HOUSE OF ASSEMBLY.

Thursday, October 25, 1956.

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

APPROPRIATION ACT (No. 2).

His Excellency the Governor's Deputy, by message, intimated his assent to the Act.

QUESTIONS.

TRAMWAYS DISPUTE.

Mr. O'HALLORAN—Yesterday, the Premier replied to questions from the members for Rocky River and Victoria concerning the tramways dispute. He is reported in this morning's *Advertiser* as having said that there was no reason to strike over industrial conditions today when impartial tribunals were available to deal with disputes; also that there were indirect methods which could be used if there were further trouble. Will the Premier ascertain whether the root cause of the trouble is not the fact that the trust appealed to the Commonwealth Arbitration Court against an award made by a Conciliation Commissioner which was reasonably satisfactory to the men and that, although the organization now has fresh evidence it desires to submit to some tribunal, because of the present law it cannot submit it to any tribunal except as the result of an industrial dispute? Will the Premier have the matter investigated to see whether there are indirect methods by which the whole question could be properly examined in the interests of the public and industrial peace?

The Hon. T. PLAYFORD—I am not conversant with Commonwealth arbitration laws and Commonwealth court procedure, but I presume that because the Arbitration Court considered the trust's appeal the appeal was in order and came within the scope of the court's considerations. I do not think it is disputed that the court had the authority to determine the appeal.

Mr. O'Halloran—That is not questioned.

The Hon. T. PLAYFORD—The position is that the tramways men applied to a Conciliation Commissioner for an award, the terms of which were not satisfactory to the trust, although satisfactory to the men. The trust applied to a superior authority, which altered the commissioner's decision. Up to that stage, it appears to me the proper procedure was adopted and the court made the decision it thought appropriate. I will not discuss the merits or demerits of that decision, but as a result the men have subjected the community to discomfort, disorganized transport, and threatened a series of lighting strikes. I do not know the courts' procedure, but I presume that once a case has been determined the court would not immediately re-open it. If either party desired to submit evidence it was its duty to present it at the hearing. I believe it is entirely wrong for the tramways men to subject the community to discomfort and to interrupt transport. It is the wrong method to adopt to have the matter reconsidered by the court. I understand, from public report, that the trust is referring the dispute to the Commonwealth authorities.

CEMENT FOR ROADMAKING.

Mr. GOLDNEY—According to today's *Advertiser*, Mr. E. M. Schroder, the managing director of the Adelaide Cement Company, who recently returned from overseas, suggested that cement is being used extensively for roadmaking in America and on the Continent. Will the Minister representing the Minister of Roads ascertain whether any experiments have been made with cement for roadmaking in South Australia in post-war years, and, if not, will the Highways Department consider doing so?

The Hon. B. PATTINSON—I shall be pleased to refer the question to my colleague.

INSURANCE OF MOTOR VEHICLES.

Mr. HUTCHENS—Earlier this week a person employed in this building met with an accident in front of the House through another car passing his vehicle on the left-hand side. He reported the matter to the insurance company with which he had a comprehensive policy and was told that before any repair work could be commenced on his car he would have to pay a deposit of £10. After making inquiries, I was told by a person experienced in this type of accident that it is common policy for insurance companies to request persons to pay £10 deposit in accident cases, although such accidents were not their fault. During the recess will the Premier investigate whether an amendment of the law is necessary to enable insured people to be fully covered?

The Hon. T. PLAYFORD—The policy referred to obviously deals with damage to a vehicle. Mainly it is a comprehensive policy of which two types are issued by insurance companies. One is issued at a lower premium but does not provide for the first small amount of repair to the vehicle to be done

without payment. If a person wants a complete comprehensive policy the insurance company will issue one at a higher premium. I have already examined this matter and there is no need to alter the law.

CENTENARY OF RESPONSIBLE GOVERNMENT.

Mr. KING—Mr. Speaker, would you explain to the House the significance of the date October 24, 1856, in connection with the inauguration of responsible government in South Australia?

The SPEAKER—The honourable member was good enough to intimate earlier today that he intended to ask this question, thus enabling a considered reply to be given.

Immediately prior to the inception of responsible government, the Legislature of South Australia consisted of one House, the Legislative Council. This Council comprised four nominated official members, four nominated non-official members and 16 elected members. It was this Council which, on January 2, 1856, passed the Bill for an Act to establish a Constitution for South Australia and to grant a Civil List to Her Majesty. The Bill was reserved for the assent of Her Majesty.

The Constitution Bill was laid upon the table of both Houses of the Imperial Parliament on May 19, 1856, and in accordance with the provisions of the enabling Imperial Statute remained at Westminster for 30 days. On June 24, 1856, at a meeting of Her Majesty's Council, held at the Court at Buckingham Palace, in the presence of Her Majesty, His Royal Highness Prince Albert, the Duke of Wellington, Viscount Palmerston, and Sir George Grey, the Act to establish a Constitution for South Australia, based on responsible government, was assented to. It was on October 24, 1856, that the steamer *White Swan,* of some 330 tons, arrived in South Australia bearing the intelligence of Her Majesty's assent to the Constitution Act. The Act allowed the Governor three months after receiving the assent in which to publish it by proclamation. On the very day of receipt, the Governor-in-Chief, Sir Richard Graves MacDonnell, proclaimed the Constitution Act and in accordance with section 41 thereof the Act commenced and took effect immediately.

Also, on October 24, 1856, His Excellency appointed the first Ministry under responsible government, consisting of the following gentlemen:—

Boyle Travers Finniss, Chief Secretary.
Richard Davies Hanson, Attorney-General.

Robert Richard Torrens, Treasurer.
Arthur Henry Freeling, Commissioner of Public Works, and
Charles Bonney, Commissioner of Crown Lands and Immigration.

However, it was to be some months before the full machinery of responsible government could be put into operation. The new Ministers had their enlarged powers but the people could not confirm these appointments until an election had been held.

The old Legislative Council was to continue in existence until the issue of the first writs for the election under the Constitution Act. In fact ,a short session of this Council was held from November 11 to December 11, 1856, and although the Ministers were not yet legally responsible to the Legislature or to the people no Minister who hoped to hold office in the new Parliament was likely to do anything in the interval which might be opposed to the interests and wishes of the people.

The old Legislative Council expired by law on February 2, 1857, the day on which writs for the general elections were first issued.

The term "responsible government" describes the method of government in which executive powers are required by custom to be exercised upon the advice of Ministers controlling a majority in the popularly elected House of Parliament. Responsible government was brought to fruition in South Australia on April 22, 1857, when for the first time, the Governor opened Parliament with an Address for which he was not personally responsible and in which was shadowed forth the policy of a Ministry depending for its power and its very existence upon a representative body, the House of Assembly. The Government now held office subject to the will of the people, as expressed through their representatives.

ALTERATION OF ELECTORAL SYSTEM.

Mr. LAWN—Will the Premier celebrate the centenary of responsible government in South Australia in a way most beneficial to the State by introducing as soon as possible an amendment of the Electoral Act providing for a democratic Parliament and the people being given the opportunity to elect that year a Government of their own choice?

The Hon. T. PLAYFORD—The Government has made no decision to undertake to do what the honourable member suggests.

OTTOWAY FLOODWATERS.

Mr. STEPHENS—Has the Premier a further reply to my question of August 14 concerning the floodwaters at Ottoway?

The Hon. T. PLAYFORD—I will ascertain where the report on this matter is and let the honourable member have it.

FISHING INDUSTRY: IMPORT LICENCES.

Mr. JENKINS—From time to time the fishing industry and other industries require specialized equipment that must be procured on import licences from other States. This takes considerable time and often the goods arrive too late to be of service. Will the Minister of Agriculture ask the appropriate Commonwealth Minister to have installed in the Adelaide branch of a Commonwealth department an authority to issue import licences for these purposes up to the amount of, say, £100?

The Hon. G. G. PEARSON—I will do so.

EGG PULP CONTRACT.

