HOUSE OF ASSEMBLY.

Thursday, November 8, 1956.

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

ASSENT TO ACTS.

His Excellency the Governor's Deputy, by message, intimated his assent to the following Acts:—Law of Property Act Amendment, Limitation of Actions and Wrongs Acts Amendment, Royal Style and Titles, Administration and Probate Act Amendment, Metropolitan and Export Abattoirs Act Amendment, Prices Act Amendment, Road and Railway Transport Act Amendment, and Travelling Stock Waybills Act Amendment.

QUESTIONS.

WEIGHT LIMITS ON COMMERCIAL VEHICLES.

Mr. O'HALLORAN—Some time ago I requested that a laden weight limit be imposed on commercial vehicles using the Broken Hill road. The Premier replied that this had not been recommended by the Highways Commissioner, and I ask him whether he will reconsider the matter in view of the fact that section 103 of the Road Traffic Act gives the Governor adequate powers to impose laden weight limits, if necessary, to protect the road.

The Hon. T. PLAYFORD—I will have the honourable member's request again examined and submit the matter to Cabinet.

BUSH FIRE PREVENTION.

Mr. BROOKMAN—As there will be a serious danger of bush fires in the next few months it will be necessary to warn the public to exercise great care, and I ask the Minister of Agriculture what arrangements he proposes in regard to publicity for bush fire prevention?

The Hon. G. G. PEARSON—I am pleased to say that very satisfactory arrangements are being made to publicize the bush fire danger. I have a resume of the arrangements that have been made for Bush Fire Prevention Week, and I will state them to the House because they indicate the high degree of co-operation that has been extended to the department by the various organizations that I shall name, and possibly some others, in this important matter.

1. Bush Fire Prevention: A week will open on December 1 with a procession of Emergency Fire Service vehicles, equipment and personnel down King William Street to the Parade Ground where it will be received and addressed by His Excellency the Governor. Arrangements are being made for the inclusion in the procession of appropriate industry vehicles provided they display prominently bush fire prevention publicity.

2. Advertiser Newspapers will conduct a Bush Fire Slogan Competition and publish appropriate articles and material in its paper.

3. All radio stations have agreed to co-operate by broadcasting bush fire slogans, interviews on bush fire prevention methods and coverage of the opening procession.

4. The National Safety Council has promised to put its fullest resources behind the campaign and has already arranged for the printing of 70,000 pay envelope slips for distribution through industry and the procurement of several hundred fire prevention posters.

5. *The Stock and Station Journal* is publishing a special bush fire edition on December 5.

6. The Municipal Tramways Trust is arranging to print and display in buses and trams 400 cards urging people to take care to prevent bush fires.

7. Departmental stores will provide special window displays and display bush fire prevention posters.

8. The Apex Club is arranging for the manufacture and erection of a further 18 road signs with appropriate bush fire slogans painted on them.

9. It is anticipated that *The News* and *The Mail* will also co-operate by publishing appropriate publicity in their papers.

10. The Minister of Railways is investigating the possibility of placing suitable "Prevent Bush Fire" stickers in railway carriages.

11. The Minister of Education is investigating arrangements for children in all metropolitan and country schools to be given talks by a fire brigade officer or a fire control officer or police officer on the danger of bush and grass fires and the need to take care. If this cannot be done the school heads will read a specially prepared paper on the subject.

12. A special article will be published in the *Journal of Agriculture* and bush fire slogans will also be published in this journal during the summer months.

SWIMMING INSTRUCTORS' FEES.

Mr. JOHN CLARK—Yesterday the member for Stuart (Mr. Riches) addressed a question to the Minister of Education about the remuneration of swimming instructors. Various interested persons are perturbed at the Minister's reply, but I believe that he inadvertently made a mistake, though I am certain he replied in good faith. He said he had originally fixed

the fee at 17s. an hour but was informed later he did not strictly have the power to fix or approve the fee and then referred the matter to the Teachers Salaries Board, which fixed it at 14s. I have been reliably informed that the Teachers Salaries Board has not yet met on this matter. Is the Minister aware that it has not yet reviewed swimming instructors' fees, but that this matter has been set down for Monday next? It seems that the board's decision has been anticipated. Secondly, who was the authority that advised the Minister he did not have power to fix or approve rates for swimming instructors?

The Hon. B. PATTINSON—The answer to the first question is "Yes." I referred the matter to the Teachers Salaries Board a few weeks ago and the hearing of this, and other matters, has been adjourned from time to time. When Mr. Riches read from documents yesterday and quoted the figure of 14s. I naturally assumed that the determination had been made, but it has not. The answer to the second question is that the Public Service Commissioner gave me the advice.

Mr. RICHES—The document from which I quoted yesterday was a letter I received from one of the largest schools in my district. Portion of it states:—

Last year the fee was 17s. per hour and this year it is proposed to reduce this to 14s. per hour.

As this matter is not to be discussed by the Teachers Salaries Board until next Monday, can the Minister indicate how teachers have gained the information that the fee is to be reduced?

The Hon. B. PATTINSON—The honourable member's guess is probably as good as mine. Within the last three months the Public Service Commissioner advised me that several approvals I had given for remuneration for special services rendered by teachers were not strictly within my competence and that the Teachers Salaries Board or the Public Service Commissioner should fix these rates of payment. As a result I referred several of these matters to the Teachers Salaries Board and drew up a notice of them to be served on the Teachers Institute. Probably the secretary of the institute circularized interested parties regarding what was happening. These matters were set down for hearing by the board several weeks ago and some were completely heard: others, however, have been adjourned. In the meantime, the question of remuneration for swimming teachers has become public property, possibly because the matter was circulated by the Teachers Institute. That is only a guess, because I do not know any more about it than the honourable member. When he referred to a document yesterday I thought it was one of the several determinations recently made by the board.

Mr. Riches—Have you satisfied yourself that the Public Service Commissioner has the right to override a Minister?

The Hon. B. PATTINSON—Not beyond all reasonable doubt, for there are a number of conflicting opinions, and as one who is more or less closely identified with the legal profession, I am not surprised that I have received an infinite variety of legal and administrative opinions on this matter. Out of the welter of confusion on whether I had the power, I decided to avoid any risk by referring all these matters to the Teachers Salaries Board, which is presided over by the Parliamentary Draftsman (Sir Edgar Bean). That is where the matter rests at present.

MURRAY RIVER FLOOD RELIEF.

Mr. JENKINS—Can the Premier say what were the proceeds from the race meeting held last Tuesday in aid of the Lord Mayor's Flood Relief Appeal?

The Hon. T. PLAYFORD—No, the information has not yet been furnished.

Mr. STOTT—Can the Premier say who will administer the distribution of the £800,000 promised by the Commonwealth Government for flood relief? Will it be necessary to set up an additional authority to Sir Kingsley Paine? If so, when will it be established and when can application for relief be made? Will the money in the Lord Mayor's Relief Fund be administered by the same authority?

The Hon. T. PLAYFORD—The Government has received a telegram from the Prime Minister about the £800,000. It is presumed that the grant will be made to the State in accordance with section 96 of the Constitution, in which case it will be necessary for Parliament to pass an appropriation enabling that money to be spent and steps will be taken today to have an Appropriation Bill considered for that purpose. With regard to the Lord Mayor's Relief Fund money, a resolution passed at a public meeting when the fund was inaugurated established Sir Kingsley Paine as the administering authority and it will not be necessary for us to consider an Appropriation Bill in that respect.

PRACTICE OF HYPNOTISM.

Mr. HUTCHENS—Will the Premier during the recess have investigations made to see whether hypnotism (the power of certain persons to fascinate, dazzle or overpower the mind of another) is being used and charged for by persons without medical or other necessary qualifications? Have the numbers of such persons practising hypnosis increased since the visit of certain showmen who held functions in this State? Does a person who submits to a hypnotist and carries out acts before the public, while hypnotised, contrary to his ideas of desirable conduct, later suffer nervous reaction to such an extent that future health may be impaired? If, from investigations made, it is shown that hypnotism used for the purpose of entertainment endangers the health of persons by their submitting to the showman or unqualified person, will the Government bring down legislation to prohibit the use of hypnotism as an entertainment?

The Hon. T. PLAYFORD—I will get a report from the Government's medical advisers and if any action is necessary will submit the matter to Cabinet.

KOONIBBA WATER SUPPLY.

Mr. BOCKELBERG—On Tuesday I directed a question to the Minister of Education concerning a water supply for the Koonibba Mission Station, which is doing a great service for the aborigines in that part of the State. I quoted various figures relating to the cost of a water supply. Can the Minister say whether those figures will be given early consideration?

The Hon. B. PATTINSON—Yes.

EMERSON RAILWAY CROSSING.

Mr. FRANK WALSH—Can the Minister representing the Minister of Railways indicate when gates will be erected at the Emerson railway crossing? Will provision be made in the operating system for north-south traffic to receive preference over east-west traffic after the passage of each train?

The Hon. B. PATTINSON—The Railways Commissioner reports that the installation of the level crossing devices at Emerson is in hand and will be completed in December or January, depending on the receipt of special traffic light control equipment from England. The scheduled delivery date is November. The specification provides for north and south road traffic to have priority after the passage of each train.

PUBLIC SERVICE SALARIES.

Mr. DUNSTAN—On November 1 Mr. John Clark asked the Premier whether he would consider laying on the table the Government's submissions objecting to the decision of the Public Service Board on salaries of senior Public Service officers. The Premier then said he had not had sufficient time to examine them. Can he now indicate whether he will lay those papers on the table?

The Hon. T. PLAYFORD—I have examined some of the papers and I find that the answer to the Government's representations was dealt with by only two members of the board. The member who dissented from the original proposals was excused from taking any action to deal with the Government's representations. Under those circumstances it is obviously not a decision of the complete board and the Government does not intend to table the papers because one member of the board did not subscribe to the proposed award.

