

**HOUSE OF ASSEMBLY.**

Thursday, October 11, 1956.

The SPEAKER (Hon. B. H. Teusner) took the Chair at 2 p.m. and read prayers.

**ASSENT TO ACTS.**

His Excellency the Governor intimated by message his assent to the following Acts:—  
Hide and Leather Industries Legislation Repeal, Lottery and Gaming (Flood Relief), and Stamp Duties Act Amendment.

**QUESTIONS.****RAMPS ON PASTORAL ROADS.**

Mr. O'HALLORAN—Recently I discussed with the Minister of Lands the advisability of constructing ramps on certain pastoral roads east of the Burra for the convenience of road users, particularly the mail contractor who uses them once a week. I understand that a report has been forwarded to the Minister of Works, as these roads are under the jurisdiction of his department. Will the Minister representing the Minister of Works get a copy of that report and make it available to the House?

The Hon. B. PATTINSON—I shall be pleased to do so and see if it can be made available next Tuesday.

**CENTENARY OF RESPONSIBLE GOVERNMENT.**

Mr. MILLHOUSE—During the debate on the Estimates I asked the Treasurer what plans, if any, had been made to celebrate the centenary of responsible government in South Australia. Can the Minister of Lands, Leader of the House in the absence of the Premier, indicate what is proposed?

The Hon. C. S. HINCKS—I have a report from the honorary secretary of the S.A. Branch of the Commonwealth Parliamentary Association which reads as follows:—

The first of the celebrations of the centenary of responsible government in this State will be held in November of this year when a delegation of members of the United Kingdom Branch of the Commonwealth Parliamentary Association will be in Adelaide for the purpose of making presentations to both Houses to mark the historic event. The delegation will comprise the Marquess of Lansdowne (from the House of Lords), the Rt. Hon. Emanuel Shinwell, M.P. (from the House of Commons) and the Secretary of the United Kingdom

Branch (Major J. G. Lockhart, C.B.E.). They will arrive on November 25 and leave for Hobart on November 30.

A dinner will be held at Parliament House in honour of the visit on Tuesday, November 27, when the presentations will be made. The itinerary will include visits to Woomera and Leigh Creek and an aerial view of the disastrous Murray floods. The principal celebrations will be held next year and all churches will be asked to make special mention of the anniversary of responsible government during services held on the Sunday preceding the week of celebration. Two features of the celebrations will be—

- (a) The presentation to the House of Assembly of a mace which is being prepared in the United Kingdom and which will be adorned with South Australian opals; and
- (b) The publication of a special commemorative book, which is at present being prepared by the Clerk of the House of Assembly.

The actual celebrations are listed hereunder:—

**I. Opening Day—**

1. Opening of a special one-day session of Parliament by His Excellency the Governor. This will be followed by a buffet luncheon when the presiding officers will be the hosts.

2. Unveiling of a commemorative plaque in the main central entrance hall of Parliament House by a distinguished representative of the Mother of Parliaments.

3. Parliamentary dinner at Parliament House in the evening.

II. Second Day—"Municipal Day," when the Government will invite local government representatives to inspect Parliament House building and be its guests at a garden party in Government House grounds. Invitations will be sent to the mayor and clerk of every corporation, the chairman and clerk of every district council, members of this Parliament and the South Australian members of the Federal Parliament and, in every case, their wives.

III. Third and Fourth Days—Open house at Parliament House when members of the public will be invited to inspect the building. Displays of historic and other documents will be arranged, and it is hoped that members of both Houses will assist in conducting groups of visitors over the building. Appropriate souvenir booklets or cards will be made available to the public. The building will be floodlit and suitably decorated during the week of celebration.

Mr. JENKINS—The Minister said that mayors and town clerks would be invited to attend the celebrations. Some members of Parliament are also mayors. In such cases will the Government consider issuing invitations to deputy mayors instead of to mayors?

The Hon. C. S. HINCKS—I will have the matter examined and will let the honourable member have a report.

**MURRAY BRIDGE COURTHOUSE.**

Mr. BYWATERS—Can the Minister representing the Minister of Works say whether tenders have yet been called for the Murray Bridge courthouse, and if so, has he any idea when the work will be commenced and when it is likely to be completed?

The Hon. B. PATTINSON—The honourable member was good enough to let me know that he would ask the question, and I have obtained the following report:—

Tenders will be called before the end of this month. Depending on the acceptance of a tender, work should commence before the end of December. The estimated date of completion is the middle of 1958. The courthouse and police quarters will be of single storey and the Government offices section will be of two storeys. The departments to be housed are Police, Lands and Agriculture.

**BRUISING OF EXPORT LAMBS.**

Mr. HARDING—Has the Minister of Agriculture anything to report to the House in view of recent press reports of the bruising of export lambs?

The Hon. G. G. PEARSON—We have been concerned all this season about the rejection of export lambs on account of bruising, which apparently takes place between the farm and the point of slaughter, and I regret that the problem shows no marked abatement in spite of the publicity given to it. Only this morning I received the usual return from the manager of the Government Produce Department which sets out particulars of rejection and other information on the total killed in South Australia to date, and it shows that at Gepps Cross 2.35 per cent of lambs were rejected on account of bruising out of 155,000 lambs slaughtered so far this season, whereas at Port Lincoln the percentage was only .75 per cent. I do not quote the figures for Port Lincoln because I am particularly interested in Port Lincoln, but that shows that lambs can be delivered to the works without being bruised to any marked extent if due care is exercised by all concerned.

I received a letter this morning from the manager of one of the big meat exporting firms in Adelaide in which he draws attention to the fact that at the abattoirs market on October 3 out of about 8,000 lambs his firm purchased for export 471 were rejected for bruising, which is about 6 per cent. He points out that frequently large consignments of lambs are received direct from farms for slaughter without any rejection at all, which probably indicates that the owners take a

personal interest in their lambs from the point of departure to arrival, and are therefore able to avoid the bruising that occurs in other consignments sent to the abattoirs for auction. The letter draws attention to the fact that bruising does not result in financial loss to exporters, and it states:—

Exporters can reduce their buying limits to cover such loss in rejection . . .

That is a point I wish to stress because the letter points out to the lamb producers that the losses due to rejection are directly to their detriment. The letter goes on:—

. . . but rather the future for in spite of the intensive publicity against bruising, the figures I have quoted show that the scourge has not abated. The crucial factor is the increasing degree of damage to the goodwill and reputation of South Australian lamb in the ever-growing more competitive overseas markets through superficial bruising and resultant poor take-off spoiling carcass presentation appearance.

I again urge producers and all concerned with the cartage and handling of such fragile animals as export lambs to exercise the greatest care to obviate what is after all an avoidable loss.

Mr. O'HALLORAN—Can the Minister explain the great difference in the number of lambs rejected as between the Port Lincoln and the Metropolitan Abattoirs, or is it something which has not yet been elucidated?

The Hon. G. G. PEARSON—I appreciate the importance of the question, but am afraid that after having thought about the matter from every angle and discussed it with representatives of export meat companies and the chairman and management of the Metropolitan Abattoirs at Gepps Cross we are unable to pin-point the real trouble. Possibly the disparity is due to the fact that the greater proportion of lambs sent to the Port Lincoln works are delivered by the owners direct to the sale yards, whereas, owing to the larger volume of lambs on this side, they are consigned by carriers who are not so directly interested in the welfare of the lambs. A consignment of lambs may leave a farm and subsequently be pooled with other lambs and then killed, and therefore lose their identity before they have passed through the works. I want to impress on all concerned that there is need for care at every stage.