Mr. LAUCKE—Yesterday a contract for the supply of egg pulp worth £2,000,000 to the United Kingdom and Western Germany was announced by the Commonwealth Minister for Primary Industry (Mr. McMahon). This contract underlines the important part the egg industry is playing, in assisting our overseas trade balances, but as the marked decline in egg production in recent years has been due to the fact that net returns to producers have been, and still are, below cost of production, will the Minister of Agriculture ascertain whether the price in the contract will cover cost of production and, if not, will he endeavour on a Commonwealth level to have steps taken, either by a bounty or a subsidy on feed wheat, to ensure a fair return to the poultry farmer?

The Hon. G. G. PEARSON—I am not aware of the terms of the contract referred to, so I am unable to say whether the price is a payable one. I point out, however, that no blame is attributable to the authority making the contract if the price is below the cost of production, for we are compelled to sell at the best price we can get. Discussions, which have recently been accelerated, have been held between egg-producing interests and myself, and I have also had discussions with permanent officials in the poultry industry. No action, however, can be taken by the State in respect of pools or market arrangements for eggs or a bounty on feed wheat, but active steps are being, and will continue to be, taken to keep this matter before the Commonwealth Minister for Primary Industry.

RIVER MURRAY FLOOD RELIEF.

Mr. BYWATERS—Can the Treasurer say whether financial assistance has been given to rehabilitate producers along the River Murray who have been flooded out, such as vegetable growers, some of whom have tried to get back into production by irrigating high land?

The Hon. T. PLAYFORD—I will get a report on this matter from Judge Paine, who is administering the fund for hardship cases. Money from other funds has been spent by local councils, the Lands Department and the Engineering and Water Supply Department, but that expenditure has been mainly on flood protection work.

Mr. STOTT—Can the Treasurer say whether he has received a communication from the Commonwealth Government concerning the allocation of moneys for flood relief? I point out that district councils wishing to prepare a case showing the steps likely to be taken on rehabilitation and flood relief cannot go ahead until given some indication of likely Commonwealth assistance, particularly with regard to the first instalment.

The Hon. T. PLAYFORD—In previous cases of national disaster the Commonwealth Government usually granted financial assistance on a pound for pound basis with the State on a hardship distribution basis. That was the practice until the Hunter River flood last year, when I believe there was a divergence from that basis, the New South Wales Government receiving money for other than hardship cases, although that statement may be open to argument. I have maintained a good liaison with Commonwealth officers on this matter, and we have supplied all the desired information to the best of our ability and have asked local councils to supply information. Some of the information, however, has not been adequate, but as far as information has been available it has been supplied. The latest communication I received from Canberra this morning was that the officers' report had gone to the Federal Treasurer, but that he was unlikely to deal with it this week. What the report is I do not know, nor do I know the basis on which the Federal Treasurer will deal with it. Whether he will take it to Cabinet or has the authority to approve of it outright, and on what basis it will be granted, I do not know,

but I know that the amount of money available will be entirely inadequate to meet many of the claims. I am not saying whether the claims are good or not, but of the amount of £800,000 that the State itself has provided about £650,000 has already been spent.

I am certain that there will not be a large amount of money distributed for certain purposes, such as shifting towns. I hope we can get sufficient money to deal with hardship cases and re-establish settlers upon their blocks so that they can be brought into production, because they are essential to the continuance of the economic life of the State. The order of priorities must be, first of all, hardship cases (and the public has provided a fairly large amount towards that purpose); secondly, getting the economic activity of the community re-established and blocks re-established to the best of our ability; and thirdly, any money that is available after that, if any, could go to the re-establishment of amenities and district assets, and even some alleviation of losses. These matters, however, must stand down to hardship and re-establishment.

BURNING-OFF PERIOD.

Mr. HEASLIP—Following on the question I asked last Tuesday, when I said it would be almost impossible for the landholders during the prescribed period to burn-off grass owing to the phenomenal growth and lateness of the season, I now ask the Minister of Agriculture whether there is any provision in the Bush Fires Act that would enable persons to burn fire-breaks during the prohibited burning period?

The Hon. G. G. PEARSON—The honourable member was good enough to give me notice of this question and, as the Bush Fires Act is an involved one, I have prepared an answer. There is provision under the Bush Fires Act to enable stubble to be burned for the purpose of providing firebreaks during the prohibited burning period provided that certain conditions are complied with. The conditions are set out in section 4 (2) of the Bush Fires Act and comprise the following requirements:—

1. A firebreak strip shall be not more than 2 chains in width.
2. Land immediately adjoining the firebreak strip must be ploughed and cleared of all inflammable material to a minimum width of 6 feet or cleared of all inflammable material to a minimum width of 12 feet.
3. Notice must be given to adjoining landholders, or if they are absent to the nearest police officer.
4. Notice must also be given to the clerk of the council and to the nearest fire control officer.
5. If a Government forest is within one mile, notice must also be given to the person in charge of the forest.
6. At least four men shall be present at the fire.
7. No fire to be lighted before 12 o'clock noon. Every fire must be extinguished before 9 p.m. on the same day.
8. Fire to be lighted from leeward side before lighting from windward side.

Under last year's amending Act authority was given to the council to authorize the burning of firebreaks without conditions 2 and 6 above being fully complied with, but subject to such conditions as are specified by the council in the permit. The permit by the council must be in writing and must specify the conditions upon which the fire may be lighted.

NATIONAL PARK LIQUOR PERMITS.

Mr. FRED WALSH—In the past permits have been granted for the sale of liquor in National Park. I have been associated with the conduct of liquor trade picnics for about 36 years, and during that period a number of picnics have been held in National Park, both at the main oval and at Long Gully, and on every occasion a permit for the sale of liquor has been granted, and liquor has been sold, both at the public luncheon and at the official luncheon. However, this year the authorities refused to grant a permit on the ground that section 9 of the National Park Act prevented them from doing so. That section states:—

No licence for the sale of intoxicating liquors shall be granted, either to the commissioners of the National Park or to any other persons, for premises situated in the said National Park or in any wild-life reserve.

The same caterer has been engaged for the past 36 years, and he was advised that the permit would not be granted. It was not until yesterday, when the picnic was held, or the day before, that he was advised permission would be refused to hold a public luncheon for the sale of refreshments. It seems to me that something has gone haywire, seeing that the Act has been in existence since 1891 and that provision has not been applied before and I ask the Premier what significance, if any, is attached to the sudden implementation of section 9, and what is the reason for permits having been granted for many years?

The Hon. T. PLAYFORD—I have no knowledge of these matters. The National Park is under the control of the National Park Commissioners and I believe they have done a good

job in the development and running of the park, for which they get a grant from Parliament every year. I will have a report prepared and let the honourable know the reasons that actuated the commissioners.

PUBLIC SERVICE SALARIES.

Mr. JOHN CLARK—In view of the Premier's reply to the member for Light (Mr. Hambour) on Tuesday last when he commented adversely on the recent decision of the Public Service Board with regard to the salaries of senior officers, will the Premier lay on the table:—(*a*) the majority board's decision and individual members' reasons; (*b*) the Government's objections to the decision; and (*c*) the majority board's reply?

The Hon. T. PLAYFORD—I do not see that there would be any objection to laying a copy of the report on the table, and I will have the matter examined. I would not be prepared to lay the official dockets on the table because they would become the property of the House, and they are required for the every-day use of the departments administering the Public Service Act.

Mr. O'HALLORAN—On Tuesday last the member for Light asked the Premier a series of questions regarding salary increases recently granted to public servants by the Public Service Board. The last of these was whether the Government would consider appointing an independent authority to determine these salaries. The Premier concluded his reply by saying that the matter raised in the latter part of the question was being examined by the Government. Will the Premier indicate whether that part of his reply referred to related to the possibility of appointing an independent authority and, if so, what stage the examination of this possibility has reached?