Mr. DUNSTAN—In reply to a recent question by the Leader of the Opposition the Premier said:—

The Government was not satisfied with the consideration given to the case presented by it for the salary increase.

Another member asked whether the relevant documents could be tabled, and the Premier replied:—

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.

What the honourable member asked to be laid on the table was:—

(*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.

In view of the Premier's reflections upon the decision of the majority board, will he table those documents or, if not, give some real reason why members should not know the basis upon which he cast reflections on the board?

The Hon. T. PLAYFORD—It is not the practice of the Government to table administrative papers, though the Government does, if possible, give members that information when it can be properly presented to them. The reasons given contain only one side of the question. The Government's representations on this matter were not given adequate consideration. The document contains only the

stated views of two members, and it cannot be considered to be the full views of the board. For that reason the Government does not propose to table it.

DUST HAZARD ON ROADS.

Mr. LAUCKE—I refer to the dust hazard on the Lyndoch-Chain of Ponds and Williamstown-Birdwood main roads, which hazard will increase in the summer months. On still days a heavy pall of dust hangs over these roads almost continuously, and overtaken traffic has temporary lack of vision, which constitutes a major danger. Traffic is becoming increasingly heavy *en route* to the reservoirs and forests. In the interests of safety, will the Minister of Education ask his colleague, the Minister of Roads, that early consideration be given to the sealing of these roads?

The Hon. B. PATTINSON—I shall be pleased to ask my colleague to see whether the honourable member's request can be complied with.

PAYNEHAM PRIMARY SCHOOL.

Mr. JENNINGS—Has the Minister of Education a further reply to my recent question concerning the enclosing of verandahs at the new Payneham primary school?

The Hon. B. PATTINSON—The Architect-in-Chief recently requested the contractors for the school to submit a price for enclosing the verandahs, and a price was submitted a couple of days ago. It is now being examined and, if it is satisfactory, the work will be let out almost immediately.

TRAFFIC LIGHTS

Mr. COUMBE—There are many busy intersections on suburban main roads where it would be desirable to install traffic lights to control traffic. Such a road is the Main North Road passing through Prospect and Enfield in my electorate, which is regarded as the busiest road of its size in the State, but unfortunately the local council has not the finance at this stage to install traffic lights, and traffic control is therefore prejudiced. Can the Treasurer say whether the Government is prepared to assist metropolitan councils to finance the installing of traffic lights on all sites approved by the Commissioner of Highways, especially on roads covered by the main roads schedule?

The Hon. T. PLAYFORD—I cannot give an affirmative answer offhand, but I will have the matter examined, for this appears to be a reasonable basis on which to approach the problem. I will confer with my colleague, the Minister of Roads, and inform the honourable member in due course what assistance the Government can give.

UMEEWARRA ABORIGINAL RESERVE.

Mr. RICHES—Has the Treasurer a reply to my recent question concerning the necessity of rehousing the aborigines on the Umeewarra Aboriginal Reserve?

The Hon. T. PLAYFORD—The report I have received states:—

The adults at the Umeewarra Aboriginal Reserve reside in 7 enclosed frame type galvanized iron huts. This accommodation has been inspected by officers of the Aborigines Protection Board and the inspection reports show that the huts are of the poorest construction and usually in a very dirty condition. The question of improving living conditions at Umeewarra has been considered on a number of occasions by the Aborigines Protection Board. The secretary of the board states that the type of native occupying the huts has not developed to a stage where these aborigines could occupy a home in a manner comparable with European standards and that it would be unwise to house them without proper supervision. The matter has been discussed with the secretary of the Umeewarra Mission Board and it was agreed that little could be done with the existing female staff but when a full-time permanent male Missioner is appointed by the Umeewarra Mission Board to reside at Umeewarra, consideration would then be given to providing finance for the housing of these natives. Recently, Mr. R. Martin was appointed to Umeewarra and preliminary discussions in regard to housing have accordingly taken place between Mr. Martin, the secretary of the Umeewarra Mission and officers of the Aborigines Protection Board. There is no provision on this year's Estimates for this project but the matter will receive consideration when next year's Estimates are being prepared.

TRANSPORT OF SCHOOL CHILDREN.

Mr. BYWATERS—My question relates to the transport from Tailem Bend of children attending the Murray Bridge High School. At present a carriage is attached to a fast goods train, which takes the children home, but parents are dissatisfied because of the frequent late arrival of that train. I have received the following letter on this matter:—

You are no doubt conversant with our endeavours to improve the facilities for Tailem Bend school children travelling to Murray Bridge High School. Recently the fast freight from Mile End which brings the carriage on from Murray Bridge to Tailem Bend has been on time only twice since October 15. A list of the arrival times at Wurton is attached. Ten minutes elapses before the children disembark at the Tailem Bend platform. Further, during the week just ended the morning train to Murray Bridge has been late on two or

three occasions, and the children automatically 10-15 minutes late for school. This is not very helpful on exam mornings.

This matter has been taken up previously with the Minister of Education and the Minister of Railways. Will the Minister of Education reconsider the previous decision and ask his colleague to see whether improved transport facilities can be provided for these children?

The Hon. B. PATTINSON—This matter has been the subject of correspondence, discussions and deputations to the Minister of Railways and me for a considerable period. I have also discussed the matter with the Minister of Railways and received reports from the Railways Commissioner. I thought a satisfactory arrangement had been concluded so that the children would be transported to and from Murray Bridge on time, but I shall be pleased to discuss the honourable member's request with my colleague to see whether a better transport system can be provided.

BOOLEROO CENTRE STORAGE TANK.

Mr. HEASLIP—Has the Premier any further information regarding the water storage tank now being constructed at Booleroo Centre?

The Hon. T. PLAYFORD—The new 1,000,000 gallon tank now being constructed at Booleroo Centre was planned firstly to improve the present supply which is pumped from the well and secondly to fit in with any future supply that may be extended to the township. The well from which the Booleroo Centre supply is now obtained only yields a limited quantity of water per week and in the summer months the consumption often exceeds this. When this occurs the present storage tank of 250,000 gallon capacity is depleted and there is then a shortage of water. The addition of an additional 1,000,000 gallon storage tank will allow larger quantities to be pumped during the winter months when the consumption is small and it will provide greater storage to tide the supply over the summer months. Water from the well is not of high quality as it contains approximately 190 grains of total solids per gallon and two possibilities of giving a better supply to the township have been considered. The first is a pipeline from a proposed reservoir on Melrose Creek to supply Melrose and Booleroo Centre and the second is an extension from a proposed duplication of portion of the Morgan-Whyalla pipeline. In the event of either scheme being proceeded with, the new tank at Booleroo Centre could be used by providing storage which would have the effect of considerably reducing the size and consequently the cost of a new main to the town.

MILLICENT POLICE STATION.

Mr. CORCORAN—Has the Premier information regarding the building of a police station at Millicent and, if not, will he let me have it by letter at an early date?

The Hon. T. PLAYFORD—It has not been possible to get a reply. The matter involves priorities in connection with police stations and court houses and the position in the whole State must be considered. I will see that the honourable member gets a letter as soon as the information can be supplied to him.

MURRAY RIVER TOURIST TRADE.

Mr. KING—Has the Premier a reply to the question I asked on November 1 regarding the issue by the Transport Control Board of permits for passenger buses to take tourists to the river?

The Hon. T. PLAYFORD—Yes. The Minister of Roads reports:—

The chairman of the Transport Control Board reports that the board has received an application for the conveyance of passengers at week ends between Adelaide and the Upper River towns. The proposed service would leave Adelaide on Saturday morning, returning on Sunday afternoon. The time afforded passengers by the proposed service in the river areas would be approximately the same as is at present available by the regular Saturday-Sunday service. The Saturday service from Adelaide is by rail from Adelaide to Morgan, thence road from Morgan to Renmark, returning on the Sunday by an all-road service. Both the road section of the Saturday co-ordinated service and the Sunday service are operated by Pendle Motors Ltd. and, due to the unfortunate flood, Pendle Motors Ltd. services have been considerably affected and the company has had to drastically curtail its Loxton service. As the proposed new service and the one in existence traverse similar routes and the timings were comparable, the board could see no merit in interfering with the services of Pendle Motors Ltd. by granting the request for the new passenger service.

NORTHERN PASTORAL LANDS.

Mr. O'HALLORAN—Has the Minister of Lands any information following on the question I asked this week regarding the availability of pastoral land for allotment in the northern parts of the State?

The Hon. C. S. HINCKS—Undeveloped lands exist in the north-west of the State and consist of the reserve for aborigines and the prohibited and restricted areas controlled by the Weapons Research Establishment. They

are therefore not available for application. Unoccupied blocks in the north-east in the vicinity of Strezlecki Creek and the Simpson Desert, some of which have previously been occupied and abandoned, are likewise unsuitable for permanent pastoral occupation. On September 8, 1955, an area of 20,000 square miles of unoccupied Crown lands lying south of the East-West railway line was gazetted open for application under section 113 of the Pastoral Act, 1936-1953, relating to permits to search for water. Seven applications only have been received for any part of this land. The only pastoral lands which will be available for general application in the near future will be blocks 457, 458, 458A, and 458B, "Mount Andrews," 941 square miles (south-west of Oodnadatta). This lease is held by C. H. & Miss E. A. Fleming, and will expire on April 30, 1957. All other pastoral leases expiring up to 1962 were issued for 21-year terms with a condition giving the lessee the right to a further lease for 42 years on expiry of the current period. These lands, therefore, will not be available for application.

MYPONGA-VICTOR HARBOUR ROAD.

Mr. JENKINS—Has the Premier a reply to the question I asked on October 9 regarding the bituminizing and reconstruction of five miles of roadway between Myponga and Hindmarsh Valley over Nettles Hill?