**MURRAY RIVER FLOOD RELIEF.**

Mr. STOTT—Can the Minister of Lands inform me whether any proposal has been submitted by the South Australian Government to the Commonwealth Government for grants to

be made to councils of flooded areas, more particularly Moorook, Kingston-on-Murray and Swan Reach, to assist them to resite those areas on a higher level. If not, will the Minister consider placing the matter before the Commonwealth Government so as to obtain its reaction?

The Hon. C. S. HINCKS—That is rather an involved question, because so many proposals have been suggested to the Commonwealth Government. As the Premier indicated yesterday, an officer of the Treasury is being sent to Canberra to discuss these matters with Treasury officials there. I do not know whether this proposal is included or not, but I will see that it is included.

Mr. BYWATERS—Yesterday the Treasurer told Mr. Stott that if satisfactory arrangements for Federal financial assistance to flood victims had not been arrived at by the end of the week he would send a senior Treasury official to Canberra to confer with Federal Treasury officers. I am not particularly happy about this question being left in the hands of Treasury officials, though I am not casting any reflection on them, but I think it should be handled between Ministers of both Governments. Would it be possible for a senior Minister to accompany the Treasury official in soliciting financial support from the Federal Government?

The Hon. C. S. HINCKS—I shall be prepared to discuss this matter with the Treasurer. I can assure the honourable member that the Treasury official who is expected to go to Canberra is a very highly qualified officer, and am sure he would put a very good case for the State.

#### ROAD TEST FOR BUS OPERATION.

Mr. CUMBE—On September 5 I asked during the debate on the Loan Estimates if the Premier would take up with the Tramways Trust the testing of metropolitan roads before buses are permitted to run on them. Has the Minister of Lands any information on the matter?

The Hon. C. S. HINCKS—I have received the following reply from the General Manager of the Tramways Trust:—

Before converting from tram to bus operation on any particular route the Trust gives early notice to the councils of the roads proposed to be traversed by buses, thus affording the councils the opportunity to examine the condition of the roadways concerned. Where the case comes within the operation of section 33 of the Municipal Tramways Trust it is provided that, if a council objects to bus

operation on the ground that the roadway is not sufficiently strong to carry buses, the Trust may refer the matter to the Highways Commissioner.

#### RAILWAY ACCIDENTS.

Mr. FRANK WALSH—Has the Minister of Education a reply from the Minister of Railways to the question I asked on October 2 relating to the signalling system in operation in the railways?

The Hon. B. PATTINSON—The Minister of Railways has supplied me with the following report from the Railways Commissioner:—

The signalling system on the Port line between Adelaide and Woodville, where the recent mishaps involving diesel rail cars have occurred, was designed for steam trains operating at speeds of 45 m.p.h. The new railcar services are tabled at maximum speeds of 45 m.p.h. In none of the recent accidents was there a defect in the signalling system. The rostered working for the 20 railcar drivers employed on the suburban railcar services averages 11 shifts a fortnight, the duration of the shifts being as follows:—

	Average hours.	Maximum hours.
Week days . . . . .	8	9½
Saturdays . . . . .	7½	9½
Sundays . . . . .	9	9½

An average of 4½ and a maximum of 6 trips per shift is run with the railcars. Corresponding figures for steam trains were 3 and 4 respectively.

#### MARANANGA DISTRICT WATER SUPPLY.

Mr. LAUCKE—During the Estimates debate I asked whether the sum of £23,800 provided for mains, services and minor works in the Warren water district included a scheme for supplying water to the Marananga district. Has the Minister of Lands a reply to that question?

The Hon. C. S. HINCKS—I have received the following report:—

The provision in the Loan Estimates of £23,800 for mains, services and minor works in the Warren water district does not include a water supply for the Marananga district. A supply for this area was last dealt with in 1954. The Engineer-in-Chief stated that he could not recommend large extensions in the Warren district until such time as at least portion of the Warren trunk main had been replaced and enlarged. The honourable member introduced a deputation on this subject to the Acting Minister of Works (Hon. C. D. Rowe) in July when a proposal was put forward for a scheme to supply portion of the Marananga district. The scope of this scheme was considerably smaller than those previously asked for. This amended scheme is now being examined and as soon as the plans, estimates and revenue statements are ready, the Engineer-in-Chief will report fully thereon, and the matter will be considered by Cabinet.

## SALE OF AIR GUNS TO CHILDREN.

Mr. HUTCHENS—An article in this morning's *Advertiser* states:—

The ease with which boys could buy air guns in shops was criticized in Port Adelaide Juvenile Court yesterday by the magistrate (Mr. L. F. J. Johnston, S.M.) . . . Mr. Johnston said it was remarkable that boys could apparently go into shops and buy air guns without shopkeepers asking questions, or checking the boys' ages.

This is a dangerous practice that could result in serious injuries to children. Will the Minister of Education ascertain from the Attorney-General whether he has read this report and whether he considers it necessary to introduce legislation to prevent the easy sale of firearms to irresponsible young people?

The Hon. B. PATTINSON—I read the report with great interest. I think that, directly or indirectly, I am concerned with the matter myself as Minister of Education. I will discuss this matter with the Attorney-General and let the honourable member have a reply in due course.

## TRAMS VERSUS BUSES.

Mr. HAMBOUR—Can the Minister representing the Premier say whether it is a fact that the tramways authority in Melbourne is relaying tramlines and re-introducing tramcars while the Trust here is ripping up tramlines and introducing buses?

The Hon. C. S. HINCKS—I have no information on the subject, although I have heard the same report. I will get a reply for the honourable member.

## PROVISION OF HOMES FOR ABORIGINES.

Mr. RICHES—During the Budget debate the Minister of Lands undertook to get certain information for me from the Aborigines Department. Can the Minister now answer the following questions?

(1) Has any portion of Yalata Station been leased or sold to any person who is not an aborigine?

(2) What is the explanation of the term that was mentioned in the Budget, "operating surplus from Yalata Trust," and shown as an expenditure?

(3) Where are the houses under the line "purchase of houses for aborigines" to be erected?

(4) Has any consideration been given to the need for rehousing at Port Augusta?

(5) Has any provision been made for housing families at Port Germein?

The Hon. C. S. HINCKS—I have a reply from the secretary of the Aborigines Department (Mr. Bartlett) which reads as follows:—

In answer to the questions raised in the Budget debate, I have to report as follows:—

(1) No. By agreement, however, the Evangelical Lutheran Church has undertaken:

(a) To operate Yalata as a pastoral undertaking.

(b) To ensure promotion and maintenance of spiritual and physical welfare of aborigines thereon.

(c) To provide educational facilities for such aborigines.

(2) By the agreement mentioned in (1) the Aborigines Protection Board receives from the Lutheran Church half of the net proceeds from the wool shorn. The Board undertakes, *inter alia*, to—

(a) Supply rations and foodstuffs to supplement natural game available to natives residing at Yalata.

(b) Provide medicines and medical treatment.

(c) Pay the salary of a nursing sister.

(d) Provide at its discretion clothing, blankets and other necessary articles.

(e) Pay vermin, wild dog and other taxes.

The amount provided on the Estimates represents the surplus of the Board's share of the wool proceeds over the expenditure it incurred. The honourable the Minister of Works undertook to arrange the appropriation of the amount of any such surplus to be used or held in trust for use for the benefit of aborigines at Yalata or elsewhere. It is proposed that the surplus in this particular instance will be used to finance water boring operations to be carried out at Yalata by the Mines Department.

