increase in the number of clubs the league has become a somewhat unwieldy body and, in addition, country delegates often find it inconvenient to attend meetings. The requirement that all business must be transacted by the full body of the league has been productive of inconvience. In addition, there has been a demand for greater representation by the South Australian Trotting Club and for some representation by the Owners, Breeders, Trainers and Reinsmen's Association.

The main proposal in clause 4 is to constitute an executive committee of the league which will be appointed annually. In the Bill as originally introduced in another place the committee was to consist of two members nominated by the South Australian Trotting Club, five representatives of the country trotting clubs and one member nominated by the Owners, Breeders, Trainers and Reinsmen's Association. By virtue of amendments made in another place, the Bill now provides that three members instead of two should be nominated by the South Australian Trotting Club. Subject to any directions given by the league the executive committee will manage and control the affairs of the league, including the issue of permits for meetings as provided in the Act.

The clause sets out the method of choosing the five persons to be nominated as representatives of the country clubs. In the Bill as originally introduced in another place this was to be done at a meeting of the representatives of all the country clubs at which five nominees were to be chosen from among the representatives. The Bill as amended in another place now provides that the representatives of the country trotting clubs shall be nominated in the respective zones. One member is to be nominated by the clubs of the South-East, one by the clubs in the Murray area, one by the clubs on Eyre Peninsula, and two by all other country trotting clubs. Clause 4 empowers the league to make rules prescribing any incidental matters in connection with the nominations, or the work of the executive committee.

Clause 4 also lays it down that it is the duty of the league to ensure that an executive committee is appointed within three months after the passing of the Bill and annually thereafter. It is hoped that the appointment of the executive committee, coupled with the power to appoint proxies, will facilitate the smooth running of the business of the league. Clause 4 also makes one other minor amendment of the constitution of the league. Under the present law if a trotting club fails to nominate a delegate to the league, the Betting Control Board is required to do so. This is not a satisfactory arrangement as the matter is of no direct concern to the board. It is proposed to alter the provision in question so that on default by a trotting club to nominate a delegate, the league itself will make a nomination.

Clause 5 deals with unclaimed totalizator dividends. Section 29 of the principal Act

provides that a racing or trotting club shall pay to the Commissioner of Police any totalizator dividends unclaimed for two months after they become payable. The Commissioner of Police is then required to pay the dividends to the Treasurer who is in turn required to apply them for the public uses of the State. It frequently happens that, by some misfortune or other, people who are entitled to dividends do not or cannot claim them until after they have been paid to the Treasurer. When this occurs the claimants cannot be paid the dividends since the Treasurer has no authority to pay out the money he has received. The claimant's position at present compares unfavourably with that of the claimant of an amount payable in respect of a bet. Such amounts, if unclaimed, are held by the Betting Control Board until the expiration of 12 months after they become payable, and can be paid to claimants at any time while they are so held. The Government believes that the claimant of a totalizator dividend should be in the same position as the claimant of money payable in respect of a bet. Accordingly clause 5 enables the Treasurer to pay an unclaimed dividend to a claimant at any time within 12 months of the time when the dividend became payable. Payment, however, will be made only where the claimant is the holder of a totalizator ticket entitling him to the dividend.

The remainder of the Bill makes minor amendments. For convenience, I shall deal with these in the order in which they appear. The first is clause 6, which deals with the penalty for playing at or betting on a game of chance in a public place. Section 51 of the principal Act requires a person found guilty of this offence to be adjudged a rogue and vagabond under the Police Act, whereupon he can be imprisoned for any term up to six months. Since the Police Offences Act was passed last year, persons can no longer be adjudged to be rogues and vagabonds. It is therefore necessary to alter section 51 of the Act. It is proposed by clause 6 to strike out the reference to rogues and vagabonds in section 51 and to substitute a penalty of £50 for the offence in question. Clause 7 makes a similar amendment to section 60 of the principal Act, which creates the offence of betting in a public place. Section 60 provides that for a second offence an offender may be dealt with as a rogue and a vagabond. Clause 7 substitutes for this provision that the offender may be imprisoned for not more than six months. Clause 7 thus does not alter the law.

Clause 8 extends the period within which instruments of gaming which have been seized by the police must be claimed if they are not to be forfeited under section 71 of the Act. The period is at present four days, which is a rather short period. Clause 8 extends the period to 21 days. Clause 9 repeals section 98, which provides that no witness in lottery and gaming proceedings shall be excused from answering a question on the ground that it is incriminating, and that a witness answering incriminating questions is entitled to a certificate exempting him from prosecution or penalties in respect of the matters about which he was questioned. Section 98 has for a long time given cause for complaint. The section was intended to assist the prosecution of offenders. In practice, it is invoked almost entirely by the defence for the benefit of defendants. For example, when three persons are charged with separate offences arising out of the same incident or circumstances, two of them may be called as witnesses for the defence in the first case, and thereupon claim a certificate which renders them immune to further proceedings. The effect of the section is merely to hinder the administration of justice. The repeal of section 98 will restore in lottery and gaming proceedings the ordinary rule of evidence concerning incriminating questions, that is, that a witness is not compelled to answer them.