The Hon. T. PLAYFORD—The Minister of Roads reports that no funds have been provided for bituminizing the five miles of road referred to during 1956-1957. It is proposed, however, to continue base reconstruction as soon as the survey, which is at present in hand, is completed, and £10,000 has been allotted for the work.

SALE OF EDUCATIONAL BOOKS.

Mr. FRANK WALSH—Has the Minister of Education a reply to the question I asked on October 25 about the sale of pictorial knowledge through schools?

The Hon. B. PATTINSON—I have made extensive inquiries concerning the matter in the limited time at my disposal and am satisfied that the Education Department has not issued a circular to parents in regard to books from private booksellers, and as far as I can ascertain no school has followed that practice. In my opinion it would be quite improper for either the department or any school to do so. Much the same matter was raised earlier by Mr. Jennings and Mr. Hutchens and I then referred to it in strong terms. I have not been able to obtain a copy of the circular to which Mr. Walsh referred, nor has he been able to do so, but on information he subsequently supplied to me it appeared that the circular was issued in August last year and that the matter has now come up because one of the recipients has been refused a taxation deduction for the £30 he paid for the book.

Apparently various interstate booksellers have been issuing large numbers of circulars, and lodging them at various schools and the teachers in those schools have distributed them to scholars in certain grades. I am sure there has been no sense of impropriety on the part of any of the teachers in doing so, but I think it was a mistake for them to have anything to do with it. We know that parents and children have a high regard for the teachers, and if the children took those circulars home from the teachers at their particular school the parents could have been led to believe that the circulars advocating the sale and purchase of books had the authority of the Education Department, and as a result would probably incur very substantial expense which they would not ordinarily do. I think the practice should be discontinued forthwith and I propose to have an advertisement put in the *Education Gazette,* which every teacher either reads or is supposed to read.

STEVEDORING INDUSTRY CHARGES.

Mr. BROOKMAN—Stevedoring industry charges against shipowners have been increased considerably since November 1 and they have a large bearing on the returns to producers of wheat, barley and other primary products. Has the Minister of Agriculture a statement to make on the increase and can he give the reason for it?

The Hon. G. G. PEARSON—The charges referred to are only one of a number of charges which importers, and perhaps exporters particularly, have to bear on goods going into or coming out of our ports. I think the whole agricultural industry is seriously disturbed at the incidence of freight charges generally, especially as the overseas markets for the products the honourable member mentioned, in particular wheat, barley and meat, are becoming depressed. Therefore, it is natural that any further increase in charges, from whatever quarter, should be the subject of scrutiny.

As I knew the honourable member proposed to ask this question I obtained some information on it. The rate since the inception of the Stevedoring Industry Board on December

22, 1947, has been increased from 4½d. a man hour to the present rate of 19d., as from October 30, 1956. Assuming that the same number of hours are worked in 1956-57 as in 1955-56, this will provide a total annual revenue to the Stevedoring Industry Board of approximately £3,000,000. I shall now give other approximate figures. The money is spent in providing the following services:—operation and administration of the Stevedoring Industry Board, including employment bureaux, £400,000; cafeterias and amenities for waterside workers, £40,000; medical and first aid facilities for waterside workers, £40,000; and holiday and sick leave pay for waterside workers, £1,500,000. In addition, the board now pays attendance money at 24s. a day. Holiday and sick leave pay, for which provision is made commencing from October 1, 1956, has necessitated the major portion of the increase from 6d. to 1s. 7d. an hour.

WHYALLA HOSTEL CHARGES.

Mr. RICHES—On behalf of the member for Whyalla (Mr. Loveday) I ask the Premier whether he has been able to obtain a report on the increased charges for board at the Lacey Street Hostel which is conducted by the B.H.P. Company at Whyalla?

The Hon. T. PLAYFORD—Since the hostel was opened it has been under price control for certain periods, and I have had an investigation made by the Prices Commissioner, who supplied me with the following information:—

	Tariff charges.				Whyalla Federal basic wage.			Percentage of tariff rate to basic wage.
	£	s.	d.		£	s.	d.	
21/6/49	2	5	0	(approved)	6	6	0	35.7
5/12/50	2	17	6	(approved)	8	3	0	35.3
28/8/51	3	7	6	(approved)	9	9	0	35.7
1/8/53	3	17	6	(approved)	11	16	0	32.8
Current	4	0	0		**12**	**6**	**0**	**32.5**
Proposed	4	5	0		12	6	0	34.5

Those figures show that the percentage of the charge to the basic wage has remained fairly constant. The Prices Commissioner does not recommend that any action be taken to re-control these matters. He said that such action was not warranted.

WALLAROO BULK HANDLING SYSTEM.

Mr. HEASLIP—In view of the announcement that the bulk handling terminal at Wallaroo will be constructed on the southern site instead of the recommended site, will the Government further consider installing a belt system instead of the truck-jetty system?

The Hon. G. G. PEARSON—The Government has considered this matter and has decided not to re-open discussions in that regard. In the Government's opinion the basic factors which influenced the Public Works Committee in coming to its conclusions remain unchanged.

MURRAY RIVER FLOOD.

Mr. BYWATERS—It was announced in yesterday's *News* that the Federal Minister for Primary Production was coming here to view the results of the recent disastrous flood. Has the Premier received any advice on this matter and, if so, what arrangements have been made by the State Government to assist the Minister in his investigations?

The Hon. T. PLAYFORD—The Government was advised yesterday that the Minister was arriving for two full days' inspection of the river. We will co-operate in every way practicable to make his visit as extensive as possible.

VEGETABLE PRODUCTION AT LOVEDAY.

Mr. KING—Has the Minister of Lands anything to report on my question regarding the use of certain land at Loveday for vegetable growing?

The Hon. C. S. HINCKS—I have discussed this with the Assistant Director of Lands who early next week is going up river. He will confer with the local district officer and will inspect the area to ascertain what land, if any, would be suitable for vegetable growing.

AGE LIMIT FOR EMPLOYMENT.

Mr. O'HALLORAN—Has the Premier a reply to the question I asked on November 1 concerning a complaint that employers seeking labour from the Commonwealth Employment Bureau are stipulating an age limit of 45?

The Hon. T. PLAYFORD—The acting Regional Director, Mr. Russell, has supplied the following report:—

The Commonwealth Employment Service endeavours to find suitable employment for all applicants irrespective of age, which is not regarded as a limiting factor

to placement. This policy is observed by all officers, and indeed in recent months quite a number of applicants over 45 years have been placed in unskilled employment in the Adelaide metropolitan area and elsewhere throughout the State. Some employers, however, when lodging requests for workers do impose age limits, which vary considerably according to the nature of the employment. This practice is not common, and while the employers' specifications are regarded as strictly confidential and therefore applicants are not made aware of them, they must be carefully observed.

EYRE HIGHWAY.

Mr. BOCKELBERG—Has the Premier a reply to the question I asked on October 23 concerning the Eyre Highway?

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

The report in the *Advertiser* mentioned by the honourable member originated from "A Special Representative" in Perth, who may have referred to the position in Western Australia and would not necessarily be acquainted with the finances and conditions in this State. During the last three years £100,000 has been spent on the Eyre Highway within council boundaries, by the district councils of Kimba, Le Hunte, Murat Bay and Streaky Bay. The Engineering and Water Supply Department, during the same period, spent £61,000 on the sections outside of district council areas. The present condition of many more heavily trafficked roads will make it difficult to justify any large increase in this expenditure in the near future.

BOTANIC PARK ROADS.

Mr. FRANK WALSH—Has the Minister of Lands a reply to the question I asked on October 9 during the Estimates debate on Botanic Park roads?

The Hon. C. S. HINCKS—The Director of the Botanic Gardens, Mr. Lothian, has reported as follows:—

The question which the honourable the Minister of Lands was asked by Mr. Frank Walsh in the House of Assembly on October 9 and as reported in *Hansard* was tabled at the last meeting of the board of governors, Botanic Garden. I have been instructed to forward to you the following answer in reply to the question raised. Most of the spoon drains have been eliminated and at the present moment only three remain. These are essential still to curb the activities of certain irresponsible motorists. It is most important that the speed limit of 20 m.p.h. be observed because the park is used not only by pedestrians, but by families which include small children. Unless traffic regulations within the park make it safe for them to wander about the park and on the roads, a dangerous condition could arise.

PORT LINCOLN WEIGHBRIDGE.

Mr. HAMBOUR—My question concerns the installation of a weighbridge at Port Lincoln. The essence of the contract for its installation was quick delivery and the contract was let to the higher of two tenderers because he could give delivery in three or four weeks. Can the Premier say whether the terms of the contract were fulfilled; what was the date of delivery; what was the date of installation; and whether the contract contained a penalty clause, and if so, what was the amount?

The Hon. T. PLAYFORD—I will get a report on those matters.

SUPREME COURT HEARINGS.

Mr. O'HALLORAN—Has the Premier any further information concerning the delay in hearing certain civil cases, particularly those relating to the Matrimonial Causes Act, in the Supreme Court?

The Hon. T. PLAYFORD—The Master of the Supreme Court reports:—

If the case referred to by Mr. O'Halloran is *Turis v. Turis* (which forms the subject of the complaint made by Mr. G. H. Dodd in his letter to the honourable the Premier of October 26, 1956), the facts will appear from my minute of even date. I would say that, as compared with other jurisdictions, the state of our civil and defended divorce lists is quite satisfactory. In the ordinary course of things a case can be heard (if both parties are ready and willing to take it) in about 3 or 4 months from setting down or probably less than that. The published trial list for civil cases looks formidable but experience shows that a large proportion of the cases are awaiting settlement rather than trial. Some cases should not be in the list, as they are not really ready. The presence of these cases in the list tends to delay the hearing of cases in which the parties are anxious to come to trial, but it is impracticable to prevent this. If parties are anxious for a hearing and can show reasonable grounds, the court readily makes an order for an early trial.

MOTION FOR ADJOURNMENT: LIVING WAGE INQUIRY.