(3) Finance provided for purchase of houses for aborigines is to be used as follows:—

	£
Erection of two intermediate type homes at Beltana . . . . .	3,000
Alterations to existing homes at Waikerie and Cobdogla . . .	600
Balances due on houses in course of erection at Naracoorte (2), Loxton North (2), Monash and Victor Harbour . . . . .	6,000
Erection of homes at Millicent (2), Barmera (2), and McLaren Flat . . . . .	11,400

(Total cost of these five homes will approximate £14,000, but it is not anticipated that full amounts will be required this financial year). In addition to the above homes, the Aborigines Protection Board is exploring the possibility of purchasing further sites at Mount Gambier (2), Penola (2), Barmera, Bordertown and Tailem Bend.

(4) No.

(5) No. An amount of £17,760 was approved by the honourable the Minister and sought on sub-estimates of expenditure for erection of homes at Baroota Reserve (near Port Germein), with a view to housing natives (3) and a white overseer, and developing the Reserve agriculturally. This amount was deleted when necessary cuts were directed by the Treasurer.

# RENMARK WEST SCHOOL.

Mr. KING—Can the Minister of Education say when work will be commenced on the water supply for the yards and conveniences at the Renmark West school?

The Hon. B. PATTINSON—I will get a reply for the honourable member.

# FUEL TRANSPORT ON EYRE PENINSULA.

Mr. BOCKELBERG—Has the Minister of Lands a reply to the question I asked the Premier on September 27 regarding the transport of fuel on Eyre Peninsula?

The Hon. C. S. HINCKS—I have received the following reply from the Minister of Railways:—

Only one oil company has tank waggons on the Eyre Peninsula system, these consisting of two with a carrying capacity of 1,500 gallons and one with a capacity of 3,000 gallons. The Railways Department is very anxious to secure to rail all the transport of the oil and goods of the oil companies on Eyre Peninsula, but to date has not been successful in obtaining much traffic. For the year ended June 30, 1955, a little more than 1,500 tons of oils and motor spirits were carried by rail on the Eyre Peninsula system.

Mr. BOCKELBERG—Will the Minister of Lands give further consideration to a question I asked some time ago regarding the transport of fuel by the railways in 44-gallon drums to towns and sidings between Port Lincoln and Thevenard?

The Hon. C. S. HINCKS—I will take up the question and get a reply.

# ATOMIC TESTS AT MARALINGA.

Mr. FRED WALSH—It is true that South Australia was represented by a Government officer at the last atomic test at Maralinga but I was disappointed that there was no representative of this Parliament. The Federal Parliament saw fit to have itself represented at the last test but as the tests are taking place in this State the South Australian Parliament is as much concerned in them as anybody else. Could an approach be made to the Federal Government for a limited party of members from this Parliament, including at least one representative of the Opposition—preferably the Leader—to attend the next test at Maralinga?

The Hon. C. S. HINCKS—I will be happy to take up the question with the Treasurer.

# FLINDERS RANGES TOURIST ATTRACTIONS.

Mr. O'HALLORAN—Has the Minister of Lands any information to give following on the suggestion I made during the Estimates

debate that the Tourist Bureau should give greater publicity to the undoubted attractions in the Flinders Ranges?

The Hon. C. S. HINCKS—I have received the following report from the Director of the Tourist Bureau:—

Soon after the introduction of 16 mm. colour cinemaphotography a film of the northern Flinders was made and was screened extensively. When this film was becoming obsolete and worn arrangements were made with Mr. C. P. Mountford to make another film of the same area. This was a big improvement on the first and was also used very extensively. During the wild flower season two years ago a further colour film was made by our own film unit covering a much wider area in the ranges, and this is being used very freely. Eight copies have been printed and are being utilized as follows:—

- One copy in the Tourist Bureau library for screening in the theatre.
- Two copies for loan in South Australia to country borrowers.
- One copy located in Sydney for loan to cinema societies.
- One copy located in Melbourne for loaning to film societies.
- One copy placed with the Agent-General in London for use in England.
- One copy loaned to Tasman Empire Airways Ltd. for screening throughout New Zealand.
- One copy is being held in reserve for the Matson Steamship Company for screening on their trans-Pacific steamers when they commence operations next month.

One of these copies was shown by T.A.A. in Victoria almost continuously for some six months. This film, known as *Heart of the Flinders*, is receiving more publicity than any other film we have in our library. In addition, the Commonwealth Film Unit, at my instigation, last year made a 35 mm. colour film of the Flinders Ranges, but owing to import restrictions causing a shortage of colour film stock, there has been delay in making copies of the film. It is proposed to offer it to the trade for release throughout Australia and overseas, and if preliminary reports as to its quality can be relied upon, there should be little doubt that it will have world-wide release. In view of the position, as outlined, I consider that no good purpose would be served by attempting to make another film at this stage.

# HANSARD SALES.

Mr. MILLHOUSE—Has the Acting Leader of the Government a reply to the question I asked during the debate on the Estimates concerning returns from the sale of *Hansard*?

The Hon. C. S. HINCKS—The Government Printer reports that £80 has been received to date as subscriptions to the current session of *Hansard*.

**GRASS AT RAILWAY CROSSINGS.**

Mr. JENNINGS—Each year about this time I have to ask a question about northern suburban railway crossings where the grass is so high that motorists cannot see approaching trains, which increases the chance of collision. In reply to my previous questions the grass has always been cut, and I ask the Minister representing the Minister of Railways that it be cut on this occasion.

The Hon. B. PATTINSON—I will ask my colleague to refer the question to the Railways Commissioner.

**RAIL TRANSPORT OF FODDER.**

Mr. BYWATERS—Recently a few people have approached me concerning the transport of fodder by rail. Rumour has it that the Railways Department has transported the fodder free, but some time ago in reply to a question I was told that the matter had to be referred back to Sir Kingsley Paine. Can the Minister of Lands say whether that policy still applies?

The Hon. C. S. HINCKS—The position has not changed and if the honourable member knows of settlers in financial difficulties who require assistance I suggest again that they apply to the secretary to Sir Kingsley Paine, c/o Lands Department, Adelaide.

**NARACOORTE RAILWAY BUILDINGS.**

Mr. HARDING—Has the Minister representing the Minister of Railways a reply to my question of October 3 concerning the condition of the passenger buildings at Naracoorte station?

The Hon. B. PATTINSON—Through the Minister of Railways I have received the following report from the Railways Commissioner:—

In an interview with the Mayor of Naracoorte I promised to investigate afresh the problem of providing improved accommodation at the Naracoorte station. In fulfilment of this promise preliminary plans are being prepared but have not yet been finalized.

**KAROONDA PUMP.**

Mr. STOTT—Has the Minister representing the Minister of Railways a reply to the question I asked yesterday concerning the pump at the Karoonda pumping station?

The Hon. B. PATTINSON—The pump at the Karoonda pumping station was installed by the contractor early in 1956. Subsequently trouble was experienced with the reduced output of the pump and on two occasions while the pump was still under the guarantee period,

it was removed from the bore to enable adjustments to be made to the impellers. Following this work the pump operated satisfactorily until it had to be again removed to enable a broken shaft to be replaced. Approximately two weeks ago it was noticed that the output of the pump had again commenced to fall off. This was carefully watched and the matter was finally taken up with the contractor who has now agreed to supply a new pump. It is anticipated that the new pump will arrive at Karoonda early next week and steps will be taken to install it immediately it is received.

**SALK VACCINE INJECTIONS.**

Mr. HUTCHENS—Some time ago the press reported a poor response by some parents to the offer of salk vaccine injections for their children, but if the opportunity were again given in those areas I believe there would be a greater response because of the satisfactory results and absence of ill effects following the injections. Will the Acting Leader of the Government take up with the Minister of Health the possibility of giving a further opportunity to parents in those areas? Further, will he ascertain whether any ill effects have resulted from injections?