The Hon. T. PLAYFORD—Frankly, the Government was not satisfied with the consideration given to the case presented by it for the salary increases. It was confronted with the fact that at present, as the employer, it has very little say in these matters. It has never instructed its representative to oppose salary increases. He is always given a free hand and is absolutely impartial. The Government has received three different reports from persons who have been associated with the present tribunal and these have caused some concern. The matter is being investigated, but no amendments will be submitted to Parliament this session. When the Government agreed to make automatic adjustments under awards this took away some of its control and now the Government has no control over the salaries of State officers. We were disappointed with the response given to the quite adequate case submitted by the Government. Another honourable member asked whether the documents could be tabled. I do not think there will be any objection to that, but if they are tabled members will see that from the Government's point of view the matter was not satisfactorily handled. As an example, we appointed a new Government representative on the board following on the death of Mr. Johnson. When the salaries came up for reveiw the new member reasonably asked whether he could examine previous decisions on salaries, but the other two members said they were not subject to review by the new member, who then completely disagreed with the determination. The matter will be fairly and properly considered, but the Government has a responsibility in these matters which should be faced. In the opinion of the Government the present position is not satisfactory and it will be examined. The amendments that may have to be made to the legislation may be insignificant, but on the other hand, after an investigation, Cabinet may decide not to amend the Act. Treasury officials have been asked to examine the matter and to report to me in regard to necessary legislation.

ROBBERY UNDER ARMS.

Mr. RICHES—At present executives of the J. Arthur Rank Organization are in South Australia searching for a site for the making of the film *Robbery under Arms*. I commend the Premier for the representations he made some time ago to that organization and express satisfaction that his efforts have met with success in that Rank executives are here at present. Can the Premier say whether the organization is definitely going to make that film in South Australia and whether a site has been selected?

The Hon. T. PLAYFORD—Some time ago I was privileged to lunch with Mr. Rank and I suggested that in South Australia we had scenery eminently suitable for such a film. At that time there was some doubt as to the commercial attractions of such a film, but since then the film *A Town like Alice* has met with world-wide success and there is renewed interest in Australia as a film centre. The Rank Organization is now considering filming *Robbery under Arms* in Australia and representatives of the organization asked whether I

could suggest suitable locations. It is difficult to know exactly what is required, so I arranged with the Tourist Bureau to take the three representatives to the Flinders Ranges to enable them to thoroughly investigate what South Australia has to offer. That investigation has been carried out systematically and I hope the project will commence here and be successful. Much can be achieved for Australia's benefit through the production of good films here. I can assure the honourable member that the Government will accord every possible assistance of the proper type to this enterprise.

SUPERPHOSPHATE QUALITY.

Mr. HARDING—It has been reported to me from various sources that trace elements and lindane are being mixed with superphosphate, but that in some instances the product does not conform with buyers' requirements. Has the Minister of Agriculture anything to report on this matter?

The Hon. G. G. PEARSON—As I was given notice of the question I was able to obtain a report from the chief inspector. This matter has caused concern to farmers, pastoralists and superphosphate companies almost since the time it became the practice to incorporate various mixtures of trace elements into the superphosphate. Problems were associated with blending and mixing, but I am pleased to know that the manufacturers of superphosphate are improving mixing methods. The Act which governs the sale of superphosphate provides for the regulation of (*a*) the methods of taking and dealing with grab samples and (*b*) special tolerance for grab samples in respect of the conformity of the small sample to the total or middle content.

The position, briefly, is that investigations are still being made into some of the difficulties. It is believed that superphosphate in transit does, because of the bumps on the road or the railway line, as the case may be, get disturbed and the mixtures are moved about within themselves, with the result that a small grab taken at any point from any part of the bag may not conform to the maker's intention or may vary from the bulk. I think it can be generally expected that with the improvement in the manufacturer's method of mixing and with the investigations now being conducted there will be a general improvement or, at any rate, more widespread satisfaction that the superphosphate does conform to the purchaser's requirements.

Mr. Stott—Will there be a reduction in price if there is evidence that the superphosphate is not true to label?

The Hon. G. G. PEARSON—No, but action will be taken against a company for marketing a product not true to label.

HARBORS BOARD LAND ACQUISITION.

Mr. TAPPING—Has the Premier a reply to the question I asked on October 4 concerning the acquisition of land on LeFevre Peninsula by the Harbors Board?

The Hon. T. PLAYFORD—I have received the following report from the general manager of the board:—

The board has purchased 97 per cent of the land it requires on LeFevre Peninsula. The balance comprising 32 allotments is estimated to cost £6,000, but in most cases it has not been possible to agree with the owners on a price and notices to treat have been served. Settlement under these circumstances is likely to be delayed for some time, and consequently only £2,000 of the estimated £6,000 has been provided on the current Loan Estimates. It is, of course, the case that no developmental work can proceed on the land acquired whilst the present difficult financial position persists.

SALE OF EDUCATIONAL BOOKS.

Mr. FRANK WALSH—A constituent of mine told me recently that he had received a circular from the Education Department about the sale of 10 volumes of pictorial knowledge at a cost of £30. Does the Minister of Education know whether the department sent out a circular about the purchase of this pictorial knowledge, and is that part of departmental policy?

The Hon. B. PATTINSON—I am surprised to learn that the department has been sending out circulars requiring or requesting parents to purchase an expensive set of volumes of pictorial or other learning. My view is that it is not part of the functions of the department, which in fact has more work than it can cope with at present in carrying out its lawful avocation. I do not think it is desirable for the department to enter into this business. I will make personal inquiries and let the honourable member have a reply.

WHYALLA HOSTEL BOARD.

Mr. LOVEDAY—In view of the fact that quarterly adjustments of the Federal basic wage, which is based on cost of living, have

been suspended, thereby benefiting the Broken Hill Pty. Coy, will the Premier take steps under price control legislation to see that the company does not increase the cost of board to its employees living in the Lacey Street Hostel, Whyalla, from £4 to £4 5s. a week?

The Hon. T. PLAYFORD—At present the cost of board and lodgings is not controlled in South Australia and I will not express a view whether it should be controlled but if the honourable member desires I will have the matter examined. The Government does not usually single out one enterprise in connection with price control. If control is necessary it must be on the price of a commodity and not on a person or company. When the cost of board and lodgings was controlled we had difficulty in administering it because of the various types of service given. One type of accommodation would be dear at any price and another would be unprofitable because of the rate charged. People can always look for other accommodation if they want it.

Mr. LOVEDAY—Will the Premier consider pegging the cost of board of these employees while the quarterly adjustments to the Commonwealth basic wage remain suspended?

The Hon. T. PLAYFORD—As the Government itself conducts mess arrangements at various places, I replied rather guardedly to the honourable member's first question. I believe the Government is running a mess in at least two places where, although the charge is more than £4 5s., a handsome loss is being made. I will, however, have the messing costs of the Government and the general problem examined, but I would not be prepared to do that as a hit at any one particular authority. I hope it will be possible to get a somewhat better understanding with the B.H.P. Company than we have had in recent years, and therefore I would not be prepared to start an antagonistic move against it, for I believe it has been an extremely fair employer and given its employees good conditions over the years.

Mr. Loveday—This matter has already caused a stop-work meeting.

The Hon. T. PLAYFORD—Possibly, but stop-work meetings are sometimes held for reasons that have nothing to do with the employer. For instance, one strike in the honourable member's district was held merely because two unions considered that only their members should do a certain class of work. I trust it will be possible to arrive at a much better understanding with the company to the general advantage of the company and the State.

Mr. LOVEDAY—Has the State any interest in this hostel, which I believe was financed by equal amounts from the State and Federal Governments and the Broken Hill Pty. Co. Ltd.? Who owns the hostel? And is any rent being paid for it?

The Hon. T. PLAYFORD—Speaking from memory, it was the subject of some legislation in this House, which voted a grant for its establishment. As far as I know, both the State and Commonwealth Governments made some contribution towards its establishment so as to enable additional labour to be provided in Whyalla to speed up the shipbuilding industry and associated industries. As far as I know, no rent is paid for it. I believe that outright grants were made to the company to assist in the establishment of the quarters and that there is no provision for any repayment to the State or Commonwealth Governments.

SOLIDER SETTLEMENT AT BOOKPURNONG.

Mr. STOTT—Has the Minister of Lands any further information following on negotiations with the Federal Government regarding proposed soldier settlement at Bookpurnong?

The Hon. C. S. HINCKS—Some time ago the area was referred to the Land Settlement Committee for investigation and it recommended development of the land. The proposal went to Cabinet, which approved, and then to the Commonwealth Government. Earlier the honourable member asked the Premier whether it could be a State project and he said he would refer the matter to me. I have investigated the position and at present the finances of the State will not permit the development of such a large area. I am willing, however, to place the matter before the Commonwealth Government at an opportune time.