The SPEAKER—I have received from the honourable the Leader of the Opposition an intimation that he desires to move today "that the House at its rising adjourn until 1 p.m. tomorrow" for the purpose of discussing a matter of urgency, namely, the action of the Government in instructing its legal representative to support the application of employers for an adjournment of the State living wage case. I have given careful consideration to

the matter and I rule that the motion cannot be submitted to the House for the following reasons:—

(1) The subject proposed for discussion, in my opinion, is not a matter of urgency within the meaning of Standing Order 58.

(2) The Government's action referred to relates to a matter which is *sub judice* before the Board of Industry constituted under the Industrial Code.

Mr. O'HALLORAN (Leader of the Opposition)—I move—

That the Speaker's ruling be disagreed with. To say that I am surprised would be a masterly understatement. You, Mr. Speaker, gave as your reason the opinion that this was not a matter of urgency, but I can conceive of nothing more urgent. Parliament is vitally concerned with the action of the Government in supporting the application to the Board of Industry in order that the hearing before the board of an application which was properly made and has been the subject of a prolonged hearing already should be postponed indefinitely. As far as we can see, today is the last day on which this Parliament will meet this session; consequently, I had no alternative but to take the course I suggested to you in my letter, namely, to move a motion for adjournment under Standing Order 58. Had Parliament been meeting next week I could have taken other steps. For instance, I could have moved a motion of no-confidence in the Government, and I would have desired to do that because of the urgency of the position my letter referred to. This is a matter of urgency, and Standing Order 58, which has been drafted with this object in view, provides:—

A motion without notice that the House, at its rising, adjourn to any day or hour other than that fixed for the next ordinary meeting of the House, for the purpose of debating some matter of urgency, can be made only after Notices have been given, and before the business on the Notice Paper is proceeded with, and such motion can be made notwithstanding there be on the Paper a motion for adjournment to a time other than that of the next ordinary meeting. The member so moving must make in writing, and hand in to the Speaker, a statement of the matter of urgency. Such motion must be supported by four members rising in their places as indicating their approval thereof. Only the matter in respect of which such motion is made can be debated. Not more than one such motion can be made during the same sitting of the House. Such motion may not be amended, and at the close of the debate shall be withdrawn.

I have already pointed out why I believe this a matter of urgency. I have conformed to the Standing Orders by submitting the reasons for the motion to you, Sir, in writing, and by stating specifically that they relate to the action of the Government in supporting the employers' application for the adjournment of the State living wage case. I do not accept your suggestion, Mr. Speaker, that this affects in any way the fact that matters that are *sub judice* should not be discussed. There is nothing in my letter to indicate that I intend to refer to the Board of Industry or the hearing before the board in any way. My letter is specifically concerned with the action of the Government in interfering in this case, and I therefore suggest, with great respect, that your ruling is wrong.

The SPEAKER—The Leader of the Opposition has moved that my ruling be disagreed with. Standing Order 160 provides:—

If any objection is taken to the ruling or decision of the Speaker, such objection must be taken at once and not otherwise; and having been stated in writing, a motion shall be made, which, if seconded, shall be proposed to the House.

. . . The Leader of the Opposition having now stated his objection in writing, is the motion seconded?

Mr. FRANK WALSH—I second the motion. I believe my Leader has stated the case very clearly and that the Opposition should be given the right to call attention to this important matter. The position is clear, and the Leader stated definitely that he did not wish to initiate a discussion on any matter before the tribunal. I suggest that some other consideration was given to his proposed motion prior to the meeting of the House this afternoon. Surely that indicates that the Government has something to hide on the subject matter of the motion. Condemnation of the Government is justified in this regard. The matter is not outside the ambit of debate, because when this matter has been discussed previously the Premier has been deliberate in his approach. I was a member of the Opposition when the matter of certain legislation on wages and conditions was introduced.

The SPEAKER—I ask the honourable member to resume his seat. I point out that there is a motion before the House moved by the Leader of the Opposition, "That the Speaker's ruling be disagreed with." This debate must

be limited strictly to that motion. That is my ruling and I shall not allow members to go beyond what is implied in the motion. The proceedings now before the Board of Industry cannot be dealt with in this debate. The matter is still *sub judice* and I ask members to confine their remarks strictly to the matter of the Speaker's ruling.

Mr. FRANK WALSH—Mr. Speaker, I can only bow to your ruling. Do you rule that the matter is *sub judice*?

The SPEAKER—I indicated that my ruling was that this was not a matter of urgency under Standing Order No. 58, and secondly that the Government's action was related to a matter now before the Board of Industry which is *sub judice*.

Mr. FRANK WALSH—The Opposition must challenge your ruling that the matter is *sub judice*. We did not intend, in giving information this afternoon, to discuss in any way the matter before the court. The Leader of the Opposition said that we are not concerned with the court case, but we believe there is a matter of urgency because of the intervention by the Government in the case. Parliament must tell the Government that it has usurped a power in endeavouring—

The Hon. T. PLAYFORD—On a point of order, Mr. Speaker, I do not want to curtail the honourable member's complimentary remarks about the Government, but the matter now before the House is the Speaker's ruling and not the action of the Government. It is really a question of whether this is a matter of urgency that should be debated. It is not a matter of whether or not it was right for the Government to intervene in the case.

The SPEAKER—I gave my ruling earlier and objection has been taken to it. Members' remarks must be restricted to that matter.

Mr. FRANK WALSH—Mr. Speaker, I disagree with your ruling and support the Leader of the Opposition in his valiant attempt to give the House some idea of the hostility felt by the people towards the Government for taking certain action in the court.

Mr. LAWN (Adelaide)—I support the motion for disagreement with your ruling, Mr. Speaker. When your predecessor occupied the Chair and such matters as were *sub judice* came up by way of question he allowed Ministers to exercise their rights to decline to reply if they thought the matter was *sub judice*, but he always allowed the question and the answer. The motion does not deal with the court case itself but only the Government's action in the case. I expected that your ruling on this matter would be sought. Last year the Leader of the Opposition desired to move for the adjournment of the House to discuss cost of living adjustments. He was allowed to do so and a debate took place. *Hansard* shows that the Premier doubted whether it was proper for the matter to be brought before Parliament as it was, and Mr. O'Halloran interjected "I think the Speaker is the judge of that." The Premier then said:—

> If I had known that the honourable member was going to do it in that way I would have moved that the Speaker's decision be disagreed to.

When the Leader's letter went to the Speaker this morning the Government knew that the matter would come on this afternoon.

The SPEAKER—Order! I ask the honourable member to withdraw that remark because it is a reflection on the Chair, which made its own decision without consulting anybody. I ask the honourable member to withdraw the reflection.

Mr. LAWN—I withdraw.

The SPEAKER—And apologize to the Chair for having made it.

Mr. LAWN—Yes. I have been asked to withdraw and apologize and I do so; but I said it and I repeat it. I expected that would happen.

The Hon. T. PLAYFORD—Mr. Speaker, having withdrawn the remark the honourable member immediately repeats it.

The SPEAKER—I ask the honourable member not to pursue that line and I ask him to withdraw these further remarks.

Mr. LAWN—I withdraw, Mr. Speaker. Standing Order No. 58 says:—

> A motion without notice that the House at its rising adjourn to any day or hour other than that fixed for the next ordinary meeting of the House . . .

That shows that a motion for the adjournment of the House can be moved if desired. The Standing Order continues:—

> . . . for the purpose of debating some matter of urgency can be made only after notice has been given and before the business of the Notice Paper is proceeded with . . .

That is the position so far. Then the Standing Order says:—

> . . . and such motion can be made notwithstanding there be on the Paper a motion for adjournment to a time other than that of the next ordinary meeting . . .

That does not suggest that the Leader's motion is out of order. The Standing Order continues:—

The member so moving must make in writing and hand in to the Speaker a statement of the matter of urgency.

That has been complied with and the Speaker has admitted it. The Standing Order continues:—

Such motion must be supported by four members rising in their places as indicating their approval thereof.

That is the only thing that has not been complied with, but we cannot comply with it until the Speaker calls on Mr. O'Halloran to move his motion. We have not been given an opportunity to do it, because you, Sir, have ruled the motion out of order. I do not accept the statement that Parliament is subject to the court. Parliament should be above all courts. As a matter of fact, Parliament makes the laws for the courts to administer. We should not be told that we cannot discuss a matter here, however urgent it may be, or whatever section of the community may be concerned, merely because a court has not made a decision. I hope members will give a conscientious vote on this matter and not be guided by Party views. If we vote strictly in accordance with the Standing Order I have no doubt that there will be a unanimous vote for the motion.

Mr. RICHES (Stuart)—We all regret the necessity for the motion. I support the move to disagree with your ruling, Mr. Speaker, but I appeal to you to reconsider it in the light of the explanation given by the Leader of the Opposition. I understand you ruled his motion out of order on the matter of urgency, but surely the matter is urgent, for this is the last sitting day of the Session and the last opportunity the Opposition will have of criticizing in Parliament the action taken by the Government in instructing its representatives in the court. It is the Government's action that we want to discuss, not the matter that you say is *sub judice*. With the greatest respect, Mr. Speaker, I suggest that you do not rule Mr. O'Halloran's motion out of order on the score of urgency. I was interested in your second reason that the matter is before the court and therefore is *sub judice*. Will you, Sir, accept the explanation of the Leader of the Opposition and his assurance that the Opposition does not wish to debate any of the matters before the Court? The issue we raise is the action by the Government in its intervention in the court and asking for an adjournment of the case. That action is surely a proper one for debate in this House. I think it is a matter that any member could raise. I suggest, Sir, that it is competent for you to alter your ruling rather than force the House to proceed with the move to disagree with your ruling. Will you alter your ruling, seeing that the assurance given by the Leader of the Opposition alters the position?