Clauses 10 and 11 of the Bill amend evidentiary provisions of the Act. Section 99 provides that an allegation in a complaint that a race was run at a certain time and place and that certain persons or animals took part shall be *prima facie* evidence of the facts alleged. It will be appreciated that this is a most necessary provision to simplify proof of the running of races—particularly those conducted in other States. As at present framed, section 99 applies to horse races, cycle races, foot races and coursing events, but does not apply to trotting races. Clause 10 amends section 99 so that it will apply to trotting races.

Under section 103 the discovery in premises entered under warrant under the principal Act of instruments of gaming and certain other things is, in certain cases, *prima facie* evidence that the premises are used for unlawful gaming. It will be noticed that this section is limited to cases where the entry is under warrant. But the police can enter premises in many cases under powers given by Statute without a warrant. There is no reason why section 103 should not apply to these cases

also. Accordingly, clause 11 alters section 103 so that it may apply no matter how the premises concerned are entered.

Clause 12 repeals section 111, which provides that in lottery and gaming proceedings up to three charges may be included in one complaint, but that a conviction may be recorded on only one of the charges. At the time section 111 was enacted a complaint could only contain one charge. In 1943 the Justices Act was amended to provide that any number of charges might be included in one complaint, and the amendment over-rode the provisions of section 111 so far as they restricted the number of charges which might be included to three. Though that part of section 111 is now ineffective, the section no doubt still restricts the court to convicting on one charge only. In view of the present general rule that any number of convicitions may be recorded on charges joined in the same complaint, there is no virtue in preserving this provision. Accordingly this Bill repeals the entire section..

It may be thought that it is unfair for the prosecutor to be able to include any number of charges in one complaint and, if the evidence warrants it, to secure as many convictions as there are charges. But, in fact, this procedure is only a simpler way of achieving what could be achieved by another method. It is always open to the prosecution to lay as many separate complaints as are warranted by the offences alleged to have been committed, and to obtain convicitions for each offence proved. The joinder of separate charges in one complaint often shortens the proceedings and saves trouble and cost. Joinder of charges in criminal indictments has been permitted by the law of England for many years. Of course, all the rules permitting joinder of charges do not affect the fundamental principle that a man is not liable to be convicted twice for the same offence.

Mr. O'HALLORAN (Leader of the Opposition)—I support the Bill. I see no danger of any injustice being caused by its provisions. Further, it has already borne the scrutiny of members in another place. The three major provisions with which I am particularly concerned are those covering night trotting on Eyre Peninsula, the constitution of the executive committee of the Trotting League, and the Treasurer's power to refund dividends within 12 months provided the ticket holder makes a proper claim. It is now possible for trotting clubs in zones other than Eyre Peninsula to conduct night trotting meetings, and I see no reason why that privilege should not be extended to clubs in the Eyre Peninsula zone, which includes the growing town of Port Augusta where night trotting facilities are being provided. Whyalla is also concerned, and possibly other towns such as Port Lincoln may become interested in night trotting.

It is proposed to establish an executive committee to carry on the business of the Trotting League. In 1938 when this House was asked to agree to the establishment of an executive committee for that purpose I opposed the proposal because there were not nearly so many trotting clubs then as there are today and I considered that a few trotting clubs would have been able to exercise an undue influence on the affairs of the league, which might have been detrimental to the welfare of the Adelaide Trotting Club, the premier club at that time. Since then, however, Parliament has passed legislation providing for the zoning of trotting clubs, has given the right to trot in those respective zones on certain occasions in a year and has established the Central Zone in which the most important trotting clubs operate; therefore, the position has changed substantially.

The league undoubtedly has a duty to see that trotting is controlled in South Australia in the interests of the sport and as an aid to the clubs both metropolitan and country, because without vigorous and well organized meetings it would be impossible for this excellent sport to continue. It has been suggested that the executive committee should comprise five country representatives, two from the Adelaide Club, and one representative of the Owners, Trainers, Breeders and Reinsmen's Association. Although I am anxious to ensure that country trotting should be fostered in every way, I also realize that the Adelaide Club pays by far the largest amount by way of levy on stakes into the league pool, which is used in assisting country clubs to provide stake money. I am prepared to concede that country clubs should have a majority of representatives on the executive, but I believe that the five country delegates should not be chosen by a joint meeting of all country clubs. For a long time I have felt that if we are to have a properly representative executive committee it should represent the various zones and that one representative should come from the Murray Zone, one from the South-Eastern, one from Eyre Peninsula, and two representatives from the Central Zone. The proposal to allow a joint meeting of country clubs to choose the five country

delegates could lead to clique control. I do not suggest that that has been the case in the past, nor that any of those excellent gentlemen who have rendered such fine service to country trotting clubs would, in the immediate future, be responsible for anything like that; but we are legislating not for the immediate future, but for a lengthy period.