W.E.A. GRANT.

Mr. JOHN CLARK—During the Budget debate the Minister of Education promised to carefully and sympathetically examine the amount of the grant to the Workers' Educational Association. Has he had a chance to go further into this matter?

The Hon. B. PATTINSON—I have discussed the matter with the Director of Education and the Superintendent of Technical Education

(Mr. Walker). I have also asked them to supply me with a detailed report concerning the case made out by the Leader of the Opposition and the members for Gawler, Murray and Torrens. That is now being examined, and as late as yesterday I discussed the matter with Mr. Walker. The question is whether I can do anything now that the Estimates have been passed, but I am sympathetically disposed to do what I can, and as soon as I am able to give a final decision I will let the Leader of the Opposition and the other members know what can be done in the circumstances.

MURRAY LANDS DEVELOPMENT.

Mr. QUIRKE—Along the Murray River there is an area of highly desirable country, particularly for deciduous and citrus fruits, which could and should be developed in the interests of the State. If the Government has not sufficient finance to develop that land, could a private organization, such as the Australian Mutual Provident Society, which has done a magnificent job in the Upper South-East, be invited to become interested in the development of some of this rather wonderful land that is awaiting development along the river?

The Hon. T. PLAYFORD—The Government would always be prepared to consider such a proposition, as it considered the proposition submitted to Parliament by the A.M.P. Society, for it would be to the obvious advantage of the Government if a private organization undertook such a financial obligation; but present-day costs of development are very high. Indeed, I understand that they are so high that the A.M.P., which is a strong organization, has reconsidered and considerably curtailed its original plans. The Government would be anxious to assist such an organization and, if necessary, would be prepared to introduce legislation to provide it with adequate authority to undertake the development mentioned.

LEIGH CREEK-MARREE RAILWAY.

Mr. O'HALLORAN—Has the Premier a further reply to my recent question concerning the construction of the broad gauge railway line northward from Leigh Creek to Marree?

The Hon. T. PLAYFORD—I have received the following reply from the Commonwealth Minister for Transport (Senator Paltridge):—

I refer to your letter of October 12, 1956, in which you request information about the construction of the standard gauge railway northward from Leigh Creek to Marree. An agreement was made on October 27, 1954, between the Commonwealth and the State of South Australia relating to this construction. It provides, *inter alia*:—

(1) The consent of the State to the conversion to standard gauge of the existing 3ft. 6in. gauge railway from Leigh Creek North Coalfield to Marree, but with such deviations, not exceeding five miles on either side of the existing railway, as the Commonwealth Railways Commissioner may deem necessary or reasonable for the better conversion of the railway or the working of the railway upon the altered gauge; and

(2) For the granting by the State to the Commonwealth of Crown lands, and stone, soil and gravel upon Crown lands, required by the Commonwealth for the purposes of the conversion or the maintenance of working of the railway upon the altered gauge.

The agreement was approved by the Leigh Creek North Coalfield to Marree Railway Agreement Act, 1954 (No. 42) of the State of South Australia, and by the Leigh Creek North Coalfield to Marree (Conversion to Standard Gauge) Railway Act, 1954 (No. 74) of the Commonwealth. It was signed by yourself as Premier of the State. The construction survey for the conversion of the 56-mile section of line has been completed; earthworks are in progress under contract and by day labour; and platelaying has begun. It was hoped that the conversion of the line to Marree would be substantially completed by June 30 next, but the limited finance to be made available for this project during the current financial year will retard progress. It is not now expected that the conversion will be completed before November, 1957, and this, of course, will be dependent on the availability of funds in 1957-1958.

RAILWAY ACCIDENTS.

Mr. STOTT—Has the Minister representing the Minister of Railways a report on the departmental inquiry into the frequent railway accidents that have occurred recently, and if so, will it be tabled?

The Hon. B. PATTINSON—I have not got the information, but I shall be pleased to confer with my colleague and give the honourable member a reply, possibly on Tuesday.

QUORN WATER SUPPLY.

Mr. O'HALLORAN—Has the Premier a further reply to my question of October 4 concerning the proposed reservoir on Boolcunda Creek to supply water to Quorn and for irrigation purposes?

The Hon. T. PLAYFORD—I have received the following report:—

I have noted the extract from *Hansard* concerning the investigation of the possibility of constructing a reservoir on Boolcunda Creek. So far as a water supply to Quorn is concerned I have nothing further to add to my report of August 30, 1955, herein, and I am still of the opinion that a full investigation is not warranted from the point of view of a water supply. I notice that surface irrigation is also mentioned. My report was prepared from the point of view of a water supply for Quorn and does not cover the proposal from the irrigation point of view.

The investigation undertaken by the Engineering and Water Supply Department was from the restricted point of view of a water supply for Quorn, and I will have the further aspect investigated.

UMEEWARRA ABORIGINAL RESERVE.

Mr. RICHES—Will the Treasurer call for a report on the condition of the dwellings for adults at the Umeewarra Aboriginal Reserve, and can he indicate the department's policy on improvements?

The Hon. T. PLAYFORD—I will have the matter examined for the honourable member.

RETURNING OFFICERS' FEES.

Mr. O'HALLORAN—Has the Premier any information to give the House on returning officers' fees?

The Hon. T. PLAYFORD—The remarks made by Mr. O'Halloran in the Budget debate concerning the line "Returning Officers—Legislative Council and House of Assembly Districts at £40 per annum and £50 per annum each, respectively—£2,150" appear to have been made under the impression that these are the only fees for returning officers to conduct elections. Returning officers are paid further fees in accordance with the Electoral Act and regulations. These fees were reviewed in April, 1955, and are considered fair and adequate remuneration for the work involved. The reason for £10,795 only being spent out of the vote for £22,200 is that with an election held in March it has been found impracticable to complete all election accounts by the end of the financial year, and also the £22,200 was the estimate of the cost of elections in the 39 House of Assembly and 5 Legislative Council districts, whereas 16 Assembly and 4 Council districts were uncontested. I have a copy of the regulations showing the amounts payable to returning officers and shall be pleased to make it available so that the honourable the Leader can have it for future reference.

DEMOLITION OF HOUSES

Mr. LAWN—Today's *News* contains an article under the heading "Petrol stations—or Homes?", and states:—

A controversial City Council decision on Monday last has enabled the demolition of two semi-detached houses at North Adelaide for a new petrol station site. Alderman Grundy said today, "I will not vote for the demolition of perfectly good houses for this purpose while a housing shortage remains."

Will the Premier obtain a report to see whether or not legislation is necessary to prohibit the demolition of good homes while the housing shortage remains?

The Hon. T. PLAYFORD—Yes.

SUPERANNUATION ACT AMENDMENT BILL.

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 Superannuation Act, 1926-1955.

Motion carried.

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

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

That this Bill be now read a second time.

It deals with two questions which have arisen in connection with the Government employees' superannuation scheme. The first, which has been previously before Parliament, is the right of certain contributors who, as a result of the margins cases, received increases of salary dating from the early part of last year, to subscribe for additional units of pension. The amending Superannation Act of 1954 increased the number of units of pension for which Government employees could contribute. An employee whose salary at any time before June 1, 1955, was more than £1,470, was given the right to elect at any time before June 1, 1955, to take up one additional unit for each £70 of his salary in excess of that amount, with a limit of six units. If the contributor taking up additional units was more than fifty years old on January 1, 1955, he was given a concession in that he could contribute for one-half of the additional units which he elected to take at the rate applicable to contributors at the age of forty-nine years.

At the time when these elections should have been made a number of cases were before the courts in connection with marginal increases, and, as a result of the delay in dealing with these cases, the salaries of some contributors were not determined until some time after June 1, 1955, although the increases dated from February 14 of that year. In order to give these persons an opportunity of making elections for the additional units, the time for making elections was extended by last year's Superannuation Act until February 1, 1956. It turned out, however, that all the proceedings concerned with marginal increases were not completed by that date. The Government is advised that some cases were not finally dealt with until March 8 of this year, which is five weeks after the last day on which the election could be made under last year's Act.