The Hon. C. S. HINCKS—I shall be happy to do that.

**FRANKTON BUS ROUTE.**

Mr. HAMBOUR—My question concerns a subsidy of £750 for the Frankton bus route, on which I believe the Premier has some correspondence. Will the Minister of Education take this question up with the Minister of Roads to see whether a decision can be made as soon as possible?

The Hon. B. PATTINSON—Apparently the honourable member is making every effort to get a reply as he is dealing with the Premier, the Minister of Roads and me. He should get satisfactory results from that trio, but up to now results do not appear to be satisfactory because early this afternoon my colleague, the Minister of Roads, told me that this route was an extension of the Neales bus route for which assistance was granted. As far as this route is concerned no request has been received from the Education Department or the district council of Eudunda and consequently no action has been taken. Originally the honourable member said there was no need for details, but apparently details are definitely required.

Mr. HAMBOUR—I have previously asked the Minister of Education whether he would ask the Minister of Roads whether the Education Department transport officer had been in touch with the Highways Department with a view to obtaining its assistance. Will he ask the Minister of Roads what the position is and if the district council applied for £750 for the bus route?

The Hon. B. PATTINSON—It will give me much pleasure to ask my colleague to answer both those questions.

#### WHYALLA HOUSING TRUST PROGRAMME.

Mr. LOVEDAY—Has the Acting Leader of the Government a reply to my recent question concerning the Housing Trust programme for Whyalla?

The Hon. C. S. HINCKS—The Chairman of the Trust reports:—

The South Australian Housing Trust recently let contracts for the erection of 40 houses at Whyalla. Of these, 30 will be for rental and 10 for sale. In view of the restriction of the amount of the loan funds available to the Trust for rental housing it is essential that the Trust, wherever possible, build sale houses and, on their sale, recoup the whole or a greater part of the capital involved. The Trust has 39 houses at Whyalla which were originally built for sale, but all of which are now let to tenants. Obviously, none of these houses is for sale except to the tenants.

#### ADVERTISING TOURIST ATTRACTIONS.

Mr. KING—Can the Minister of Lands say what steps have been taken by the Government Tourist Bureau to take advantages of the opportunities presented by the Olympic Games to be held in Melbourne to attract tourists to this State on lines similar to those adopted by Tasmania and other States?

The Hon. C. S. HINCKS—I have no information on the matter, but will get a report.

#### PYAP AND WAIKERIE PUMPING STATIONS.

Mr. STOTT—Can the Minister of Irrigation say whether the Pyap pumping station is yet in operation, and what is the financial arrangement in connection with this station?

The Hon. C. S. HINCKS—I have no further information concerning the financial position, but I am pleased to say that the pump is in operation today and that all other pumps in the river areas are in working order and able to carry out their irrigation programmes.

Mr. Stott—Is the station at Waikerie in commission?

The Hon. C. S. HINCKS—I would not say that all the engines are in operation, but I know that enough are to carry out a satisfactory irrigation.

#### SNOWY RIVER HYDRO-ELECTRIC SCHEME.

Mr. HUTCHENS—I understand that the Chairman of the Public Works Committee had the pleasure of hearing the Chairman of the Snowy River Hydro-Electric Commission (Sir William Hudson) last night, and I ask him whether he can indicate what are the potentials of the scheme, what progress has been made, and what effect it might have on flooding of the River Murray?

Mr. SHANNON (Chairman, Public Works Committee)—I will not attempt to repeat all the entertaining and important statements that Sir William Hudson made last night, but the latter part of the honourable member's question is of particular interest to all members, namely, the effect of the scheme on the flooding of the Murray Valley. I was happy when Sir William explained that by controlling the rivers contributing to the Murrumbidgee and the Murray the Commission will be able to run water to the east or west of the dividing range. Therefore, when we are in difficulty with too much water in the Murray Valley the Commission will be able to divert water east into the sea. He said that about 30,000,000 acre feet of water that could be made available for irrigation purposes would, on the existing irrigation areas on the Murrumbidgee and Murray, be capable of growing £30,000,000 worth of foodstuffs a year. Some tickets are available for anybody who would like to hear Sir William tonight, and I assure members that it would not be time lost, but time well spent, if they heard him.

#### PARINGA-RENMARK SHUTTLE SERVICE.

Mr. STOTT—Has the Minister representing the Minister of Railways received any report from his colleague on the improvements I have suggested to the railway shuttle service between Renmark and Paringa?

The Hon. B. PATTINSON—No, but I understand that the Minister has been conferring with the Railways Commissioner this week, and I am sure he will have discussed this matter with him. I had the opportunity last Monday of inspecting this service in company with the members for Chaffey and Unley and members of the Renmark Corporation. I was interested in the transfer of schoolchildren between Renmark and Paringa. I think Mr. Story, M.L.C.,

has also made representations to the Minister of Railways, and as soon as he arrives at any decision I am sure an announcement will be made either in the other House, here, or in public.

#### FISHING REACH AT MORGAN.

Mr. HAMBOUR—Has the Minister of Agriculture any information about the request of the district council of Morgan for a fishing reach near that township?

The Hon. G. G. PEARSON—The honourable member referred this matter to me privately a little while ago, and it concerns obtaining a fishing reach near the township of Morgan for the use of residents or visitors. The difficulty is that there is only a certain amount of river frontage available for such a purpose, and all the reaches are already leased. On my way to the up-river towns a few weeks ago I interviewed the clerk of the Morgan district council, Mr. McDonald, and discussed the matter with him. It appeared to us that two brothers who owned adjoining reaches might be prepared to amalgamate their interest so that a vacant reach could be created adjacent to this township. I conferred with the Chief Inspector of Fisheries (Mr. Moorhouse) and he has taken up the matter with the persons concerned (I think the Jochinke brothers) to see whether they would be agreeable to such a proposal. If they are, it would enable a reach to be vested in the district council for the use of residents and visitors. We have not yet received a reply from the gentlemen concerned, but I will let the honourable member know when we have.

#### ROAD AND RAILWAY TRANSPORT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 18. Page 590.)

Mr. O'HALLORAN (Leader of the Opposition)—The purpose of this Bill is to authorize the imposition of appropriate charges on interstate hauliers for the use of the State's roads; and the Government hopes that, in carefully determining the nature and magnitude of the charges to be imposed, it will at last overcome the difficulties arising out of the operation of section 92 of the Federal Constitution. These difficulties have hitherto proved to be insuperable, with the result that interstate hauliers cannot be compelled, under existing State law,

to contribute to the maintenance of our roads. Under the circumstances, no-one can object to the principle expressed in the Bill.

It seems anomalous, to say the least, that interstate transports, which are causing so much damage especially to our country roads and therefore placing upon the State a heavy additional burden in the form of maintenance and even re-construction, should make no contribution whatever to the cost of those roads. Owners of locally operated transports contribute more or less in proportion to the wear and tear their vehicles entail, and there is no reason why interstate owners should not do the same. However, that is the position today—and as it has been allowed to remain for so long—notwithstanding that decisions of the High Court of Australia and of the Privy Council over the years should have suggested the only certain remedy, namely, the thorough overhaul of the Federal Constitution. Unfortunately, such a course is anathema to those who, for some reason best known to themselves, still persist in defending the original provisions of the Constitution through thick and thin.

We have been told that the provisions in the Bill relating to the charges to be imposed have been dictated by the difficulties arising out of the operation of section 92. For example, the provision that the charge will depend on the distance travelled in this State is, I believe, an attempt to fulfil one of the conditions suggested in the majority decision of the High Court in the Hughes and Vale case. It is to be hoped that this and other provisions included in the Bill for the same purpose will, in fact, overcome the objections which the courts have raised in the past to any apparent or indirect infringement of the "absolute freedom" rule for interstate trade that the States have attempted.