I do not believe this type of legislation should be introduced into the House yearly or bi-yearly. We should try to establish a system that will be in the best interests of the sport and allow it to continue for a long time. I believe in zone representation because there may be peculiar circumstances associated with the running of trotting in the various zones, and a representative of each zone would obviously be in a better position to deal with matters affecting it than a representative from another zone. It is not proposed in the Bill that the representatives of these zones shall necessarily be resident in the zones they represent or be associated with trotting clubs in those zones. The Bill merely ensures that the representatives of the zones shall be chosen by the clubs in those zones.

I welcome the provision that the Owners, Trainers, Breeders and Reinsmen's Association shall have one representative on the league, for after all, that body contributes much to this sport as it comprises the people who own, train and drive the horses. The passing of this legislation will mark a forward step in this sport and help to maintain it at the high standard it has achieved in this State.

Mr. WILLIAM JENKINS (Stirling)—This Bill provides for a reconstitution of the South Australian Trotting League, which is the controlling body of trotting in South Australia. Having spoken on a similar measure introduced by the member for Port Adelaide (Mr. Stephens) earlier this session I do not intend to cover the same ground again; I merely wish to deal with clause 4. It is generally recognized that some reorganization of the South Australian Trotting League is necessary. Previously it comprises 13 country members and only one representative of the South Australian Trotting Club, and that representation seemed out of all proportion. This Bill provides for a more equitable representation on the executive of the league.

This Bill, when introduced in another place, provided for five country representatives, two from the South Australian Trotting Club and one from the Owners, Trainers, Breeders and Reinsmen's Association. I favour the inclusion of a representative from the association. The Bill as introduced in this House, however, provides for five country representatives, three from the South Australian Trotting Club and one from the association. The appointment of the additional representative of the South Australian Trotting Club is justified. Last week Mr. J. J. Rice (President of the South Australian Trotting Club) and Mr. Bob Grayling (also of that club), told me that they were satisfied to allow a majority representation on the league to country clubs, but desired the extra member in order to uphold the prestige of the leading trotting body in South Australia. This Bill provides that where a representative is unable to attend meetings of the league a proxy delegate may be appointed. This represents a forward move. In respect of membership of the league, new subsection (7) (*b*) contained in clause 4 states:—

> Five shall be nominated as follows, namely one by the trotting clubs in the South-East, one by the trotting clubs in the Murray area, one by trotting clubs on Eyre Peninsula, and two by all other country trotting clubs. Such nominations shall be made in accordance with rules under this section.

This means that a representatve will be appointed by the Mount Gambier Club, the only club in the South-East.

Mr. O'Halloran—A club is being formed at Penola.

Mr. WILLIAM JENKINS—I believe that Naracoorte is also interested in forming a club. Whyalla and Kimba clubs are concerned with the Eyre Peninsula zone, although I understand that Port Augusta is also interested in forming a club. The Murray zone at present has only one club, at Barmera. Two members will represent all other country clubs which comprise Port Pirie, Gawler, Kadina, Clare, Kapunda, Strathalbyn, Snowtown and Victor Habour. Those members can hardly be described as representing a zone, when the area extends from Port Pirie almost to the far south. The danger to the league lies in the domestic policy of the South Australian Trotting Club which, as I pointed out when discussing a previous measure, requires that horses shall win four races at certain tracks or two at others before becoming eligible to compete at Wayville. Last week a meeting had to be abandoned at Clare because of lack of nominations. I have been told that the reason for that was that owners and trainers would not travel that distance with their horses, which must win four races at that club, when they could compete at meetings nearer the city and qualify for Wayville after winning two races. It is

evident that this domestic policy could easily result in the liquidation of a zone which is weak. Barmera, as I instanced, is the only club in the Murray zone and if that club disbanded, its representative on the league would be lost and the balance of representation would be upset. The country clubs are afraid that absolute power could be gained by the South Australian Trotting Club and that is why I do not favour the zoning system. I have an amendment on the files which I will move in Committee. Apart from clause 4, I support the Bill.