The increases finally awarded on March 8 of this year, like many other marginal increases, date back to February 13, 1955, and there is no reason why the employees who received these delayed increases should not be given the same rights as the other employees who received similar increases without having to wait so long for the decision of the court. It is proposed, therefore, to extend the time under which employees who will receive marginal increases dating from February 13, 1955, may make elections for additional units under the Superannuation Act of 1954. The final date now proposed is February 1, 1957, which will give the employees concerned at least two months after the passing of this Bill to make their election about taking up additional units.

The Government believes that all the claims for marginal increases have now been settled and does not expect that it will be necessary to extend the date for making these elections any further. The other matter dealt with in the Bill is the length of the qualifying period of service entitling a person to receive a pension on retirement at age 65. Under the present law the period is ten years. This means that if a person is first employed in the Public Service after age 55, he cannot become entitled to pension on retirement at the normal retiring age, even if he is a contributor to the superannuation fund.

Relatively few persons are appointed to permanent positions under the Government after age 55, but it does happen occasionally that such appointment is desirable, and, in order to attract applications from suitable persons it is sometimes necessary to offer the full privileges of superannuation. It is proposed in this Bill, therefore, that the requirement of 10 years' service as a condition for receiving the normal retiring pension may be dispensed with if the Public Service Commissioner certifies that in his opinion it is desirable in the public interest that this should be done. The Bill is not a contentious one. It merely gives certain employees (I believe they are in the railways), whose marginal increases were delayed, an opportunity to exercise their right to elect to subscribe for additional superannuation units. It also amends the Act so that the requirement of 10 years' service as a condition for receiving the normal retiring pension may be dispensed with, but this will be done in a very limited number of cases.

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

SURVEYORS ACT AMENDMENT BILL.

The Hon. C. S. HINCKS, having obtained leave, introduced a Bill for an Act to amend the Surveyors Act, 1935-1949. Read a first time.

THE HON. C. S. HINCKS (Minister of Lands)—I move—

That this Bill be now read a second time.

Its object is to alter the system of training surveyors in the State. At present, a person desiring to be licensed as a surveyor is required to serve articles with a licensed surveyor for four years and to take an examination for a certificate of competency conducted by the Surveyors Board. The board has not found this system of training satisfactory. First, it takes on an average eight years to obtain a certificate of competency. The board regards this period as too long. Second, the course does not give surveying students sufficient opportunity to study the theoretical aspects of surveying. The board desires that the system of training be discontinued. The board wishes that, instead, students shall take a course in surveying at the School of Mines, serve two years only in articles, and take an oral and practical examination conducted by the board. These proposals will give a better academic training and will shorten the period of training to five or six years. The School of Mines has this year inaugurated a suitable course in surveying. The board's proposals cannot be brought into effect without amendment of the principal Act. The Crown Solicitor has given an opinion that the board cannot discontinue holding examinations for

certificates of competency without alteration of the principal Act. Also, although the principal Act provides for the recognition of qualifications obtained in an institution such as the School of Mines, it is not clear that further examination and training may be required of a person holding such qualifications. The Government has approved of the board's proposals, and is accordingly introducing this Bill to enable them to be brought into effect.

The details of the Bill are as follow:—Clause 3 provides that in future the board shall not be required to hold an examination for a certificate of competency except of a person who has entered articles before the commencement of the Bill and is otherwise qualified to be examined, or unless the board is required to do so by regulation. Provision is made for the making of regulations requiring the board to hold such examinations in case at any time in the future it should be necessary for the board to resume examining for certificates of competency. Clause 5 makes it clear that further examinations and training may be required of a person who has obtained a diploma in surveying at the School of Mines. Clauses 4 and 6 make amendments of a drafting nature only to the principal Act.

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

POLICE PENSIONS ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Its object is to make an increase in the pensions of the commissioned officers of police, and a corresponding increase in their contributions to the Police Pensions Fund. This question was brought before the Government by the Commissioned Police Officers Association. The association claimed that in comparison with the rates of pension in other States, the pensions of Commissioned Police Officers in South Australia are unduly low. The Government has had this matter investigated and the facts show that there is some merit in the contention of the association.

An important difference between the police pensions scheme of this State and those of other States is that in the other States the pensions of the higher officers bear a closer relation to their salaries than they do here. In this State there are only two rates of pension—the normal rate which is payable to all members of the force other than commissioned officers, and the commissioned officers' rate, which is 6/5ths of the normal rate. Thus, although the salary of a superintendent is more than double that of some constable, his pensions is only 20 per cent higher. If the commissioned officers of police were contributors to the superannuation fund covering public servants their pension would bear a considerably higher ratio to their salaries than they do at present. In the eastern States also the pensions of commissioned officers vary with their salaries.

The Public Actuary at the request of the Government suggested a new scale of commissioned officers' pensions for the purpose of giving them increases to ensure that the pensions would be an adequate proportion of their salaries, having regard to what is done for public servants in this State and the standards of police pensions in other States. The Actuary's recommendation is that in lieu of the flat-rate margin of 20 per cent, by which commissioned officers' pensions exceed the normal pension, the following margins should be granted:—

	Per cent.
Inspector, 3rd Class	20
Inspector, 2nd Class	25
Inspector, 1st Class	33⅓
Senior Inspector	40
Superintendent, Deputy Commissioner, Commissioner	50

The Bill carries these recommendation into effect. It means that all pensions and lump sums payable to commissioned officers will be higher than those payable to other members, by the percentage mentioned.

The Bill makes corresponding increases in the contributions of commissioned officers to the police pensions fund. When asking for increased pensions the Commissioned Officers Association indicated that members were willing to pay increases in contributions corresponding to the increases in pension—which, of course, is just and in harmony with the provisions of the principal Act. Only 24 officers are affected by this Bill, and the additional cost resulting from the new scale of pensions and benefits will be small. The Public Actuary does not propose to recommend an increase in the Government subsidy to the Police Pensions Fund at present.

Mr. FRANK WALSH secured the adjournment of the debate.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

It makes two amendments to the Renmark Irrigation Trust Act which have been asked for by the trust. The first amendment deals with the fees payable to members of the trust, other than the chairman. Originally, these fees were one pound a meeting, with a limit of £25 a member in any year. In 1945 this was altered and provision was made for an annual payment to each member of such amount as the trust fixed, but not exceeding £50 in any year. The trust has informed the Government that at the last annual meeting of ratepayers approval was given for an increase to £75. The trust desires to pay this amount, but has asked that a limit of £100 a member should be provided in the Bill so as to allow for the possibility of a further increase without the necessity of amending legislation. In support of the increase, the trust pointed out that since 1945, when the present fees were fixed, the business of the trust has increased very greatly and members are called upon to give much more time to their official duties. This often makes it necessary for members to employ additional labour. It will be apparent that if £50 was justified in 1945, the increases now contemplated by the trust are equally justified.

The other provision of the Bill deals with the publication of the trust's balance sheet. At present the trust is obliged to publish its balance sheet in a newspaper and in the *Government Gazette*. In this matter the trust has greater obligations than a district or municipal council. The Local Government Act requires a council's balance sheet to be published in the *Gazette*, but leaves it optional for the council to advertise it in a newspaper. The trust has, however, been complying with its Act and, in addition, has adopted a practice of sending a copy of the balance sheet by post to every ratepayer. The trust regards the advertisement of the balance sheet as an unnecessary duplication and has asked that the obligation to advertise it should be removed.

The Government agreed to propose this to Parliament. Clause 4 accordingly makes it obligatory on the trust to send balance sheets to every ratepayer, but removes the duty to advertise them in the *Gazette* or a newspaper. The clause will, of course, apply only to the balance sheets of the trust relating to its irrigation activities, and not to its balance sheets as a local governing authority. These latter balance sheets will continue to be regulated by the Local Government Act.

Mr. HUTCHENS secured the adjournment of the debate.

LAND SETTLEMENT ACT EXTENSION BILL.

Second reading.

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

That this Bill be now read a second time.