Of course, this can only be a hope. Acting on a hint that "reasonable regulation" might meet the objections of the courts, the Government framed regulations under the Road Traffic Act for the purpose of imposing charges on interstate hauliers, but this expedient was later declared to be invalid. As the Premier has said, it became clear then that some of the previous judicial utterances as to what constituted reasonable regulation could not be taken at their face value.

Experience has shown that few, if any, of these "judicial utterances" can be taken at their face value, and whatever legislation we may pass in this Parliament is liable to have to run the gauntlet of challenge in the courts.



In view of the interpretations that have been given to section 92 in the past, the same disappointing result may accrue in connection with this legislation. The essence of Section 92 of the Federal Constitution is, I believe, fiscal, that is, in this particular instance, a matter of State policy in relation to customs duties. When the Federal Constitution was in the making, one of the important issues was the imposition of colonial tariffs, which was then a feature of the separate colonial administrations and which was, in fact, one of the chief reasons for the adoption of Federation.

Before Federation, import duties were levied by the colonies on overseas and interstate trade for revenue and protective purposes, and such duties were, of course, susceptible to manipulation to serve the convenience and advantage of the individual colonial governments. This was a condition which Federation was intended to abolish and, for purposes of import and export duties, the States constituting the Federation were to be regarded as one. For that reason, it would appear, section 92 laid down that separate States tariffs should cease to operate as soon as the Federal Government took over these matters. The first paragraph of the section reads:—

On the imposition of uniform duties of customs, trade, commerce and intercourse among the States, whether by means of internal carriage or ocean navigation, shall be absolutely free.

No doubt the words "trade, commerce and intercourse" were deliberately inserted, although they involved a certain degree of repetition or duplication, in order to make it perfectly clear that a State could not, after Federation commenced to function in this respect, impose import duties against another State under the pretence that those duties were not related to trade, or to commerce, or to intercourse among the States. But even the use of these words has created differences of opinion as to what was intended when the Section was first drafted and inserted in the Constitution. Although everyone concerned at the time might have known exactly what was intended, there is scope now—and there has been for many years—for costly differences of opinion. They have been costly not only in the sense that they have involved Governments and individuals in great expense in litigation but also in the sense that they have been instrumental in preventing progress.

I believe the whole idea of Section 92 was that under Federation no State should have the right to exercise fiscal policy, as such,

against another State. If public revenue was to be raised by import or export duties, or if protectionist or free trade principles were to be implemented, or a combination of the two, it was to be the responsibility of the Federal Parliament to decide, and the Federal Parliament was to legislate for Australia as a whole. If this is so, then the section in question could never have been intended to prohibit a State from charging for the use of facilities availed of by persons engaged in interstate trade.

The obvious restriction of the application of Section 92 to matters of "free trade," as the expression is generally understood in political economy, is further emphasized by the second paragraph, which reads:—

But notwithstanding anything in this Constitution, goods imported before the imposition of uniform duties of customs into any State or into any Colony which, whilst the goods remain therein, becomes a State, shall, on thence passing into another State within two years after the imposition of such duties, be liable to any duty chargeable on the importation of such goods into the Commonwealth, less any duty paid in respect of the goods on their importation.

In view of the fact that the courts have interpreted the expression "absolutely free" in a very wide sense, I am not fully convinced that the legislation now before us will achieve its purpose, despite the elaborate efforts that have been made to anticipate the decisions of the High Court or the Privy Council.

The Bill proposes to impose charges, admittedly for a service and not for general revenue purposes, but if "absolutely free" implies "without charge," it is at least problematical whether the High Court, or the Privy Council, would have any less reason for declaring this legislation invalid than they have had for declaring previous legislation invalid. The proposed charges are to be at the rate of one penny per tare ton mile, or one-twentieth of a penny per tare hundred-weight mile, for convenience of calculation.

We have been assured that this will work out a "reasonable charge," but what might seem reasonable to the Government, or to us as individuals, need not necessarily seem reasonable to others, including the hauliers, the High Court and the Privy Council. To be reasonable, I suppose, the charge should somehow compare with the corresponding charge for registration of similar vehicles operating from South Australia, but such a corresponding charge may be difficult to arrive

at, and the Premier has said that some interstate interests might consider registering their vehicles in South Australia if the proposed charge turned out to be more than the registration fee.

However, even this situation could conceivably be the basis of an appeal to the High Court or the Privy Council because it would amount to forcing interstate owners to pay the charge or register in South Australia. If, for example, these owners could show that they were being forced, economically, to register in this State, they might have a good case against the charge now proposed, for the charge would, in fact, be greater than the cost of registration and therefore liable to be declared unreasonable. The very offer of an alternative which has been declared to be illegal—registration in this State—could be challenged as such. Even the requirement that records of mileages shall be kept could be represented as adding to the cost of bringing goods into this State.

I have not discussed the provisions of the Bill as such, and I do not intend to go into detail at this stage. However, there are one or two observations I would like to make. In the first place, one might say that the provisions themselves are fairly elaborate, although, perhaps, under the circumstances, this is unavoidable. Some of these provisions—as, for example, proposed new sections 27o and 27p—have apparently been drafted with a view to overcoming difficulties which the Government anticipates it will encounter in administering the legislation.

Subsection (2) of proposed new section 27o provides that a certificate by the Registrar of Motor Vehicles as to the tare weight of an unregistered vehicle is to be *prima facie* evidence, but it has not been explained how the Registrar comes by the necessary information. No doubt these and other administrative and procedural aspects will be clarified in Committee. This is the principle on which the success or failure of this legislation will be determined. We all know that vehicles registered in this State must be weighed and a certificate presented to the Registrar, but I do not know whether we could force interstate hauliers to have their vehicles weighed. I doubt whether the court would, in the final analysis, say that we could.

As I have said, in view of the fact that section 92 of the Federal Constitution has militated against all previous methods of approach to this problem, and as interstate

transports are at present not contributing to the maintenance of our roads, it is only fair that we should make this further effort to impose a reasonable charge. However, I do not think we are approaching the problem from the correct angle. Section 92 of the Federal Constitution, together with many other sections, should be thoroughly investigated with a view to accommodating the Constitution to present day conditions. Failing that—and I see no prospect of ever achieving such a commonsense solution while the L.C.L. Government is in office in this State—there should at least be a review of the basis on which the petrol tax is distributed and even a consideration of the possibility of imposing a levy on diesel oil used by heavy transports, so that more revenue will be available for road maintenance purposes.

I believe that that last alternative is the fairest and most practical solution. Registration fees vary in the different States. In one State motor vehicles may make a substantial contribution towards the cost of building and maintaining roads while in another they may make a less substantial contribution. I have examined the fees in the various States and in some States they are only half what they are in others. In Western Australia the fees are considerably lower than in other States.

I believe that if it is right that motor vehicle owners should make a special contribution for constructing and maintaining roads, the most equitable method of securing that contribution would be in the form of a tax on the fuel they use. They should contribute towards the cost of roads and I believe they would be happy to do so if they knew that what they were paying would be used for improving roads, particularly those in outback districts. The people in my electorate pay petrol tax, licence fees, and everything that people elsewhere pay, and they would be happy to contribute more if they knew they would get better roads as a result. Their savings in maintenance costs on their vehicles would compensate for any increased contribution. Whatever tax is imposed on fuel it should be used for road maintenance; a substantial portion of it should not be paid into general revenue by the Federal Treasury, as happens now.