Mr. FLETCHER (Mount Gambier)—I support the Bill which is a step in the right direction. The Mount Gambier club favours zoning and believes that if a delegate is to be appointed from the South-East it should have the responsibility of appointing him. Penola and Naracoorte will soon form clubs and there is no doubt that it will not be long before trotting facilities are sought at Millicent. The South-East is far removed from the city and is almost self-contained so far as its trotting is concerned. It might be advisable, at some future time, to make provisions whereby Victorian horses could compete under more favourable conditions in the South-East. The member for Stirling mentioned the number of races a horse had to win at certain country clubs before becoming eligible to compete at Wayville. I am not familiar with the conditions, but I do believe that we should set a standard for horses competing at Wayville. The sport at Wayville would deteriorate if too many slow mark races were conducted there. Some of the best horses racing at Wayville today had their initial training in the country. If a horse is any good it soon qualifies for city racing. I sincerely hope that the Bill, as received from another place, will be accepted.

Mr. STEPHENS (Port Adelaide)—It is not my intention to speak at length on this matter. I support the Bill. Members are familiar with my association with trotting and I believe that this Bill, if accepted in its present form, will remove the friction that has occurred in trotting. Trotting is not only for a small coterie but for owners, breeders, clubs, the public, charitable institutions, for which so much has been done, and the Royal Agricultural Society with which the South Australian Trotting Club works in harmony, will benefit from the Bill. The only objection, apparently, is whether there should be zoning for the selection of country representatives on the league. It is no longer a question of city *versus* country. Now it is to be a quarrel between our friends in the country.

Mr. William Jenkins—There is no quarrel.

Mr. STEPHENS—I do not want to discuss statements that have been made, but on page 1386 of *Hansard* the following appears:—

Mr. Riches—How many country clubs have expressed an opinion on a five-two-one representation?

Mr. William Jenkins—All country clubs favour it.

Mr. STEPHENS—Later the member for Stirling (Mr. Jenkins) told us that all country clubs favoured the five representatives being elected in a group. If necessary, I shall produce newspaper cuttings and letters to prove what I am saying. The honourable member could produce a letter he received from the secretary of the Mount Gambier club saying that that club was not satisfied.

Mr. William Jenkins—The Mount Gambier club opened up these proceedings.

Mr. STEPHENS—I do not want to go into this matter now, for it has come to the stage that these people are not fighting the city clubs, but they are fighting the other country clubs. What is the honourable member afraid of?

Mr. William Jenkins—Nothing.

Mr. STEPHENS—He is afraid to trust the clubs that are outside the large centres. It makes no difference to me where the representatives come from, but I was disgusted when I heard the honourable member say previously that we should not bring in representatives from the far-flung areas.

Mr. William Jenkins—Who said that?

Mr. STEPHENS—The honourable member said it, and it is reported in *Hansard*. Does he now say he didn't say that?

Mr. William Jenkins—I do not remember it.

Mr. STEPHENS—There are many things he does not remember. He has been misled on some matters. He said that horses had to win a certain number of races before being allowed to start at Wayville. Mr. Jenkins has written nice letters to six or seven men, but they would say that the chairman of stewards (Mr. Weight) attended a meeting of the South Australian Trotting Club and strongly recommended that horses should not be allowed to start at Wayville unless they had won four races elsewhere.

Mr. William Jenkins—That's all right.

Mr. STEPHENS—Mr. Weight was the man that the Trotting League appointed to be in charge of races. Now, because the Trotting Club has adopted his recommendation, the

member for Stirling is criticizing the club. It is unfair of him to take that stand. First of all an agreement was arrived at by the three bodies. The league representative asked for four members on the controlling body, and that was agreed to. The Trotting Club and the Owners and Breeders Association agreed to that, but the league was not satisfied. It wanted more than four representatives. Why did it want five? I think it wanted five because of the zoning system. The Premier referred to zoning, and now the Legislative Council has granted five representatives for country clubs, but the league apparently does not agree with that now. It seems that the league will not honour an agreement. What I have told the House is the truth.

I support the Bill in its entirety. It is a workable measure and all the friction in the trotting sphere should be eliminated if it is passed. The league does not want these representatives from the zones, who are sometimes called country bumpkins, or men who do not know trotting, but they could give many people a lesson in trotting and horse breeding. They are not wanted because they do not live close to the city. Trotting men living at Barmera, Mount Gambier, Port Pirie, or Port Augusta are too far away. The league does not want them. The member for Stirling said that there is only one club at Barmera, but that is because the league has not done its duty. Instead of assisting country clubs to be formed it has worked against them.

Mr. Willam Jenkins—You condemned country clubs recently.

Mr. STEHENS—No, the honourable member did. He should be able to sit and take my criticism of him.

Mr. William Jenkins—I want the truth.

Mr. STEPHENS—You have never got anything else from me. I have been here for over 20 years and I have never given anything but the truth. The Mount Gambier trotting club used to have two trotting meetings a year, but the league would not allow it to hold a third. People at Penola wanted to form a club, but the league turned down the application.