It extends the Land Settlement Committee until the end of next year, and provides that the present members of the committee will, unless casual vacancies occur, continue in office until that time. If casual vacancies occur, the persons appointed to them will also hold office until the end of next year. The reason for the extension is that the committee is at present conducting an inquiry into a land settlement proposal and it is likely that further inquiries may be necessary during the period covered by the present extension. The Bill is in a slightly different form from the previous Bills providing for extensions. Previous extensions have been effected by amendments of the principal Act. These have made the relevant provisions rather complicated and difficult to follow. For greater clarity the Bill extends the principal Act by a separate clause, not in the form of an amendment. It is merely an alteration in drafting, with no other significance.

Mr. TAPPING secured the adjournment of the debate.

HEALTH ACT AMENDMENT BILL.

Second reading.

The Hon. G. G. Pearson, for the Hon. T. PLAYFORD (Premier and Treasurer)—I move—

That this Bill be now read a second time.

It deals with two matters, namely—the control of radio-active substances in the interests of public health, and a general increase of penalties under the Health Act. During the last three years the health authorities of the Commonwealth and the Australian States have given close attention to the problem of ensuring that industries and mines in which radioactive materials and irradiating apparatus are produced or used will be conducted with proper

regard to the public health. It is known that, with proper precautions, these activities can be conducted without risk to those engaged in them; the problem is to ensure that the persons concerned will understand the risks and take the steps necessary to deal with them.

As the result of conferences, all States have agreed to pass legislation on this subject which will enable an adequate code of regulations to be promulgated and policed. Western Australia and Tasmania have already passed their Acts and a Bill has been introduced in New South Wales. South Australia has, at present, some limited powers to deal with radiation by regulations under the Health Act, but these powers were not devised for that purpose and are not wide enough to enable the present proposals to be carried out.

The Bill inserts a new part in the principal Act providing for two things. The first is the creation of a committee to be called the Radiological Advisory Committee, which will act as the Government's adviser in connection with radioactive substances. The other proposal is that the Governor should be given power to make regulations on the recommendation of the committee for the general control and regulation of the possession, use, sale and disposal of radio-active substances and the possession and use of irradiating apparatus. If these proposals are adopted South Australia will be in a position to draft a uniform code of precautions and to vary it from time to time as new developments take place. The proposed committee will consist of not more than six persons. They will hold office for three years, and if the Government so determines may receive fees and travelling allowances. The duty of the committee will be to advise the Minister as to the making and contents of regulations respecting radio-active substances and irradiating apparatus and to advise on other problems concerning these things.

The topics on which regulations can be made are set out in detail in the new section 146q on pages 3 and 4 of the Bill. The regulations may provide for a system of licensing persons to possess, use, sell or dispose of radio-active substances, and to use irradiating apparatus. Provision may also be made for securing the safe disposal of radio-active waste products and rules may be laid down as to the construction and conversion of buildings to be used in connection with radio-active substances. Persons who are exposed to the risk of disease from such substances may be required to undergo periodical medical examinations. The use of radio-active substances and irradiating apparatus may also be regulated, and the use of any particular substances prohibited. Where necessary regulations may be made binding the Crown or any specified authorities of the Crown. It is also provided that the Director-General of Public Health may be given ancillary powers for the purposes of administering the regulations. The powers given by the Bill are, within their field, fairly extensive, but this is necessary in view of the constant developments in connection with atomic power and the increasing production of dangerous substances as a result of atomic fission. The regulations will, of course, be laid before Parliament and be subject to disallowance.

Clause 4 proposes a general increase in the penalties fixed by the principal Act. This increase has been asked for by the Central Board of Health. Almost all the penalties in the Health Act were fixed in 1898 or earlier and are now too low. The alteration of the purchasing power of money since 1898 would justify an increase of nearly 300 per cent in all of them. However, the Government has not adopted a uniform increase in all cases, but has considered each offence separately and endeavoured to assess a reasonable maximum penalty having regard to the nature of the offence and the present value of money. The Bill increases the majority of the penalties by 150 per cent but some increases are greater and others less than this. The £5 penalties are raised either to £10 or £20 according to the seriousness of the offence. Most of the £10 penalties are increased to £25 and the £20 penalties to £50. In two cases existing penalties of £50 are increased to £100. Several of the penalties are not altered at all because they are considered adequate at present.

Mr. HUTCHENS secured the adjournment of the debate.

JUSTICES ACT AMENDMENT BILL.

Second reading.

The Hon. B. PATTINSON (Minister of Education)—I move—

That this Bill be now read a second time.

Its object is to make some amendments to the Justices Act. They are mainly based on recommendations made to the Government by magistrates and law officers, and deal with a variety of topics. For convenience I will deal with the amendments in the order in which they appear in the Bill.

Clause 3 gives an articled clerk appearing on the instructions of the solicitor to whom he is articled the right to appear before magistrates or justices. At present an articled clerk can only appear with the permission of the court. Permission is given only in the simplest matters. The Law Society has asked the Government that articled clerks should be given the right to be heard. The society is anxious that articled clerks should be enabled to get experience in small matters. The Government believes that there are good reasons why articled clerks should have the right to be heard and has agreed to the request. It should be mentioned that an articled clerk acting on the instructions of his principal has a right to be heard in a local court.

Clause 4 enables a court of summary jurisdiction when it has found the matter of a complaint proved to order that the defendant be examined by a physician, psychiatrist or psychologist. At present the only way in which a defendant can be so examined is if he or his counsel arranges for an examination by a private doctor or other person. It sometimes happens that the court feels that one is desirable, but the defendant is not able to afford it, so that the examination cannot be carried out. Two of the magistrates have recommended that courts of summary jurisdiction should be enabled to order such examinations and the Government has accepted this recommendation.

Clause 5 deals with problems concerning the detention of children. Under the Maintenance Act the court may order that a child who has failed to comply with an order of the court shall be detained in an institution until he attains the age of 18 years or for a shorter period. If, however, a warrant for the arrest of such a child is issued and the child attains the age of 18 years before the warrant is executed, the child escapes punishment. He cannot be detained in an institution because the warrant cannot under any circumstances authorize his detention there after he has attained the age of 18 years. Nor can he be imprisoned in a gaol because there is no machinery for the withdrawal of the original warrant and its conversion into a warrant authorizing detention in gaol. It is obviously desirable that there should be a procedure to deal with these cases and accordingly clause 5 enables a justice, on application, to withdraw the first warrant and to issue another ordering detention in gaol.

Where a child who has failed to comply with an order of a court is ordered to be detained for a specified period and is apprehended just before he turns 18, he must, if his eighteenth birthday occurs before the end of the period, be released before he has served the whole of the period. Clause 5 enables the child to be detained in an institution for the whole of the period notwithstanding that he has attained the age of 18 years. It will be appreciated that these provisions do not affect the detention of a juvenile as punishment for a crime. They apply only where a child has failed to comply with an order of a court of summary jurisdiction, for example, for payment of a fine.

Clause 6 makes a drafting amendment only to the principal Act. Clauses 7 and 8 provide that the depositions of witnesses and the statement or evidence of the defendant taken at a preliminary examination may, if the justice taking the examination so directs, be read over to the witnesses or defendant elsewhere than in the room where the examination is taken. At present it is generally accepted that the principal Act requires the depositions to be read over in court, and this is the usual practice. Last year attention was drawn in another place to the fact that the practice wasted a great deal of time. The Government has considered the question and has decided that it would be reasonable to enable the depositions to be read over outside the courtroom.

Clause 9 makes three kinds of felonies in the nature of stealing triable summarily as minor indictable offences. These offences are stealing gates or parts of a fence, stealing ore from mines and oysters from oyster beds. These offences carry a smaller penalty than a number of other indictable offences which are triable summarily. It is anomalous that they are not also triable summarily. Clauses 10 and 11 are of a drafting nature only.

Clause 12 increases the amount which a child, that is, a person under eighteen years of age, may be fined by a court of summary jurisdiction for an indictable offence. Under the principal Act a child may be tried summarily for any indictable offence other than homicide. On conviction the court may deal with the child under the Maintenance Act or fine him. The amount of the fine is at present limited by the principal Act to £5. This amount which was fixed many years ago is far too small. Many children are earning substantial wages and are inadequately punished for an

indictable offence by a £5 fine. In addition, it is anomalous to limit the fine for an indictable offence to £5 when a child may be fined far more than £5 for many summary offences. Under the Road Traffic Act, for example, a child may, for most offences, be fined up to £20. The Government proposes by this Bill to raise the maximum fine to £50. Most indictable offences are of a serious nature and it is necessary that the court should have a wide discretion which would enable it to impose substantial fines where desirable. Clause 12 also makes an amendment of a drafting nature to the principal Act to bring the principal Act into line with the Juvenile Courts Act.