I realize that diesel fuel was first exempted from a tax because at that time not many road vehicles were using it, and a number of marine and stationary engines were using it. It would, of course, be unfair to tax people on the fuel they use in their engines if they did not use the roads. It should not be beyond the wit

of man to devise some method of colouring diesel fuel and specifying in the law that that particular type of fuel should be the only type used in road vehicles. If that were done we could impose the same rate of tax on diesel fuel used for road purposes as we impose on petrol used for road purposes today. I believe that will ultimately be the solution of the problem. I do not suggest that as an alternative to this Bill, but as a possibility which might be exploited if this legislation proves to be unconstitutional, as have so many similar efforts when subjected to challenge in the court. I support the second reading.

Mr. BROOKMAN (Alexandra)—This legislation is aimed directly at the problem of financing roads, and I support it. The problem of road construction and road finance is too wide to be discussed at length in this debate. It is often said that our roads are in decay. That cannot be proved easily. There are few figures that can be produced as evidence. We can only go on our own observation, and my observation is that the roads have been steadily improving over the years. They are, of course, very inadequate in some parts of the State, and very much more work is needed to be done on them. However, I do not believe we have been losing ground as some people have often stated.

When we consider the problem of transport in this country it is really wonderful to see how far we have gone. Australia is not very much different in size from the U.S.A. but it has only about one-sixteenth of the population, and I understand that the roads in America are far from perfect when one gets away from the main arterial highways. I do not think we need be ashamed of the job we have done throughout the Commonwealth in the matter of roads. Difficulties do crop up at times, and we have our fair share of meteorological troubles which in some seasons cause tremendous damage.

This is a Bill to collect money for the roads. How to spend it is quite another matter, and I am not as happy about road expenditure generally as I would like to be. I think the Government should use private contractors more and more instead of trying to do the work itself. That is related to the expenditure of money and I will not pursue that question further at this stage. The Bill provides for the collection of fees from people who own trucks that are not registered within the State. I am pleased to know that all the money collected under this tax will go back on the roads.

That is assured by section 27 (1), which states:—

All money received by the board in payment of charges under section 27g shall be paid into the Highways Fund, and shall be used solely for the maintenance of roads.

That is a very good thing to have in the legislation.

The people that will be levied under this Bill are those who are not otherwise paying anything into the Highways Fund and who are in varying degrees causing damage to our roads. I cannot see that the amounts proposed to be levied are excessive. It works out at 2½d. a mile for a vehicle of 2½ tons tare weight, which is not an unduly heavy impost. I think it would allow a vehicle of that size to come from Bordertown to Adelaide and return to the Victorian border for the payment of about £3 15s. There may be practical difficulties in collecting this money, and I will be interested to see how the machinery of the law works. I can only hope, like the Leader of the Opposition, that the collection of the money will be effective. The alternative, of course, is to register those vehicles in this State, and that might well be the course adopted with hauliers who are regularly using our roads and are themselves registered in some other State.

This raises an interesting point. If the hauliers are to have a new set of number plates in South Australia, how many sets will the hauliers have if they wish to travel to all States of the Commonwealth and all States bring in similar legislation? A haulier's vehicle would be pretty well decorated in those circumstances, and I shall be interested to see vehicles so adorned.

The main point I wish to raise on this legislation is the question of the validity of the law. I do not know whether the law is valid and I have no ability to assess it, but I know that State laws have been challenged successfully on many occasions lately, and people are getting sick of seeing State Governments defeated in the courts on their own legislation. I think it is time all Governments took the trouble to be quite sure of the Constitutional position before making a law such as this. Perhaps the Government is quite sure of the position on this occasion, but if it is not I urge it to consult the very highest legal authorities on Constitutional law in the Commonwealth. It should not stint a few pennies to get the best man available to give it full advice on this matter, because it may be a very cheap investment in the long run.

If we are taken to court over this and are defeated I can only say that everyone will be heartily sick of the whole thing. It is quite possible that the legislation will be challenged by someone.

I believe that the Bill is not unduly harsh in its provisions, and that it taxes a number of people who should fairly be taxed. In conclusion, I urge the Government once again to check and re-check the validity of the legislation. I support the Bill.

Mr. RICHES (Stuart)—I support the Bill. For a long time interstate road hauliers have been using our roads and causing serious deterioration. They have made no contribution towards the construction, maintenance or repair of the roads whatsoever, and this Bill will remove that anomaly because it will place the interstate haulier on precisely the same footing as the haulier registered in South Australia who has vehicles here and uses them to carry goods to other States. I accept the assurance of the draftsman that there is no unfair discrimination against any section of the community. The interstate road haulier will be required to make a fair and reasonable contribution towards road maintenance and construction costs, but there is no unfair discrimination against him and for that reason I feel that there cannot be any logical opposition to the Bill.

I notice that fees are to be paid into the Transport Control Board, and I am wondering how the machinery of collecting those fees will work. It appears that the owners of the vehicles will have to keep a log book and at the end of the month prepare their own accounts and forward to the board a statement of the miles covered in South Australia and a cheque covering the charge levied for those miles. I wonder how that can apply to people not regularly on the run. It would be possible for an interstate vehicle to come to South Australia itinerantly and contribute nothing towards the upkeep of our roads. It should be possible for the authorities to successfully deal with people making regular visits, but there seems to be a loophole in connection with the individual operator—the man who makes a trip in South Australia once a month or once in two months. That position would be difficult to police.

The Bill seems to be the best way to deal with the matter in view of the adverse Privy Council decisions, but in my opinion they were given in complete ignorance of difficulties that

face States like South Australia. There is a problem in collecting fees from users of roads, but there is also an obligation on the State to construct roads after collecting fees and to protect those roads against abuse. Too many of our roads have been allowed to deteriorate because of ineffective policing of speed and weight. I refer particularly to the road that runs through Port Wakefield to the north and carries heavy traffic. It was sealed between Port Wakefield and Snowtown, but within two months it deteriorated to such an extent that repair gangs are on the job; in some places reconstruction will be necessary.

As the amount of traffic and speed increase there will be further deterioration of roads which otherwise would have stood the test of normal traffic for many years. It seems that the better the road the bigger the load and the greater the speed, and that will continue until we enforce laws that are honoured in the breach more than in the observance. We have too many places asking for roads that are important to the development of the State, and, of course, to the districts themselves. I refer to main arterial roads. No money can be found for these roads, yet in other parts of the State some roads have been built and rebuilt two or three times. I do not know how many times the road between Tailm Bend and the Victorian border has been reconstructed. It is time the Government gave northern districts a fair go in road expenditure rather than spend money repeatedly on rebuilding roads that are torn up by people who make no contribution to road construction and maintenance costs.

The people to the north feel they are entitled to roads instead of money being spent this other way. It is false economy to allow roads to deteriorate. Maintenance is necessary, but it is wrong that maintenance gangs should move in immediately construction gangs move out. That is happening in South Australia. It may be due to conditions over which the engineers have no control or to specifications not being sufficient to carry the traffic, but in many cases the trouble is caused through the failure to police the laws in relation to speed and weight. I urge the Government to consider this matter.

The Transport Control Board will administer this Bill. The last report of the Auditor-General showed that although more vehicles were carrying heavier loads than previously fees received by the board dropped by about £17,000 in the last 12 months. That indicates

that a revision is necessary of the board's policy. Its activity in the north and north-west has not been to organize road transport and channel fees normally paid for road transport into a fund to build up road revenue. It has not even attracted traffic to the railways. It has had the effect of causing almost every business of any size or kind in the north and many on the West Coast to purchase trucks to carry their own goods. There is a multiplicity of trucks on the roads today that is unnecessary. They return nothing to the board in the way of revenue. The matter requires the Government's full consideration.