Mr. William Jenkins—Yes, until the people at Penola conformed to the conditions laid down.

Mr. STEPHENS—The league turned down Jamestown, and other clubs. Another place which should have had 20 meetings had only six. Whose fault was that? Certainly not the fault of the men in the country or the trotting club. I say without hesitation that the fault is the league's as it refused the registration of new country clubs. I support the Bill.

Mr. DAVIS (Port Pirie)—I agree with the number proposed to be appointed to the league, but I am not so happy about the proposed zoning. Men will be appointed to represent the South-East, the Murray area and the Peninsula and two to represent other country clubs. We all know that in some localities there is very little trotting whereas there are important clubs which conduct meetings quite frequently, and I fear that if zoning is accepted one of the most progressive clubs in the State, namely, Port Pirie, will probably have no representative on the league. This club I think is the only one which has installed the camera eye on which it spent about £10,000.

Mr. John Clark—What about Gawler?

Mr. DAVIS—I thought the honourable member claimed that Gawler was within the metropolitan area.

Mr. John Clark—Not as far as trotting is concerned.

Mr. DAVIS—I am inclined to favour the selection of five men at a meeting of all country clubs. They would then represent the whole of the country areas. I am not trying to belittle any club, but in the South-East there is very little trotting. I believe Mount Gambier is a fairly large club, but other clubs in the South-East are in their infancy. I favour fostering trotting in the country, and we will do that by having a representative league. In addition to Port Pirie, which is the most prosperous club, apart from Gawler, there are clubs at Victor Harbour, Snowtown, Kadina, Kapunda, and Strathalbyn, some of which hold only one or two meetings. The Clare club, I understand, has had a dispute with the racing club, and has to hold its meetings elsewhere, but it is still the Clare club. Clubs that have been brought to a fair standard should not be overlooked. Analysing the Bill, we find that the Adelaide Trotting Club will have three representatives on the league against five representatives of country clubs, but why should it? Mr. Stephens objected to trotting clubs in the north having full representation on the league.

Mr. Stephens—I did not.

Mr. DAVIS—He tried to convince the House, as he has told me repeatedly, that the whole thing is too unwieldy because every club in the north is entitled to a representative on the league. I agree with him on that point, but I think the country people should have full representation and I sincerely hope that

the Government will see the anomaly in this proposal. I heard one member say that if five men were selected to represent the country they would form a clique and rule the league. I disagree with that contention. That is just as likely to occur under the other arrangement. I hope the Government will give this further consideration. I intend to support the second reading and the amendments on the file.

Mr. CORCORAN (Victoria)—This Bill has my wholehearted support and I hope it passes without amendment. It establishes a basis upon which every area will be equitably represented. I support the zoning system because it provides a basis for proper representation. Mr. Davis referred to various country clubs and said that some of them only conduct a meeting once a year, and a few two or three meetings. However, in the whole of the area he referred to I think only eight clubs exist. The Mount Gambier club is very active and is growing every week. Naracoorte is another club only in its infancy, but we have no doubts as to the progress it will make. There is also a club at Penola and one in prospect at Millicent. Those four clubs will have a representative on the league, and compared with the representation of the other zones that seems equitable. I would like to see provision for Victorian people to take a more active part in our trotting. This Bill should put the various country clubs on a better footing and the sport on a sounder basis so that it will function in a manner calculated to satisfy all concerned, and I therefore support it.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—''Constitution of South Australian Trotting League.''

Mr. WILLIAM JENKINS—I move—

In new subsection (7) (*b*) after ''nominated'' to leave out all the words and insert ''at a meeting of representatives of the affiliated trotting clubs, other than the South Australian Trotting Club Incorporated. The committee of each such trotting club shall be entitled to appoint one person to represent it at the meeting, and the five persons to be nominated shall be chosen by and from those attending the meeting.''

The amendment is in the interests of trotting throughout the State and is in accordance with a unanimous decision of a meeting of representatives of country clubs.

The Hon. T. PLAYFORD (Premier and Treasurer)—The amendment restores the Bill to the form in which it was introduced in another place, and I believe that on balance it is desirable. Firstly, the people most concerned in this matter have asked that their representatives be selected in this way. Secondly, I believe that the appointment of a representative who was not a *bona fide* resident in the zone concerned could not be justified in the circumstances. The amendment provides that the five representatives shall be nominated by a meeting of representatives of country trotting clubs, and I believe that that is a good method of appointing country representatives because it will ensure that the most capable persons will be selected.