Mr. FRED WALSH—Mr. Speaker, I understand that you gave your ruling because you considered the matter before the court is *sub judice*. Under which Standing Order did you give that ruling?

The SPEAKER—The member for West Torrens will realize that Standing Order No. 1 provides that where there is no special provision in our own Standing Orders the practice of the House of Commons applies. The practice has always been that matters which are *sub judice*, or a motion dealing with any of those matters, cannot be debated in this House. I have given two reasons, and the one he referred to is the second. Either of those reasons is sufficient in itself.

Mr. Riches—You are still satisfied that this matter is *sub judice*?

The SPEAKER—I have considered this matter carefully.

Mr. Riches—Not the matter we want to discuss.

The SPEAKER—The matter is related to it. I arrived at my ruling after careful consideration. It is the ruling of the Chair, and I am not prepared to depart from it.

Mr. JENNINGS (Enfield)—I support the motion disagreeing with your ruling, Sir, because I believe your ruling is wrong. You based it on two premises; firstly, that this was not a matter of urgency. I believe many members, if not the majority, think the matter raised in the letter to you from the Leader of the Opposition is one of the gravest urgency to the State, and Parliament should have the opportunity to discuss it today because this will be the last day we can discuss it. The Government may not be anxious to discuss it, but we are now discussing the Speaker's attitude. I cannot see anything in the Standing Order that you used to justify your ruling showing that the Speaker shall be the arbiter of what the House has to regard as urgent or not. We shall get, if possible, to an even more dictatorial state in South Australia than we have yet reached if we submit

to that position. Obviously, what one man may consider to be urgent someone else may regard differently. You, Sir, admitted that your other reason about the matter being *sub judice* was only a secondary reason.

Mr. Millhouse—No.

Mr. JENNINGS—That reason implies that rulings given by the last Speaker, who had long experience and was highly regarded by all Parties in the House, were wrong. We should not accept that because on numerous occasions in Parliament we have openly discussed matters that were before the courts. Surely that should be the privilege of what we like to regard as a sovereign Parliament? I hope that even at this late stage you will not be too proud to alter your ruling, but if you do not, I hope the House will disagree with it.

Mr. DUNSTAN (Norwood)—I support the motion. I must confess, with respect, that I am at a loss to understand your ruling, Sir. I can conceive of no more urgent matter that could be brought before the House. When the session is about to close and there is a matter which should be discussed, how can it be said that this is not a matter of urgency for the House to discuss? This is a matter of concern to many people and, seeing that before Parliament can again discuss it the matter will have been resolved, how can it be possibly said that this is not a matter of urgency?

Your second reason for disallowing the motion is that it deals with a matter that is *sub judice*, a matter of substance which is about to be adjudicated by the court. It does not. It is concerned purely with the action of the Government in its instructions to counsel, and that is a matter of Government policy, not of substance before the Board of Industry. We do not want to debate a matter that would in any way influence the decision of the Board of Industry about anything. The board has matters of substance to determine, but they are not canvassed in the notice given to you by the Leader of the Opposition. Therefore, it cannot be said that on the practice of the House of Commons this matter should not be discussed. It is true that the House of Commons does not discuss matters of substance before the court, but it often discusses matters of Government policy in its directions to Crown Law officers on matters before the court. The United Kingdom Government, for instance, instructed its Irish law officers on certain matters in the prosecution of people creating disturbances in Ireland. They were discussed night after night in the House of Commons, and the Irish law officers were expected to defend the Government's policy, and they did so, and those matters were never ruled out of order. The House of Commons was concerned about Government policy, not with launching prosecutions, and those things, although they were related to matters before the court, were never ruled out of order, nor should they have been.

Mr. Lawn—Is the Board of Industry a court?

Mr. DUNSTAN—I think it would be held to be a court for the purposes of this practice though it is not a court proper under our legislation, but I agree we should not debate here a matter of substance before the Board of Industry. However, we should not be denied the right, as members of Parliament representing the people, to discuss matters of Government policy in its general applications to the court, and that is what we want to do now. In those circumstances, I respectfully submit that the ruling that this is a matter *sub judice*, and therefore out of order under Standing Order 1, is not correct. With great respect, Sir, your ruling should either be reversed by you or be disagreed with by the House.

Mr. DAVIS (Port Pirie)—I regret, Sir, that you have ruled the motion out of order as not one of urgency. We on this side of the House consider that it is, for we claim it affects the majority of people in South Australia. We believe that an injustice has been done to the workers, and I think that when you consider the motion further you will alter your opinion. We have often been told in the House that the workers have a tribunal to go to when they want industrial justice, and those representing the workers have tried to do that. Now we find that the Government has changed its policy and is not prepared to let the people approach the appropriate tribunal.

The SPEAKER—Order! The honourable member is going beyond the scope of the debate. Members must debate only the Speaker's ruling on the motion before the Chair.

Mr. DAVIS—I disagree with your ruling because we claim this is a matter of urgency because the workers' representatives have not been given the right to put a case before a certain tribunal.

Mr. STOTT (Ridley)—This is a matter that concerns Parliament a great deal. I always regret having to disagree with a Speaker's ruling because I regard the Speaker as the

person in charge of the House. Standing Order 58 refers to the right of any member to move a matter of urgency. Such a member must be supported by four members of the House, but there is no reference in that Standing Order to matters being *sub judice.* Parliament is supreme. The privileges and rights of members must be paramount. I do not agree with the implication that has been made that the Government knew anything about this matter beforehand. I accept your version on that, Sir, but I am concerned about the rights of members, and it seems to me that an error of judgment has been made in this case on the question of who is to be the arbiter of a matter of urgency. Is not a member of Parliament, if supported by four other members, within his rights in debating a matter of urgency in this House? I am torn between two desires. I do not want to disagree with your ruling, Sir, but I do not want to deny a member the rights and privileges to which he is entitled.

The SPEAKER—During the course of the honourable member's remarks he referred to Standing Order 58. I want to make my position clear in case honourable members have some doubts about that Standing Order. The practice adopted by my predecessor in office—and which I adopted earlier this session when a matter of urgency was brought before the House by the Leader of the Opposition, and I accepted it as such—was that the Speaker should decide whether a matter was urgent. That has always been the practice in this House. Today I considered that this was not a matter of urgency and that, consequently, the motion could not be submitted to the House. Once the Speaker accepts it as a matter of urgency then the motion, if supported by four members, can be debated. Honourable members are not deprived of privileges or rights, because the safety valve is still there, inasmuch as the ruling of the Chair may be disagreed with. That matter is still open for debate.

The Hon. T. PLAYFORD (Premier and Treasurer)—As I understand the position, Standing Order 58 provides the method by which members can, without giving notice in the formal way, have a matter placed before the House. They send a letter to the Speaker, and if supported by a number of members, can have the matter discussed by the House, provided the Speaker accepts it as a matter of urgency. I agree with your ruling, Sir, that it has always been the Speaker's prerogative to determine whether a matter is urgent.

Mr. O'Halloran—Are you contesting the right of the House to disagree with the Speaker's ruling?

The Hon. T. PLAYFORD—No. No-one would suggest for a moment that the Leader is out of order in moving that the Speaker's ruling be disagreed with. I do not support the motion because I believe the Speaker's ruling is correct on both counts. Incidentally, in my opinion, if the Opposition desired to bring this matter before the House for ventilation, it would have been common courtesy to notify the Government of its intention. In this instance the Government had no knowledge whatever of this matter.

Mr. Stephens—Is that the fly in the ointment?

The Hon. T. PLAYFORD—No, it is merely a statement of fact. On previous occasions when a Speaker has ruled that a matter is not one of urgency his ruling has been accepted by the House. I believe the Speaker is the only authority competent to decide whether or not a matter is urgent. It is easy for members to contend that the matter to be discussed is not *sub judice,* but members know that this matter is at present before the court. I suggest that members are only making this digression this afternoon because of that. I ask the House to uphold the Speaker's ruling.

Mr. HUTCHENS (Hindmarsh)—I support the motion with reluctance. The Premier said that previous Speakers have ruled matters out of order because they were not urgent, but he did not contend that this particular matter was not urgent. No member has contended that it is not urgent. It is urgent and is of grave importance to many people in South Australia. The House will rise soon and we will have no opportunity of objecting to the Government's action on this matter. The Premier and other members referred to the question of whether a matter was *sub judice.* I think you, Sir, will admit that your predecessor was well informed on Standing Orders and for your guidance, and with the request that you reconsider your ruling, I draw your attention to *Hansard* of October 14, 1953. On that occasion the Premier asked the Speaker:—

Is there anything in our Standing Orders, Mr. Speaker, that prohibits comments on matters which are before the court for decision, and, if there is not, will you consider whether a Standing Order for that purpose should be made?

The Speaker replied:—

Under the Standing Orders Parliament has the widest opportunity for free discussion and debate and, although it is not the practice for

members to discuss in this House matters which are *sub judice*, no Standing Order particularly precludes a member from doing so.

No-one can argue, in view of that, that Parliament has not the right to discuss a matter before the court. Parliament is supreme and can discuss any matter even if it is before the court. The fact is that the Opposition does not desire to discuss the matter before the court; it merely wishes to protest against the Government's actions in that connection.

Mr. SHANNON (Onkaparinga)—I support your ruling, Mr. Speaker. Private members have ample opportunities for having matters fully discussed. They need only put a formal Notice of Motion on the Notice Paper. This particular matter has been before the court for some time. The Opposition had ample opportunity of ventilating it and its action in introducing this motion as an urgent matter in the dying hours of the session seems to me to be making a side issue of "urgency." It must have known for some days the grievances it wanted to air.

Mr. O'Halloran—The Government's decision was announced in this House yesterday.

Mr. SHANNON—It would have been competent for a question on this subject to be directed to the Government at any time.

Mr. STEPHENS—On a point of order! Is the honourable member in order in discussing this subject? He is discussing matters outside the motion before the Chair.