It seems to be a false economy for these people yet it is the cheapest form of transport available. The board refuses to acknowledge the disabilities associated with frequent handlings of goods and refuses to licence carriers who would return to the coffers of the State substantial fees for the right to haul goods. This policy is forcing hotel keepers and owners of other businesses to purchase the trucks, pay drivers, and carry their own goods over great distances. Beyond the ordinary fees for registration of vehicles once a year these people contribute nothing to the road fund. The matter deserves more consideration than has been given to it by the board over the last two or three years. I support the Bill and hope it will be found to be good in law and remove an unquestionable anomaly in road administration.

Mr. SHANNON (Onkaparinga)—I, too, support the Bill and point out the difficulty that any State Government has when introducing legislation of this character designed to deal with problems arising under section 92 of the Federal Constitution. Such problems are not easily solved and I know of no court to which State authorities may appeal with any sense of real security that their law is watertight. A number of High Court decisions in such cases have been set aside on appeal to the Privy Council, so there is obviously room for a division of opinion in the legal world on the interpretation of section 92 and legislation such as that before the House. I hope, however, that the Parliamentary Draftsman (Sir Edgar Bean) and his confreres have achieved their objective in designing a law that will keep within the bounds of section 92. That may be a vain hope because no Government can be sure that any law will stand the test until it is finally decided in a court. I am willing, however, to take the legislation in all good faith.

A certain section of the community is making a living from our roads although contributing nothing toward their upkeep, whereas South Australian road operators must pay registration fees. The registration fee payable under the Road Traffic Act on the type of vehicle operating between States, namely, a vehicle of about 160 power-weight, would be about £200, whereas under this legislation the interstate operator will be required to pay only about £10 on each journey from the Victorian border to Adelaide and return. True, if the interstate operator of such a vehicle wishes to register his vehicle in this State he may do so, but if he operates only intermittently it may pay him to register under this legislation, which is fair to interstate hauliers. I do not agree with the member for Alexandra (Mr. Brookman) that there has been a steady improvement in South Australian roads. There was a steady improvement prior to 1950, but during the last six years there has been a steady deterioration.

Mr. Riches—Not so steady in certain places.

Mr. SHANNON—The honourable member is not exaggerating when he says that. On the Princes Highway through the Adelaide Hills I see many heavy interstate vehicles. Only last summer the Highways Department put down a sheet of pre-mixed bitumen concrete from Verdun to Crafers and at the time that appeared to be the answer to the problem of continual potholes for it gave a billiard table surface, but already, in the last two or three months, departmental gangs have been engaged carting batches of pre-mixed bitumen concrete and filling up the holes. That proves how difficult it is to maintain reasonably decent thoroughfares for traffic if these heavily laden vehicles are permitted to break them up almost as soon as they are laid down. No-one could suggest that the Highways Department in this case adopted the best method of road construction. I can show members patches where newly-laid pre-mixed bitumen concrete has been crushed almost to dust. I think it is the stopping and starting with heavy loads that does most of the damage, which always occurs on the shoulders of roads at curves. It would appear that much of the damage is caused by the weights of the loads and the speed at which the vehicles travel. There is evidence of excessive speed by heavily-laden vehicles, and when they are cornering tremendous pressure is placed upon the road foundation and this causes break-aways. This position exists throughout the hills.

Our roads are getting into a poor condition as we have not the funds to keep them in first-class order. Interstate transport vehicles are not paying into the highways fund for the maintenance of roads, and therefore it seems that we are justified in taking this step to bring their operators into line with our own people who have to pay a registration fee. Whether the courts in the final analysis will agree that this comes within the bounds of the Constitution in regard to free and untrammelled interstate traffic is something we cannot decide. I consider that the problem should have been dealt with earlier. We have already lost fees which could have been collected, but that does not deter me from supporting the Bill. We should make these people pay a reasonable licence fee. I believe that many of the firms concerned are reputable and will pay without complaint, but in any community there is always someone who wants to be a smart Alec and test the position in the courts.

Mr. FRANK WALSH secured the adjournment of the debate.

#### ADMINISTRATION AND PROBATE ACT AMENDMENT BILL.

The Hon. B. Pattinson (for the Hon. T. PLAYFORD) 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 Administration and Probate Act, 1919-1937.

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

The Hon. B. Pattinson, for the Hon. T. PLAYFORD—I move—

*That this Bill be now read a second time.*

The Bill deals with two matters. The first is the distribution of the property of a person who dies intestate leaving a widow or widower. The other is the power of the Treasurer, in a case where a Government employee dies with money owing to him by the Crown, to pay such money to his relatives, dependants or representatives. I will explain first the clause dealing with the distribution of property upon intestacy. The particular matter dealt with in this clause is the share of the surviving husband or wife when the deceased dies without issue. The law on intestate succession has a long history of changes, but for the purposes of this Bill it is not necessary to go back earlier than 1891. By that time the legislature of this

State had removed the ancient differences between the devolution of real estate and the devolution of personal property on intestacy, and also the differences between the rights of widowers and those of widows. The surviving spouse, whether widow or widower, had become entitled to one-third of the residue of the estate, if the deceased left issue, and one-half if the deceased left no issue. The remaining portion of the estate went to the issue or next of kin.

By the Administration and Probate Act of 1891 the rights of the surviving spouse in a case where the deceased left no issue were increased. This Act provided that in such a case a surviving spouse, in addition to his or her share of the residue, should take the first £500. If the estate was under £500 the surviving spouse took the whole. If it was over £500 he or she took £500 with interest, and one-half or one-third, as the case required, of the residue. This South Australian Act of 1891 was based upon an Act passed in England in the previous year. The English Act, however, gave the £500 to widows only. There was no need to make any such provision for widowers because at that time the widower was under English law entitled on intestacy to the whole of his wife's estate.

Strangely enough, there is no record in the English *Hansard* of any debate in the House of Commons on this Bill and very little was said about it in the Lords. No doubt the Act was part of the movement for improving the legal position of married women, but why the figure of £500 was decided upon in preference to any other figure is obscure. In the House of Lords Lord Bramwell said he thought it a fair thing, but could not give any reason for it. There is, in fact, no way of calculating or determining accurately what is the most appropriate amount to be given as a general rule in the circumstances now under consideration.

The other States of Australia quickly followed the principle of the English Act, and most of them adopted the sum of £500 as the additional share of the surviving spouse where there was no issue. However, the amount has gradually been raised in other States and the position is now as follows:—In New South Wales, if a husband or wife dies without issue the first £3,000 goes to the spouse. In Queensland, in the same circumstances, the amount is £1,000, and in Victoria the amount was, in 1953, fixed at £5,000. In Western Australia the principle

of giving a fixed amount applies, whether or not the deceased leaves issue. If there are issue the spouse is entitled to the first £2,500, and if there are no issue, to the first £5,000.

In Tasmania if there are issue the surviving spouse is entitled to the first £1,000 (plus the usual one-third share) and if there are no issue, to the whole estate. It will be seen that there are several different ideas about distribution on intestacy, but all the other States concur in thinking that the sum of £500 originally prescribed is now too low. By this Bill the Government proposes that it shall be raised to £5,000. The increase is in the Government's opinion justified by the fall in the purchasing power of money and by the improvement in the standard of living. The Bill will be of particular benefit to widows in cases where, under the present law, the family residence would have to be sold to provide money for the shares of other persons having much less moral claim to the property of the deceased.