Mr. O'HALLORAN (Leader of the Opposition)—I oppose the amendment. The Premier does not believe that the representative of a zone should necessarily be chosen by the clubs in that zone, but surely the clubs in a zone should have the right to select their representative and, if they wish to select a man from another zone they should be able to do so. Alternatively they should be able to appoint a representative from their own zone. It has been said that under the Bill the central zone, which contains most of the big country trotting clubs, will have only two representatives as against one from each of the other three zones, but I point out that this amendment would mean, in effect, that the central zone would have five representatives on the league. It is because I want to encourage trotting that I desire to place the responsibility on those interested in the sport in the zones to select their own representative, irrespective of where he may come from. If the amendment is carried it will lend itself to clique control and I do not know anything to kill any sport more quickly than that.

I understand that the Mount Gambier club is very active and also that there are two other clubs in the zone which have been granted registration and will become active. There are towns on the Murray such as Loxton, Renmark and Barmera and is it not possible that clubs will be established there and in some other adjacent country areas? As regards the Eyre Peninsula zone, we have a very active club at Whyalla. The organization at Port Augusta has set out a very excellent trotting ground and if the Bill is passed and night trotting permitted they will swing into action. Port Lincoln and other Eyre Peninsula towns are also entitled to consideration. I hope that we take the broad view so that representatives from country clubs may be selected from trotting enthusiasts as widely dispersed as possible and thus ensure the continuity of the league. Every time we have a Lottery and Gaming Bill before us it has something to do with

trotting. I shall reach the stage very soon when I will be prepared to scrub trotting control altogether and let them scrap for themselves. Therefore, I hope the amendment will be defeated.

Mr. FRANK WALSH—I oppose the amendment. We have a league comprised of delegates from each trotting club, and irrespective of their zones or whether they are capable of conducting a meeting, clubs still have representation and demand to be acknowledged in the sport. It is not the prerogative of Parliament to tell a club whether it should disband or be able to conduct meetings. Is trotting to be considered a parochial affair; I believe that the most workable proposition placed before Parliament is the Bill itself. There was a provision for representatives of zones to be appointed, and it should be continued, letting the newly constituted league do what it can to improve trotting. The best proof of how popular trotting can be made is to be found in the attendances at Wayville. I could suggest a controlling body consisting of representatives of the three trotting organizations, with an independent chairman who would represent the trotting patrons. Such a body would provide an efficient control..

Mr. TRAVERS—When Mr. Stephens introduced his Bill dealing with trotting I spoke at some length and expressed all I wanted to say then, but now two new matters have arisen. It has been conveyed to us from two sources, the mover of the amendment and the Premier, that the people mostly interested in zoning do not want it. I have a letter from a gentleman from the South-East whom I do not know. It is signed by Mr. F. G. Burden, secretary of the Mount Gambier Trotting Club, Incorporated. Previously I had a letter from the club and I replied to it. I think I sent it a copy of my remarks. The letter from Mr. Burden is dated November 30, and the second paragraph states:—

We note your comments, but cannot make it too clear that the South-Eastern difficulties are peculiar, inasmuch as this area is self-contained and relies very largely on its own resources without assistance from city owners and trainers. It is therefore felt that this being so this area should have direct representation on the controlling body of trotting in this State.

I do not know that there has been any change of view.

Mr. Corcoran—There has been no change.

Mr. TRAVERS—I assume that the letter was sent to me so that the views of the club could be passed to members. It is difficult to understand how it can be said that those concerned in zoning do not want it. If ever there was an appeal for it there was one in the letter. The Premier made it clear that the amendment now under discussion, if accepted, will put the Bill back into the form in which it was introduced in another place. If that is so, it is futile for us to accept it. We have not a great deal of time to hold conferences before the session ends. If a member wants to sabotage the Bill for this session all he has to do is to accept the amendment and put the Bill back into the form in which it was introduced in another place. I know what my reaction would be to that if I were a member of that place.

Mr. STOTT—The Murray district cannot support the amendment. Trotting in that district has become very popular. At the Loxton Show there was a trotting programme for the purpose of ascertaining the reaction of the local people to trotting. It was amazing to note that when a trotting race started people rushed from other parts of the ground to see it. That indicates the support that is likely to be given to trotting in the area in future.

Mr. Fletcher—It applies to all country shows.

Mr. STOTT—We should endeavour to get the best method possible for controlling trotting. The legislation as it now stands provides for proper representation from various zones. I do not like the idea of the inner circle being given power to vote for the representation it wants. The correct system is to give the clubs proper representation. I cannot see that this amendment achieves that purpose. The outlying districts should be permitted to nominate representatives to safeguard their interests. Loxton is becoming interested in trotting and if it can successfully conduct meetings, Waikerie, which has an oval suitable for trotting, will follow suit. Mr. Travers has made clear the attitude of the South-East and the attitude of the Murray district is to support the Bill as it stands.