The SPEAKER—The honourable member cannot refer to proceedings that are going on before an industrial tribunal.

Mr. SHANNON—I have not referred to any court proceedings. I merely said that proceedings were taking place and that it would have been competent for the Opposition to direct questions to the Government on the subject at any time. The Opposition had ample opportunity of ascertaining the Government's attitude.

Mr. FRED WALSH—I would not have risen—

The Hon. T. Playford—You have spoken on this matter already.

The SPEAKER—Has the honourable member already spoken?

Mr. FRED WALSH—I merely asked a question of yourself, Sir.

The SPEAKER—If the honourable member rose to his feet after the motion had been put by the Leader of the Opposition, whether he merely asked a question or spoke at length, it was a speech and he cannot speak again.

Mr. FRED WALSH—I would like to explain the position, Sir. Your explanation may be a guide for the future. I wanted to frame my remarks on what you had ruled and I asked under which Standing Order you, Mr. Speaker, ruled that a certain matter was *sub judice*.

The SPEAKER—The honourable member has spoken to the motion before the House and he cannot do so again.

Mr. FRED WALSH—Then if a member rises on a point of order, he has spoken?

Mr. STEPHENS—The bell, indicating the time for Orders of the Day, has just rung. I understand that the debate on a motion for adjournment must cease at 4 p.m., but is there anything in the Standing Orders to say that the debate on a motion to disagree with the Speaker's ruling shall cease at that time?

The SPEAKER—This matter is governed by Standing Order 235, which states:—

If all motions shall not have been disposed of two hours after the time fixed for the meeting of the House, the debate thereon shall be interrupted, and the Orders of the Day taken in rotation.

Mr. RICHES—Although I do not wish to move that that ruling be disagreed with, Mr. Speaker, the position is that the motion to disagree with the Speaker's ruling could well arise at 5 p.m. or even later. That Standing Order could not possibly apply to such a motion moved at that time.

The SPEAKER—The debate is interrupted at 4 p.m. and Orders of the Day must proceed.

Mr. RICHES—This debate is on the motion to disagree with the Speaker's ruling, and such a motion may be moved at any time. Does any Standing Order limit the debate on such a motion?

The SPEAKER—Standing Orders provide that the Orders of the Day must be called on at 4 p.m. We cannot get over that. We must proceed with the items on the Notice Paper.

Mr. O'HALLORAN—On a point of order, am I right in assuming that the debate on the motion to disagree with your ruling has been interrupted and that, after the items appearing on the Notice Paper have been disposed of, we will be able to return to the debate on that motion?

The SPEAKER—I thought I made that clear when I indicated that this debate had merely been interrupted. When the Orders of the Day have been disposed of the matter can be brought forward on motion.

Later, after Orders of the Day had been disposed of, the House divided on the motion that the Speaker's ruling be disagreed with:—

Ayes (14).—Messrs. Bywaters, John Clark, Corcoran, Davis, Dunstan, Hutchens, Jennings, Lawn, O'Halloran, Riches, Stephens, Tapping, Frank Walsh, and Fred Walsh.

Noes (19).—Messrs. Bockelberg, Brookman, Geoffrey Clarke, Coumbe, Dunnage, Goldney, Hambour, Harding, Heaslip, Heath, Hincks, Jenkins, King, Laucke, Millhouse, Pattinson, Pearson, Playford, and Shannon.

Pair.—Aye—Mr. Loveday. No.—Sir Malcolm McIntosh.

Majority of 5 for the Noes.

Motion thus negatived.

LAND SETTLEMENT ACT EXTENSION BILL.

Returned from the Legislative Council without amendment.

SUPERANNUATION ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

SURVEYORS ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

WEEDS BILL.

Returned from the Legislative Council without amendment.

POLICE PENSIONS ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

STOCK DISEASES ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

METROPOLITAN TAXI-CAB BILL.

Returned from the Legislative Council without amendment.

METROPOLITAN MILK SUPPLY ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

MARKETS CLAUSES ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

ROAD TRAFFIC ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

ASSOCIATIONS INCORPORATION BILL.

Second reading.

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

That this Bill be now read a second time.

Its purpose is to repeal the Associations Incorporation Act, 1929, and to enact other provisions for the incorporation of associations. Legislation of this nature has been in force since 1890 and has proved of great benefit by providing a means whereby churches, schools, and other non-trading institutions may become incorporated and so that the property of the institution, instead of being held by trustees, is vested in the corporation. The present Bill proposes to re-enact the present scheme for the incorporation of associations but, in addition, provision is made for a number of matters not now provided for in the legislation but which it is considered would be beneficial to be included.

The definition of "association" is contained in clause 4. Included in the term are such as churches, schools, charitable institutions, recreation associations and so on, but it is provided that the term does not include an association formed for the purpose of trading or for securing pecuniary profit to the members. These provisions are similar to those of the existing Act. However, the Bill departs from the existing Act by including in the definition of "association" bodies formed for the purpose of administering funds for payment of superannuation and retiring benefits. The Government is informed that there is a number of these funds and considers that it would be beneficial to permit their incorporation under the legislation.

The Bill provides, as does the present Act, that the procedure to be followed before incorporating an association is to advertise that intention and then to make application to the Registrar of Companies. The present Act provides that, if any person objects to the incorporation of an association, he may apply to the Supreme Court for an injunction restraining the applicant from further proceedings. It is considered that this procedure could prove unduly expensive and the Bill

therefore provides that an objection to incorporation is to be made to the Registrar with an appeal from his decision to the local court. In addition, clause 7, as opposed to the present Act, sets out the grounds upon which objection may be made.

Clause 10 is also new law. It provides that the Registrar may refuse to register the incorporation of an association if the name is similar to that of any other incorporated body or a registered business name, if it includes such words as "limited," "proprietary," "co-operative," if its use is prohibited by law, or if it is not in the English language. The clause also provides that, unless the Governor consents to its use, a name is not to contain words such as "Royal," "Queen," "Crown," "Empire," "Commonwealth," or "State." A similar prohibition is contained in the Companies Act.

Clauses 13 and 14 are similar to provisions of the present Act and provide that the incorporated association may hold and deal with property in its corporate name and provide for the transfer of its property from trustees to the corporation. Clause 15 is a new provision and provides that every incorporated association is to have a public officer. It is obviously desirable that, as regards every body corporate, there should be some person upon whom notices and legal process may be served and upon whom devolves the duty of filing the returns required by the Act to be filed in the office of the Registrar.

The present Act places this duty upon the sealholders but, in practice, it is found that a duty placed upon several persons is apt to be neglected by all of them. It is considered that it is desirable, as in the case of companies, to have one person responsible rather than several. It should not be thought that the duties imposed on the public officer by the Bill are particularly onerous but it is desirable that the person given these duties should be defined. The clause provides that the public officer must be a resident of South Australia. It has occurred that all the sealholders of an association have either died or left the State and the present Act makes no provision for their replacement. Clauses 16 to 19 provide that where alterations are made in the rules of an association, notice of the alteration must be filed with the registrar. Similar notice must be given where an alteration is made in the name or objects of an association.

Clause 20 is new law and sets out the manner in which an association may enter into contracts, whilst clause 21 also enacts new provisions and gives an incorporated association power to act as a trustee for any other association or charitable body, to invest moneys in trustee securities, to operate bank accounts, and to borrow money. Clause 22 is also new law. It provides that, after giving notice of its intention, an association may, consistent with its rules, transfer all its property to another association or to a charitable institution. A person interested may object to this action by proceedings in the local court. If property is transferred in this manner the association will then be dissolved. It sometimes happens that an association ceases to be active and the remaining members wish to transfer the assets of the association to some suitable organization and then dissolve the association, but there is often no method, apart from expensive legal proceedings or Act of Parliament, whereby the association may pass over its assets to another association or to some charitable body.

Clause 23 is existing law and provides that where an association holds property subject to trust it may apply to the local court for an order, in a proper case, to dispose of the property freed from the trusts. Clauses 24 to 27 are substantially similar to the present Act and provide means for the winding up of an association or the cancellation of the registration of an association.

Clause 28 is new law and provides a means whereby two or more associations may be amalgamated. Clause 29 is identical with section 401 of the Companies Act and provides for the limitation of liability of members of an incorporated association. Section 401 is repealed by clause 3. The remaining clauses in large degree follow provisions of the existing Act and deal with various administrative details such as the service of notices, inspection of documents, the making of regulations and rules of court, and so on.

Mr. O'HALLORAN (Leader of the Opposition)—This Bill has been considered in another place, which has given me an opportunity to learn what it contains. It has a number of virtues, not the least of which is that the old provisions have been repealed and new provisions enacted. People interested in matters covered by the legislation will now be able to readily ascertain the law. I support the second reading.

Mr. GEOFFREY CLARKE (Burnside)—I support the Bill. This is an extremely valuable Act for non-profit-making institutions in South Australia, and it has no parallel in

other States. I approve the inclusion of superannuation funds in this type of legislation. Many such funds are run by trustees who often find themselves in legal difficulties when one of the trustees dies. The appointment of a public officer will assist. Clause 10 concerns me a little. There are a number of societies in South Australia that lawfully enjoy the privilege of prefacing their name with the word "Royal," because it has been granted to them under Royal Charter, and Her Majesty the Queen has graciously granted her patronage to the societies. I think the Minister should have a look at the clause for should the use of these words not be granted except with the consent of the Governor, it seems to me that the Royal prerogatives are undermined as permission has already been granted by Her Majesty the Queen.