The other clause re-enacts with amendments section 71 of the Act. This provides that where the personal representatives of a deceased person are entitled under the Public Service Act to any sum not exceeding £100 the sum may be paid, with the consent of the Treasurer, to any person who appears to be entitled to take out probate or letters of administration. This law was originally enacted in 1891 to enable balances of salary and retiring allowances due to deceased public officers to be paid without probate or letters of administration where the estate was small. The section is at present used mainly for the purpose of enabling the Treasurer to pay amounts of salary owing to a public servant at the time of his death. However, the section is not wide enough in its scope to meet present-day requirements.

In the first place it only applies to those Government employees who are under the Public Service Act. These are now a fairly small proportion of the total Government employees. It is desirable that the section should be extended so that it will cover all Government employees paid out of money under the control of the Treasurer, for example, railway employees, teachers and the daily-paid staff of departments engaged in works. Secondly, a payment can only be made to a person who appears to be entitled to take out letters of administration or probate. Thus, in many cases payment cannot be made to the widow of the deceased or to other dependants.

It is proposed, therefore, to give the Treasurer power to pay the balances in question to any person to whom he deems it just to pay them. Any person to whom a payment is made may be required to undertake to indemnify the Government against the claims of any other person to the same money. If a payment is made to a person not entitled to the money, he may be compelled to pay it over to any person who is entitled to it. It will be seen that the new section is of much greater scope and flexibility than the old and will be of considerable benefit to many people in their time of need.

Mr. DUNSTAN secured the adjournment of the debate.

#### INSTITUTE OF MEDICAL AND VETERINARY SCIENCE.

The SPEAKER laid on the table the final report of the Parliamentary Standing Committee on Public Works on the Institute of Medical and Veterinary Science (central sterilizing unit), together with minutes of evidence.

Ordered that report be printed.

#### METROPOLITAN AND EXPORT ABAT- TOIRS ACT AMENDMENT BILL.

The Hon. G. G. Pearson, having obtained leave, introduced a Bill for an Act to amend The Metropolitan and Export Abattoirs Act, 1936-55. Read a first time.

The Hon. G. G. PEARSON (Minister of Agriculture)—I move—

*That this Bill be now read a second time.*

The object of the Bill is to extend the metropolitan abattoirs area. This area at present consists of the whole of several municipalities in and around Adelaide, portions of the municipalities of Mitcham and Marion, and portion of the district council district of Salisbury. The rapid growth of residential areas both north and south of Adelaide has created a demand for delivery of meat from the abattoirs to a number of new suburbs and towns at present outside the Abattoirs Board's area. The Government has received requests from the councils of Mitcham and Salisbury that the whole of these two local government areas should be brought within the abattoirs area.

At present a large part of the municipality of Mitcham is outside the abattoirs area. Eden Hills, Blackwood, Belair West and other residential areas in the locality are excluded. As regards Salisbury, the northern portion of this

district including Salisbury North and Elizabeth as well as several other residential settlements and St. Kilda are outside the abattoirs area. Both the Abattoirs Board and the councils concerned agree that it is desirable to extend the abattoirs area so as to bring these places under the Metropolitan and Export Abattoirs Act. Under the existing law extensions of this kind can only be made by Act of Parliament. This Bill accordingly makes the amendments which are necessary to include the whole of the municipality of Mitcham and the district of Salisbury in the abattoirs area. The opportunity has also been taken to make some consequential amendments in the language of the principal Act which have been rendered necessary by the fact that some areas which were formerly district council districts have been changed into municipalities.

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

#### TRAVELLING STOCK WAYBILLS ACT AMENDMENT BILL.

Second reading.

The Hon. G. G. PEARSON (Minister of Agriculture)—I move—

*That this Bill be now read a second time.*

The Travelling Stock Waybills Act provides that where stock, that is, horses, cattle or sheep are being driven on the hoof or conveyed by means of a vehicle, then, in general, they must be accompanied by a waybill giving particulars of the stock, the place of departure and their destination. In 1947, the Act was extended to include the conveyance of stock by sea or air. Under the existing Act a waybill must be carried with stock under the following circumstances: where stock are being driven on the hoof within hundreds for a journey of 15 miles or more, where stock are being conveyed on a vehicle (other than by railway) within hundreds for any distance, where stock are being driven on the hoof outside hundreds for a journey of 50 miles or more, where stock are being conveyed by vehicle (other than a railway) outside hundreds for a distance of 15 miles or more, and where stock are being conveyed for any distance by sea or air. A waybill must, on demand, be produced to any inspector, justice, ranger or member of the police and the purpose of the legislation is, of course, to provide a means of identification of travelling stock and thus to render it difficult to move stolen stock.

The purpose of this Bill is to make a number of amendments to the Act. Some of the amendments relax the existing provisions whilst others provide for a greater degree of control. Generally, the additional control desired is to prevent sheep stealing. The Act, at present, applies to horses, cattle and sheep although, as a matter of drafting interest, it may be mentioned that the term "cattle" is, in section 3, defined to include camels; the term "horses" includes asses and mules, whilst "sheep" includes goats and kids. It is now considered that it is unnecessary to extend the provisions of the Act to horses, including, of course, the asses and mules included in the statutory definition of "horses." The only horses now conveyed to any extent are race-horses and trotters and it is considered that the time has come to repeal the provisions of the Act relating to horses. Clauses 2, 3, 6 to 10 and other provisions of the Bill therefore delete from the Act all reference to horses.

As has been previously mentioned, the Act now requires that a waybill must be carried with stock being travelled on the hoof for 15 miles or more. It is considered that this distance should be increased to 20 miles and that the obligation to have a waybill with the stock should apply only where the journey is 20 miles or more. The amendments to give effect to this change are contained in clauses 4, 5, and 9.

A further relaxation of the present provision is proposed by paragraph (f) of clause 5. The effect of this paragraph is to provide that it will not be necessary to have a waybill with stock conveyed in a vehicle where the journey is less than 20 miles and where the stock are conveyed during daylight hours, that is, between half an hour before sunrise and half an hour after sunset. However, paragraph (e) of clause 5 provides for a more stringent control where stock are moved during the night. This paragraph provides that where stock are driven on the hoof or conveyed in any vehicle, other than a railway, during the period between half an hour after sunset and half an hour before sunrise, the stock must be accompanied by a waybill, irrespective of the distance travelled. In addition to having the usual particulars included in the waybill, the waybill must be endorsed with a certificate as to its truth given by a justice, inspector, ranger, member of the police force, or authorized employee of the Stock Salesmen's Association, or two neighbours occupying land within a mile of the place of departure of the



stock. It is obvious that, if stock are stolen, they are most likely to be moved during the hours of darkness. The effect of this amendment will therefore be to require a person who travels stock in the night time to have a waybill with the stock certified by a person occupying an official position or by two neighbouring landholders in the district from which the stock commence their journey.

Proof of the times of sunrise and sunset on any day is provided under the Proof of Sunrise and Sunset Act, 1923. Under this Act an almanac is published quarterly giving the times of sunrise and sunset on each day for the quarter and in any legal proceedings the times shown in the almanac are prima facie evidence of the time of sunrise or sunset, as the case may be. From this brief resume of the Bill it

will be seen that it affords valuable assistance in preventing sheep stealing and in apprehending offenders. If sheep are moved at night, other than by railways, they must be accompanied by a waybill. The driver of any transport carrying sheep may be stopped and interrogated if moving at night. Irksome provisions relating to movement of stock on the hoof have been removed. I commend the Bill as a practical approach to a rather involved problem.

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

#### ADJOURNMENT.

At 4.28 p.m. the House adjourned until Tuesday, October 16, at 2 p.m.