Mr. DAVIS—I support the amendment. It has been suggested that we are trying to ignore the South Australian Trotting Club, but that is not so. Under this amendment that club will have the same representation on the league as is provided in the Bill. The Port Pirie club is opposed to zoning and believes that the fair system is that proposed in the amendment. I always accept the advice of those more conversant with a subject than myself and as the club in my district favours the amendment I must support it.

Mr. HEASLIP—I support the amendment and was pleased to hear Mr. Davis support it

because I appreciate that he knows that it is favoured in the northern districts. I know that Clare also favours this amendment which will leave it open to the 15 affiliated country clubs to decide who shall represent them and where the representatives shall come from. I do not think it proper that Parliament should stipulate that five members must come from different zones. In the interest of trotting the best men should be selected for the job—men who will promote trotting and get the best from it. We should not provide that five representatives must come from different zones.

Mr. Corcoran—The men can be selected from anywhere.

Mr. HEASLIP—Three zones are specifically mentioned in the Bill and a representative must come from each of them.

Mr. Dunstan—The zones can choose whoever they like to represent them.

Mr. HEASLIP—The Bill provides that five representatives shall be nominated—one from the South-East, one from the Murray area, one from Eyre Peninsula, and two from all other country trotting clubs.

Mr. Quirke—But the representative of a zone could live in King William Street.

Mr. HEASLIP—Representatives must be nominated from each of those zones and two from all other trotting clubs. If legislation is enacted it must be abided by.

Mr. Quirke—The clause provides that representatives shall be nominated from those zones, not that they must reside in them.

Mr. HEASLIP—Although the member for Torrens (Mr. Travers) quoted from a letter from the Mount Gambier club favouring the Bill as it stands that is only one of 15 country clubs. Its attitude does not necessarily express the desires of the other 14 clubs. The member for Chaffey said that the Murray districts desired zoning, but what would be the position in that district if the only club operating there could not continue. A representative could not be nominated from that district because there would be no affiliated club and therefore the representation of that zone would be lost. I do not think we should say to country clubs what should be done. After all, the country clubs to a great extent have promoted trotting. The horses are trained in the country and the sport is helped by the country. Without the assistance from the country I do not think trotting would be nearly so successful at Wayville.

Mr. Fred Walsh—Without Wayville the country clubs could not carry on.

Mr. HEASLIP—The most progressive move did not come from the city, but from a certain country club. We should not have a zoning system; all country clubs should be allowed to say where their representatives shall come from. I support the amendment.

Mr. FLETCHER—I hope the Committee will not accept the amendment. I was pleased to hear Mr. Travers quote from a letter he had received from the Mount Gambier Trotting Club. He said his letter was dated November 30, but I have one from that club dated October 27. I shall read a part that is underlined:—

In short, the South-East wants a South-Easterner appointed by the South-East as a matter of justice.

The Mount Gambier club has come up the hard way. It is very chary of how it will be treated if we do not adopt a zoning system. When the club was struggling to get on its feet it nominated someone from Adelaide to represent it on the league, but when the question of its deregistration was being considered its representative sold the club and voted against its continuation as a registered club. Therefore, we should support the provision that country clubs shall be entitled to nominate their representatives under a zoning system. If they do not then manage their affairs successfully it will be their own fault.

Mr. STEPHENS—I want members to realize that I am not speaking on behalf of any country club. I belong to the South Australian Trotting Club, and it does not concern my club who is elected from country clubs to the league, but the Trotting Club wants justice done to all clubs. I do not say that because some clubs are far from the city they should not have representation or that there are not competent men in those clubs. Some members have implied that the only good men come from nearer the city. At one time some of the men from the inner circle said they wanted four representatives on the league, but later they wanted five, but still they are not satisfied. They want to override Parliament, just as they have tried to override various trotting clubs. Parliament decided to allow 20 meetings for Eyre Peninsula, 20 for the Murray area, 20 for the South-East, and 60 for all other areas. Let us see how those meetings have been allocated and then members will see whether the outside areas have been treated fairly. Eyre Peninsula was allowed 20 meetings, yet 12 have not been allocated. In the Murray area 16 have not been allocated; and in the South-East 10 have not been allocated.

On the other hand, 60 meetings are allowed for the inner circle, and 55 have been allocated. Is that fair? Why has the decision in the case of Mount Gambier Trotting Club been reversed? Why are certain clubs not being registered? This is not a country *versus* city fight; it is a fight between certain country clubs. If the amendment is carried it will result in disputes between country clubs.

Mr. QUIRKE—Members seem to be arguing at cross purposes. The Bill provides for the representation of the various zones, and a person who lives in Adelaide may represent, say, the South-Eastern zone. The Bill gives a definite recognition to certain zones, and the representative need not be a resident in his zone. If we carry the amendment and send the amended Bill back to the Legislative Council, we will be where we were before; I therefore oppose the amendment.