Mr. STOTT (Ridley)—I support the Bill. No objection can be taken to it. It departs from the existing Act by including a definition of "association" bodies formed for the purpose of administering funds for payment of superannuation and retiring benefits. The Bill also provides for every incorporated association having a public officer so that there will be some person upon whom notices and legal process may be served and upon whom devolves the duty of filing the returns required by the Act to be filed in the office of the registrar. Under the old Act this was left to sealholders, but if they died there was no provision for their replacement and no-one to accept responsibility. The duty of the public officer is clearly defined in the Bill. That is not the position with the Act. The duties set out in the Bill are not onerous. In the main the Bill deals with forms of administration. Clause 20, subclause (1), says:—

A contract which, if made between private persons, would by law be valid although made by parol and not reduced into writing may be made by parol on behalf of the association by any person acting under its authority expressed or implied.

I think the use of the words "expressed or implied" is rather loose. A clerk or an office boy may be going around and it may be implied that he is acting with the authority of the association. I would like to have an explanation from the Minister on this matter.

Mr. FLETCHER (Mount Gambier)—I support the Bill, which I was dubious about until I carefully perused it. It is legislation that is long overdue and will be helpful to associations in Mount Gambier and other towns. In many instances trustees have died and the associations have been left in difficulties.

Bill read a second time.

In Committee.

Clauses 1 to 11 passed.

Clause 12—"Effect of registration."

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

In subclause (1) after "it" insert "and the members thereof for the time being"; and in subclause (2) after "seal" insert "and shall be capable of exercising all the functions of an incorporated body."

Both these amendments are for the purpose of making it clear that, after the registration of the incorporation of an association, it and the members constitute a body corporate and that the association can exercise the functions of a body corporate. The amendments follow the language of section 24 of the Companies Act which deals with the effect of the incorporation of a company.

Amendments carried; clause as amended passed.

Clauses 13 to 19 passed.

Clause 20—"Contracts."

Mr. STOTT—I think this clause is loosely worded. What do the words in paragraph II of subclause (1) "any person acting under its authority, express or implied" mean?

The Hon. B. PATTINSON—In my second reading speech I said:—

Clause 20 is new law and sets out the manner in which an association may enter into contracts.

This is new law as regards this legislation, but it is not new law generally. It has been copied from similar provisions in the Companies Act, Local Government Act and several other Acts, and the verbiage is practically standard in Acts of this nature. It simply means that contracts made with an incorporated association are binding when made with one of its officers, just as contracts are binding when made with an incorporated company or local government body. They are just as binding as contracts made between two private persons. There is no more risk in accepting this clause than there is under similar provisions in the Companies Act and numerous other Acts. The honourable member need have no fear about its operation.

Clause passed.

Clause 21—"General powers of association."

The Hon. B. PATTINSON—I move—

After paragraph (*a*) of subclause (1) to insert the following paragraph:—

(*a*1) to accept and hold upon trust any real or personal property which is given to the association subject to any trust and to carry out any such trust:

Clause 21 provides that, subject to its rules, an incorporated association may act as a trustee for another association, invest its money and so on. The amendment extends these powers by providing that an association may accept a gift of property upon trusts and may carry out these trusts. There is some legal doubt as to the powers of an incorporated association in this regard but it is obvious that the power proposed is a proper one to be exercised by an incorporated association.

Amendment carried; clause as amended passed.

Remaining clauses (22 to 37) and title passed.

Bill read a third time and passed.

Later the Legislative Council intimated that it had agreed to the House of Assembly's amendments.

MARRIAGE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 1. Page 1364.)

Mr. O'HALLORAN (Leader of the Opposition)—This is one of those Bills that can be properly included in the category of difficult legislation. It interferes with the common law concerning marriages. I firmly believe that the common law—which is the oldest law of all, dating back to tribal days—should not be interfered with unless there is good and sufficient reason. In deciding my attitude on this Bill, I have not received any support from the policies of my Party or from my colleagues in this House. The Labor Party does not take a stand on moral and social issues. It believes they are beyond the realms of Party politics and that members should be free to hold divergent views. Possibly in the course of this debate I shall find some of my colleagues expressing contrary views to my own.

I asked myself three questions concerning this legislation: Firstly, whether there has been any substantial request for it; secondly, on what premises was such a request based? and, thirdly, are there any worthy precedents for such legislation? The first question has been easily answered by the League of Women Voters in South Australia which recently forwarded to me a circular type of communication expressing the views of many responsible organizations on this topic. Those organizations include the Adelaide University Women Graduates Association, Business and Professional Women's Club, Church of Christ, Civilian Widows Association, Housewives Association, League of Women Voters of South Australia, Methodist Church, Women's Welfare Department, Salvation Army, S.A. Country Women's Association, S.A. Medical Women's Association, Women's Christian Temperance Union, and Women's Justices Association of South Australia. That is a formidable list of important organizations. They have apparently given mature consideration to this question of the marriage age.

I next sought precedents for this type of legislation. In England the legal age at which a marriage could be contracted was 12 for women and 14 for men, but in 1929 the Mother of Parliaments increased the ages to 16 years for both sexes. The Mother of Parliaments would not interfere with the common law unless it had some substantial evidence for such interference. New Zealand followed the English lead and increased the marriage age in 1933. Other countries which have a marriage age as high as or higher than that applying in England include France, Germany, Sweden, Norway, Turkey, Spain, and Japan. Tasmania passed legislation in 1942 providing for a minimum marriage age of 16 for girls and 18 for boys. The League of Women Voters wrote to the Tasmanian Premier for his opinion and his reply was that the age prescribed seemed to meet with general approval. I am pleased that this Government is following the excellent example of the Tasmanian Government because in 1942 it was a Tasmanian Labor Government and that Government, despite attempts to overthrow it, still retains power by the will of the Tasmanian people.

Mr. Brookman—You are making a political speech on a social issue.

Mr. O'HALLORAN—I was merely pointing out that although this type of legislation had been introduced in Tasmania in 1942, the Government is still in power, which indicates that there must be some substantial support for this legislation in Tasmania. It has been suggested that this legislation will lead to difficulties. It has been contended that if a girl below the legal marriage age gets into trouble through some seducer and a marriage is not permitted, an illegitimate child will be born. Generally speaking, the main reason

for an early marriage is to keep the seducer from going to gaol, where he belongs. In most cases such marriages are on the rocks before the unfortunate female victim reaches her majority. That is one of my main reasons for supporting this Bill.

I realize that even after this Bill is passed it will still be necessary in the case of minors to obtain the consent of the Chief Secretary to a marriage of a girl over 16 and a boy over 18 when the parents capriciously withhold their consent. It has been suggested that the task of deciding whether or not marriages of minors should take place, irrespective of age, should be placed on the Chief Secretary's shoulders. I do not agree with that proposal. Parliament must take the responsibility, and in accepting this legislation it will be following the example of England, New Zealand, Tasmania and other countries. I suggest that instead of there being unfortunate consequences, the number of broken marriages will be reduced. The fact that the seducer will lose his means of escaping a gaol sentence which he deserves, will probably have a protective effect on the young women of this community. I support the second reading.

Mr. MILLHOUSE (Mitcham)—I support the Bill, but with one great reservation. I regret that it has been introduced so late in the session. As the Leader of the Opposition (Mr. O'Halloran) said, this is a difficult piece of legislation. It was dropped last year because of its controversial nature and it is just as controversial today as it was then. The Bill is substantially the same as last year's Bill and there was no real reason why it could not have been introduced earlier in order to allow members to give it fuller consideration.

Mr. John Clark—Especially after what happened to the Bill last year.

Mr. MILLHOUSE—Yes. Beyond doubt this Bill deals with a matter of very grave importance. Through its provisions we are interfering with the rights, responsibilities and, to some extent, the family ties of the people of this State. The family is the basic unit of our national life and family relationships should not be interfered with lightly. Although we are only interfering with them in some cases and to some extent we should gravely consider the consequences of doing so at all. The reason given by the Minister in his second reading explanation for the introduction of this Bill is that it will protect people from unhappy early marriages. I agree entirely that young people should be protected and that marriages taking place in circumstances about which we all know are, as a rule, unhappy. We are talking about what in four out of five cases may be termed "shot-gun" marriages. Such marriages are unlikely to be happy whatever the age of the parties at marriage. I do not agree, however, with Mr. O'Halloran that this Bill will do anything to improve the morals of anyone in South Australia; indeed, I do not believe you can improve morals by legislation.

Mr. John Clark—You can sometimes deter people.

Mr. MILLHOUSE—Yes, if they know about the law, but is it reasonable to believe that girls under 16 and boys under 18 will know about this legislation before committing an act?

Mr. Quirke—Or worry about it afterwards?

Mr. MILLHOUSE—Yes. You cannot improve morals by legislation, yet the Bill tries to do that to some extent. Although it may protect young people from unhappy early marriages—and while it does that it does a good thing—it will also bring another evil in its train. In explaining the Bill the Minister said:—

> It was argued (by the deputation) that where an unmarried girl becomes pregnant the parties are forced into marriage by their parents.

True, parents should be in the best position to know what is best for their children because they know the children and the circumstances, but they are not always in the best position, for sometimes their pride overrides their judgment. Nevertheless, it is the parents' right and responsibility to make these decisions and we, as a Parliament, should not lightly brush aside that right and responsibility. Yet that is just what we are doing in this Bill, for we are imposing a blanket rule in all cases where either party is under the age stipulated and taking away entirely any possible discretion in those circumstances, either of the parent, the Chief Secretary, the court, or anybody else.

Mr. John Clark—We are following the precedent of the Mother of Parliaments.

Mr. MILLHOUSE—Yes, but the ages there are not the same: they are 16 years for both boys and girls. That is all right, but I will have a little more to say about two other precedents that have been mentioned, both by the Minister and Mr. O'Halloran, for in both New Zealand and Tasmania discretion is provided by the legislation. I do not mind who has the discretion, so long as it is provided for the rare and exceptional cases. Even the Minister in his second reading explanation

did not say all such early marriages would be unhappy, and I believe it is undoubted that there will be the rare and exceptional cases where such a marriage will pan out satisfactorily.

Mr. Hambour—Why rare?