Clause 13 provides that a child charged before a magistrate or justices with an indictable offence may plead guilty to the charge at any stage in the proceedings. Before 1943 it was always necessary at a preliminary examination that all the evidence for the prosecution should be taken before a plea of guilty could be accepted from the defendant, whether or not the offence was one which could be dealt with summarily. In 1943, it was made possible for an adult charged with a minor indictable offence to plead guilty at any stage in the proceedings, and in 1952 provision was made for a plea of guilty to be taken at the commencement of proceedings on certain sexual charges. As this latter provision hardly affects proceedings against children, the position at present is in practice that on all charges of indictable offences against children, all the evidence for the prosecution must still be heard before a plea of guilty can be taken, even though such charges, except homicide, can be dealt with summarily. A plea of guilty can be taken at any stage of the hearing of a summary offence, and many of such offences are more serious than many indictable offences.

It is generally considered unnecessary for the evidence on a charge of an indictable offence to be heard where a child desires to plead guilty and it is understood that magistrates sometimes at present in the interests of all parties take a plea of guilty at the commencement of the proceedings. The clause will give statutory authority for this practice. It is based on the provisions of the principal Act enabling an adult to plead guilty to a minor indictable offence at any stage. It will be noticed that the clause enables the court after taking a plea before the evidence is heard to permit it to be withdrawn if any facts placed before the court justify this course.

Clauses 14 to 23 and clause 25 deal with appeals under the principal Act to the Supreme Court. At present an appeal to the Supreme Court from an order of a court of summary jurisdiction is instituted by serving notice of appeal on the respondent and the court of summary jurisdiction, and by entering into a recognizance to prosecute the appeal. If the appellant is in custody by virtue of the order, he is entitled to be released on his recognizance being further conditioned to appear before justices after the appeal is disposed of. An appeal does not come on for hearing automatically when it is instituted. It is still necessary for the appellant to set the appeal down for hearing in the Supreme Court. There is no way of compelling an appellant to set down the appeal for hearing, and it quite often happens that an appellant takes no steps to have the appeal disposed of. It is possible for the respondent to set down the appeal, but the procedure is slow, expensive and cumbersome.

The failure of appellants to set down appeals for hearing has been causing concern to the Government's law officers for some time, and the Government has decided to alter the procedure so that an appeal will automatically come on for hearing after notice of appeal is served on the court of summary jurisdiction. The Government's proposals will also simplify the existing procedure.

Briefly the Government's proposals are that the appeal will unless adjourned come on for hearing on a day specified in the notice of appeal. It will no longer be necessary for the appellant to set down the appeal in the Supreme Court. Neither will it be necessary for the appellant to enter into a recognizance to prosecute the appeal. It is considered that if setting down is not required, this recognizance is no longer necessary.

The Government has also given careful consideration to another aspect of the appeal procedure, namely that an appellant who is in custody is on entering into a recognizance entitled to bail. The Crown Solicitor has recently recommended that bail should be discretionary and this recommendation is supported by the Police Magistrate at Adelaide (Mr. Clarke) and the Magistrate who presides over the Port Adelaide Police Court (Mr. Johnston). The Crown Solicitor has pointed out that appellants of bad character frequently commit further offences when released, their purpose often being to raise money for their

appeals. They frequently also abscond to another State and commit further offences there.

Courts of summary jurisdiction nowadays deal with many offences of a serious nature and have many hardened criminals appearing before them. In many cases an appellant has a right to bail after summary conviction of an offence, although, if he had been committed for trial in the Supreme Court for the same offence, he could, under the present law have been refused bail. It should be mentioned also that the Supreme Court does not as a rule allow bail on an appeal from a conviction in criminal sessions to the Full Court. The Government takes the view that bail for appellants in cases of summary offences should be discretionary. The present position causes trouble and expense to the State and, since appellants on bail often commit further offences, injury to the public.

This matter is dealt with in clause 16. This clause provides that an application for bail shall be dealt with by a special magistrate or two justices, and that bail shall be discretionary. It is provided that, if an appellant is not released, he shall be treated in the same manner as a person committed for trial. The time during which he is in custody and so specially treated will, unless the Supreme Court otherwise directs, count towards any term of imprisonment which he is required to serve as a result of the appeal. The Bill also deals with a third matter relating to appeals. Paragraph (*c*) of clause 14 makes it clear that there is no appeal against the dismissal of a minor indictable offence. This has always been assumed to be the law in this State, but doubts have been raised about the matter by the High Court. Clause 24 makes a drafting amendment to the principal Act.

Mr. DUNSTAN secured the adjournment of the debate.

LOCAL COURTS ACT AMENDMENT BILL.

Second reading.

The Hon. B. PATTINSON (Minister of Education)—I move—

That this Bill be now read a second time.

It contains a number of amendments of the Local Courts Act. They are of two kinds. First, there are amendments increasing the monetary limit of the jurisdiction of local courts of full jurisdiction, and prescribing additional classes of actions which may be dealt with by the Adelaide Local Court in its equitable jurisdiction. The other amendments relate to procedure of local courts.

In recent years requests have reached the Government from several sources that the jurisdiction of local courts should be increased. The ordinary common law jurisdiction is at present limited to cases where not more than £750 is claimed. This amount was fixed in 1935, when the jurisdiction was increased from the previous figure of £500. The increase of 1935 was based on previous alterations in the purchasing power of money and the substantial alterations which have occurred since that year fully justify a further increase in the jurisdiction.

In addition to requests for an increase of jurisdiction, the Government received a request from the Law Society for a general review and improvement of local court procedure. It was clear that there was some substance in the suggestions made, and the Government appointed a committee to review the Local Courts Act as regards the jurisdiction, procedure, court fees and costs.

The committee consisted of Sir Kingsley Paine, His Honor Judge Sanderson, the Assistant Crown Solicitor (Mr. K. J. Healy), and Mr. R. F. Newman, who was nominated by the Law Society. Mr. Newman after a long experience in private practice has now become a magistrate. While the committee was sitting Judge Sanderson was obliged to take some sick leave, and his place was taken by Mr. Gillespie, S.M. The committee reviewed the whole Act and consulted with a number of interested parties, including Judges of the Supreme Court. They also considered the jurisdiction of comparable courts in other States, in particular the Victorian County Courts and the New South Wales district courts.

The committee arrived at a considerable degree of unanimity in their recommendations, the only dissentient being Mr. Gillespie, who advocated higher limits of jurisdiction than the other members of the committee. It is clear from their recommendations that the committee has considered each of the monetary limits of the jurisdiction of the local courts separately on its merits, and has not applied any rigid formula in recommending increases. No doubt they considered what was a fair distribution of work as between the Supreme Court and the Local Courts under present conditions, and were also influenced by interstate comparisons.

The increases of jurisdiction recommended by the committee range from 50 per cent in the case of actions by landlords for the recovery of leased premises, to 150 per cent in the case of ordinary equitable jurisdiction of the Adelaide Local Court. The actual recommendations as to jurisdiction were as follows:—

(*a*) That the ordinary jurisdiction of local courts of full jurisdiction in personal actions be raised from £750 to £1,250.

(*b*) That the jurisdiction in sections for the recovery of leased property (which depends on the annual rate of the rent) be increased from £208 to £312.

(*c*) That jurisdiction in actions for the recovery of land (technically called actions of ejectment) which depends on the capital value, be increased from £2,000 to £4,000.

(*d*) That the equitable jurisdiction of the Adelaide Local Court be increased from £500 to £1,250.

(*e*) That in actions brought in the Adelaide Local Court in its equitable jurisdiction for the specific performance or cancellation of agreements relating to the sale of property (which jurisdiction depends on the value of the property) the jurisdiction be increased from £2,000 to £4,000.

The committee also proposed to give the Adelaide Local Court equitable jurisdiction in four additional classes of actions:—

(*a*) In proceedings for the determination of questions of construction arising under a deed, will or other document and for the determination of the rights of the persons interested where the property affected does not exceed £1,250.