Mr. CORCORAN—I, too, oppose the amendment. We have been told that its introduction is the result of representations from all country clubs, but that is not so. There is a tendency to underestimate the importance of South-Eastern trotting clubs, and from the way some members have spoken one would think there was only one, the Mount Gambier club; but there are two other clubs in the South-East.

The Committee divided on the amendment—

Ayes (19).—Messrs. Brookman, Christian, John Clark, Geoffrey Clarke, Davis, Dunnage, Goldney, Hawker, Heaslip, Hincks, Jenkins (teller), McAlees, McIntosh, Michael, Pearson, Playford, Shannon, Teusner and White.

Noes (14).—Messrs. Corcoran, Dunstan, Fletcher, Hutchens, Jennings, Macgillivray, O'Halloran, Quirke, Riches, Stephens (teller), Stott, Travers, Frank Walsh and Fred Walsh.

Pairs—Ayes—Sir George Jenkins, and Mr. Pattinson. Noes—Messrs. Tapping and Lawn.

Majority of 5 for the Ayes.

Amendment thus carried; clause as amended passed.

Remaining clauses (5 to 12) and title passed. Bill read a third time and passed.

WEST BEACH RECREATION RESERVE BILL.

(Continued from December 1. Page 1632.)

Mr. TRAVERS brought up the report of the Select Committee. Received and read.

In Committee.

Clauses 1 to 36 passed.

Clause 37—"Provision as to corporation of Henley and Grange."

Mr. STOTT—If the Henley and Grange Corporation becomes a party to the agreement entered into with the West Torrens and Glenelg Corporations what will be the representation of the Henley and Grange Corporation on the trust?

The Hon. T. PLAYFORD—The original proposal placed before the Henley and Grange Corporation was that it would be a constituent member of the trust, with membership rights. If that corporation signifies a desire to join the trust at any time I am sure the Government will immediately take steps—if they are not already provided for—to enlarge the trust to give that corporation full representation.

Mr. Travers—Clause 37 (3) (*b*) makes provision for that by proclamation.

Clause passed.

Clause 38 and title passed. Bill read a third time and passed.

SEWERAGE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from December 7. Page 1743.)

The Hon. M. McINTOSH (Minister of Works)—Cabinet discussed this matter this morning and as a result of its deliberations the Government does not propose to proceed with the Bill this session. It is prepared to agree to a suggestion made by the Leader of the Opposition that a committee of members of this House be appointed, consisting of two nominated by the Opposition and two by the Government, with myself as chairman. It will not be a Select Committee of the House, which could only sit during the session, but will be constituted so as to enable it to continue its investigations during the Parliamentary recess. It should, therefore, be able to recommend what charges should be adopted as a fair basis for the payment of rates for country sewerage schemes. By that time it is hoped that a number of the investigations before the Public Works Committee will be concluded so that final reports on them will also be before the House for consideration. With this information available Parliament should be able to deal expeditiously with this legislation.

The Government's policy in the last few years has been to concentrate on providing water services. I think the House would have objected had the Government provided water and sewerage services to some areas and not

others. Since 1946, with the approval of Parliament, £14,293,000 has been spent on water schemes. By far the greater proportion has been expended on the Mannum-Adelaide pipeline and the Yorke Peninsula and Uley-Wanilla water schemes. Two of those undertakings are reaching a stage which will enable the Government to provide for country sewerage schemes, and the Government hopes to be able in future to give consideration to country sewerage. I ask leave to continue my remarks.

Leave granted; debate adjourned.

ROAD TRAFFIC ACT AMENDMENT BILL (MOTOR VEHICLES REGULATIONS).

The Hon. T. PLAYFORD (Premier and Treasurer) introduced a Bill for an Act to amend the Road Traffic Act, 1934-1953. Read a first time.

LICENSING ACT AMENDMENT BILL.

In Committee.

(Continued from December 7. Page 1755.)

New clause 10A—"Permits for grocers to sell wine and brandy".

New clause negatived.

New clause 12a.—"Unlawful presence on licensed premises."

Mr. TRAVERS—I move to insert the following new clause 12a.—

Section 203 of the principal Act is amended by adding at the end of subsection (1) and subsection (2) thereof the words "otherwise than as allowed by this Act."

Clause 12 legalizes the supply of liquor outside ordinary hours by a hotelkeeper to a *bona fide* lodger whose ordinary residence is outside South Australia, but it does not legalize the consumption of that liquor by the lodger's guests. That is why I move this new clause.

New clause inserted.

Title passed. Bill read a third time and passed.

ADJOURNMENT.

At 11.25 p.m. the House adjourned until Thursday, December 9, at 2 p.m.