(*b*) For the determination of questions arising under contracts for the sale of freehold land where the value of the land does not exceed £4,000 or under the contracts for the sale of leasehold estate where the rent does not exceed £312 a year.

(*c*) For relief against forfeiture of a lease for non-payment of rent in any case where the rent is at a rate not greater than £312 a year.

(*d*) For the rectification of written contracts where the subject matter of the contract does not exceed £1,250.

The clauses in the Bill dealing with procedure are all related to technical matters not affecting the general policy of the Local Courts Act. However, I will shortly mention to honourable members the topics which are dealt with.

Clause 4 provides that a magistrate may order that documents which a party is entitled to inspect in an action shall be forwarded for inspection to the clerk of a convenient local court. Under present law a party who is obliged to give inspection of documents to his opponent, sometimes refuses to do so except at his own address, which may be highly inconvenient.

Clause 4 also provides that a magistrate shall have power to fix a special day for the trial of any action. At present the normal sittings of some local courts only take place at long intervals and it is desirable that there should be some power to bring on cases for hearing before the ordinary day of sitting. This clause also enables a local court to dispose of an action at any time after service of summons in a summary way, that is to say, without further pleading. It sometimes happens that a defendant has no real defence to a claim and in such cases it is useful for a plaintiff to be able to apply for summary judgment without delay.

Clause 5 provides that the clerk of a court is to give notice to all parties concerned when a day is fixed for the hearing of the assessment of damages. At present there is no provision requiring such a notice to be given.

Clause 10 enables the clerk of a local court to make alterations in claims and summonses relating to the name, address and description of any person. In many cases parties make mistakes in setting out these particulars and at present the only means of amending a summons is by a magistrate on an interlocutory summons. It will be convenient to enable the clerk of the court to make these alterations on a written request. It is also proposed to enable the clerk on request to add or delete the endorsement required in cases where a summons is to be served in another State.

Clauses 11 and 12 provide that a plaintiff who wants to dispute a counterclaim must enter an appearance or a defence to the counterclaim. At present there is no provision for a plaintiff to file any formal pleading in respect of a counterclaim, which is sometimes embarrassing. Clause 13 enables a defendant who has admitted liability to withdraw or amend such admission by a notice at any time before judgment is entered against him. There is no such power at present. Clause 14 enables a defendant who desires to pay money into

court in an attempt to satisfy the plaintiff's claim to do so at any time after entry of appearance in the action. At present such payment can only be made at the time of entering appearance.

There are two or three other amendments in the Bill which I have not specially explained. These are consequential and drafting amendments only. It will be seen from what I have said that the main issue in this Bill for Parliament to decide is whether to grant increased jurisdiction to local courts as recommended by the committee. The Government believes that in view of the great usefulness of these courts to the general public and the efficient way in which they do their work, an extension of their jurisdiction which will, to some extent, compensate for the devaluation of money, is amply justified.

Mr. DUNSTAN secured the adjournment of the debate.

BUSH FIRES ACT AMENDMENT BILL.

(Continued from October 16. Page 1039.)

Bill read a second time.

The Hon. G. G. PEARSON (Minister of Agriculture) moved—

That it be an instruction to the Committee of the Whole House that it has power to consider new clauses relating to the variation of burning periods, the declaration of days of extreme fire hazards, and the use of tractors and similar appliances.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

New clause 1a—"Variation of banning periods."

The Hon. G. G. PEARSON—I move to insert the following new clause:—

1a. Section 11 of the principal Act is amended by adding at the end of subsection (6) thereof the following passage:—

This subsection shall authorize the council to vary the periods mentioned in sections 4, 5, 7, 8, 9, 13 or 20, or any of those sections, whether the period so varied is specified in such section or whether the period has been altered in manner provided by the preceding subsections of this section.

The power provided by this subsection to vary the periods mentioned in section 5 or section 8, shall not be exercised so that a period fixed under this subsection in respect of either of the said sections commences before the completion of the period fixed under section 4, or, as the case may be, section 7, whether that period is fixed by either of the said sections or by an alteration thereof made pursuant to the preceding subsections of this section.

Subsection (6) of section 11 of the Bush Fires Act was enacted in 1955 and provides that a council may, in respect of any season, alter the periods set out in sections 4, 5, 7, 8, 9, 13 or 20 by putting forward or postponing the commencement of the period by up to 14 days or by postponing for up to 14 days the final date of the period. The purpose of this provision is to enable changes in burning periods to be made by the council in respect of any season, having regard to the seasonal conditions.

New clause 1a has two purposes. Firstly, the periods in question may be fixed by the particular section or may have been altered by the council under subsection (1) of section 11. It is made clear that the power given by subsection (6) to make a variation for the one season applies in both instances. Secondly, section 4 sets out stringent conditions for the burning of stubble between 15th October and 1st February, whilst section 5 relaxes these conditions for the period from the end of January to 15th May. Sections 7 and 8 make similar provision as to scrub burning. The new clause provides that, if the power is exercised under subsection (6) of putting forward the commencement of the burning periods under section 5 or 8, the commencing date of the period must not be earlier than the final date for the burning period under section 4 or 7, as the case may be.

New clause 1a inserted.

New clause 1b—"Day of extreme fire hazard."

The Hon. G. G. PEARSON—I move to insert the following new clause:—

1b. Section 13a of the principal Act is amended—

(*a*) by inserting after the word "lighting" in the eighth line thereof the words "and maintaining";

(*b*) by inserting after the word "lights" in the second line of subsection (2) thereof the words "maintains, or permits to remain alight".

Section 13a authorizes the Minister to broadcast a warning of extreme fire hazard on any day and during that day the lighting of fires in the open is prohibited. The section, however, does not apply to the maintaining of fires which may have been lighted. New clause 1b extends the prohibition in section 13a to the maintaining of a fire in the open or permitting such a fire to remain alight.

New clause 1b inserted.

New clause 1c—"Use of certain vehicles."

The Hon. G. G. PEARSON—I move to insert the following new clause:—

1c. Section 17 of the principal Act is amended by striking out subsections (4) and (5) thereof and by inserting in lieu thereof the following subsection:—

(4) If any vehicle which is propelled by an internal combustion engine and which is not fitted with an effective spark arrester or muffler, is driven on any land or road through or within six feet of any inflammable stubble or other inflammable material, the person who so drives the vehicle and also any other person who causes the vehicle to be so driven shall be guilty of an offence and liable to a penalty of not more than fifty pounds.

Subsections (4) and (5) deal with the use of internal combustion engines in or near inflammable material. It is considered that these subsections are not altogether satisfactory and new clause 1c proposes to repeal them and substitute a new subsection. The new subsection provides that it will be an offence to drive or cause to be driven on any road or land any vehicle propelled by an internal combustion engine so that the vehicle is driven through or within six feet of any inflammable stubble or material unless the vehicle is fitted with an effective spark arrester or muffler.

New clause 1c inserted.

Title passed. Bill reported with amendments.

STOCK LICKS ACT REPEAL BILL.

Adjourned debate on second reading.

(Continued from October 18. Page 1103.)

Mr. O'HALLORAN (Leader of the Opposition)—I have had an examination made of this Bill, which repeals the Stock Licks Act and amends the Stock Medicines Act and the Stock Foods Act. Its purpose is to bring stock licks under the Stock Medicines Act. I understand that the Stock Licks Act was passed originally by a Labor Government in 1931. At that time there was no legislation governing stock medicines generally, and the reason for the exclusion of stock licks from the Stock Medicines Act of 1939 was probably the fact that they were already provided for under the 1931 legislation. The main purpose of both Acts was to protect farmers and graziers as regards the quality of medicines and stock licks marketed for their use. As it is sometimes difficult to distinguish stock medicines from stock licks it is highly desirable that both commodities should be controlled under the one Act. That is what is proposed in the Bill, and I have no objection to it.

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

HOMES ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

LOAN MONEY APPROPRIATION (WORKING ACCOUNTS) BILL.

Returned from the Legislative Council without amendment.

ADJOURNMENT.

At 4.25 p.m. the House adjourned until Tuesday, October 30, at 2 p.m.