Mr. MILLHOUSE—I do not want to argue that; there may be a number. My point is that not all such marriages will be failures and unhappy: there may be one in 10 or one in five that are happy. Certainly there will be some circumstances in which the parties should have the chance to marry, yet we are cutting that out. The present law, although it may be imperfect, certainly allows a discretion, which I believe should be continued. What is the law in South Australia? We are governed by the common law in this matter, which lays it down that the ages shall be for a girl 12 years and for a boy 14 years. Any marriage contracted under those ages may be avoided. At first sight, those ages may strike one as shockingly low, but the statistics do not show much abuse of them. I have had prepared a few figures to show how many marriages take place in South Australia when children are at those ages. In 1955 no females of 13 years of age, only one of 14 years, and 31 of 15 years married.

Mr. John Clark—There hasn't been a 13-year-old girl married here since 1942.

Mr. MILLHOUSE—However many there are, there are few at 13 and not many at 14. No boys of 13 years were married in 1955, none of 14, none of 15, only two of 16, and 19 of 17 years of age. They are the relevant figures for the boys and show that, although legally we may consider the age is too low, in fact very few marriages of minors below those two ages take place. The law, however, goes further than that, because if either party is under the age of 21 he or she must obtain parental consent unless it is unreasonably withheld (to use the terms of section 26 of the Marriage Act), in which case the Chief Secretary has a discretion to override that lack of consent and allow the parties to marry. That is the present position of the law and it can be summed up by saying that our Statute law—the Marriage Act—and our common law, which is after all the basis of much of the law of this State, bends over backwards to allow of a discretion and of justice being done in an individual case. Indeed, it goes to extreme lengths to ensure that no injustice is done in the case in which a marriage should take place.

That is the position under the present law, yet this Bill takes away that discretion entirely where the boy is under 18 or the girl under 16 years of age. I believe that is wrong. Let us consider the effects upon a boy or girl prohibited by this Bill from marrying. Undoubtedly the effects on the girl are likely to be more far-reaching. First of all, in most cases the girl will be pregnant, which means that, if this Bill passes, her child will be compulsorily illegitimate. There can be no escaping that. It is all very well to say we must consider whether or not the marriage is likely to be happy. That is true, but we must also consider the interests of the unborn child. We should not entirely dismiss that consideration from our minds, yet if there is no possible way in which that child can be born in wedlock we are dismissing entirely the interests of the unborn child, because in every case the child will compulsorily be born illegitimate. Certainly, the Bill provides for subsequent legitimation if the parents marry after the birth of the child, but how many of these marriages will never take place? Indeed, far more will not take place—and should not take place—than if marriage were allowed immediately.

Even if the parties are allowed to marry subsequently when the disability is removed, what will they do in the meantime? They will either live together as man and wife or they will part. The most obvious course is that they will live together until they are able to marry, which in itself is an evil that should not be tolerated if it can be avoided with justice and without damaging the principal objective of the Bill. If the parties do not marry under this provision the prospects of the girl ever subsequently marrying are reduced. If it is known that she has had an illegitimate child, and she has it with her, her chances of subsequent marriage are drastically reduced. Some thought should be given to the girl's good name and the family. Members may not agree with me but there is something in it and we should not ignore the consideration altogether. The boy is in a far happier position.

Mr. John Clark—Usually he is not a boy.

Mr. MILLHOUSE—Yes, but I am talking about the boy under 18. The matter was raised last year and I am surprised that the Government did not try to overcome the difficulty. Under section 55 of the Criminal Law Consolidation Act it is a defence to a charge of carnal knowledge if the boy shows that he was under the age of 17 years and that he believed the girl was between 16 and 17. In other words, if the girl is between 16 and 17 and the boy

is of the same age under the Criminal Law Consolidation Act it is no offence for them to have had intercourse, but on the other hand they cannot get married.

Mr. Hambour—It is open season.

Mr. MILLHOUSE—Yes, and that is a loophole in the Bill. A boy between 17 and 18 who had intercourse with a girl of that age cannot marry her and cannot be convicted of an offence. That should not be permitted without some alleviation of the position. Whilst there is a case for raising the ages I do not believe we should at the same time take away discretion in individual cases, which the law now provides. In most other Parliaments where the age of marriage has been raised there is still discretion. It is not, so far as I know, allowed in Great Britain, but it is in New Zealand, under section 18 of its Marriage Act, not the same as we would like here, but there is a discretion in individual cases.

Mr. John Clarke—Who has the discretion?

Mr. MILLHOUSE—It is a matter of licensing in New Zealand. I will let the honourable member have a look at the Act. The Leader of the Opposition rightly extolled the Tasmanian provision. I agree that it is a good one, and that it has worked well. Section 18 of the Tasmanian Marriage Act states:—

(1) No marriage shall be celebrated if either of the intending parties thereto is under the age of (i) 18 years in the case of a male; or (ii) 16 years in the case of a female, except in pursuance of an order made under this section.

(2) If after such inquiry as he thinks necessary the Registrar-General or police magistrate is satisfied that for some special reason it is desirable he may make an order dispensing with the requirements of subsection (1) hereof.

In other words, if the Registrar-General or Police Magistrate believes there is special reason why the parties should marry they are allowed to do so. The Tasmanian legislation raised the age but it gave a discretion. It is well known that a similar Bill to this was introduced last year as a result of representations made to the Government by a number of organizations in Adelaide. It is ironical that they suggested a discretion. On receipt of a letter from organizations in Adelaide asking for my support to this Bill I wrote to them, and I appreciate their letting me have a copy of their submissions to the Chief Secretary in asking that the marriage age be raised. I have it here and will let interested members have a look at it. They asked for a discretion. In fact they specifically referred to the Tasmanian provision and said:—

Those who have had experience with these cases agree that illegitimacy is the lesser evil. There are exceptions, of course, but they are rare. Tasmania has created a precedent for Australia regarding the minimum marriage age (16 years for females and 18 years for males) with provision for special cases which in our opinion might be followed with advantage here.

In other words, whilst the organizations asked that the age be raised they also asked that the discretion should be retained, and that is how I view the matter. While I am prepared to believe that the age should be raised and support the second reading I think the Bill should be amended to allow for a discretion. I shall move in that way in Committee.

Mr. TAPPING (Semaphore)—The Leader of the Opposition made it clear that this Bill is not to be dealt with on Party lines, so at times we may hear differing views of members on both sides of the House. The Bill should be abandoned by the Government, which was unwise to introduce it at such a late stage of the session. It is of a social character and needs much consideration. Most members will want to talk on it, but because the House will rise tonight or early tomorrow morning some members may not be able to speak. Mr. Millhouse said he had received a letter from organizations seeking his support for the Bill. No doubt it was because of their representations that the Bill was introduced. In connection with many Bills we have had letters from organizations asking us to either support or reject them. Some letters have been dogmatic and theatening, but despite what I have said we do appreciate getting the views of people on various matters. I shall dispose of the letter I have received on this matter and give it no consideration at all.

No Parliament can legislate to control marriage, which is a natural happening. The more we try to control the position the more we will fail. The only way to overcome the need for early marriage is to give greater education to children at school. One weakness today is that parents fail to be frank with their children. There is too much secrecy about sex and consequently many young people go out into life in ignorance. If the parents told their children about these things we would not have so much trouble today. There is no reason why greater education on the matter should not be given in schools. In these days of advanced maturity the girls of 12 years of age could be told the position. At that age they are on the verge of womanhood and should be told the facts of life. We must

be realists in this matter and if a girl becomes pregnant and delivers a baby when she is 15 she must, under the Bill, wait another year before reaching the marriage age. In the meantime the child is born out of wedlock. In some cases, if the boy and girl were permitted to marry with the consent of the parents there would be no reason why it should not be done, but if they have to wait a year there may be a change of mind. Who suffers under such circumstances? Only the offspring can suffer, for it is marked for life as illegitimate. It is said that later, if the parents marry, the child is legitimized. If we stood by the present legislation we would do better. I believe it is morally wrong and un-Christian to mark children for the rest of their lives as illegitimate. I think this Bill is a retrograde step, and therefore ask the House to reject it.

Mr. HAMBOUR (Light)—There has been some preliminary discussion on this Bill, but I do not know the attitude of the House on it. I am particularly troubled about the measure, because it deeply affects the lives of people. The Leader of the Opposition said that his colleagues will vote as they see fit, and I can assure him that members on this side will do likewise. I will oppose the second reading stage, and not wait until the Bill gets into Committee.

The Leader said he would require a good and sufficient reason to support this Bill. I have looked for reasons, but I have not found any sufficient reasons to support it. The Tasmanian marriage age has been quoted, but that does not influence me. Just because people cannot marry until 16 in Tasmania, or the fact that this law was passed by a Labor Government, does not mean that it is good. It is the accumulation of individual opinions that makes a Bill into an Act of Parliament, and opinions depend entirely on the attitude of the people concerned.

I want members to understand that I do not intend my remarks to reflect in any way on any opinion that is different from mine. It has been said that the Tasmanian Government has stated that the law there has met with general approval; that could mean the general approval of members of Parliament or of the public. Members of the public are not concerned about this Bill, because it could affect only a very few people, and the few who would be affected would not give evidence before any Parliamentary inquiry. We must look at the picture as it might affect the community, or our own daughters. This is a human matter, and we should treat it in that way, not as cold legislators.

The term "shot-gun marriages" has been used, and I object to it. If two unfortunate people are brought together and married, I think it is wrong to start them off by saying that they have entered into a "shot-gun mar riage." Their marriage should be treated with the same respect as any other. This is a Government measure, but I believe it was introduced at the request of certain organizations. I do not doubt their sincerity, nor do I doubt the sincerity of those who will support the measure, but I question the judgment of people who caused it to be introduced, although I realize they are leaders in our community.

I do not think this matter can be dealt with by the rigidity of the law. Those in favour of the Bill have not had any association with the people who would be subjected to its provisions. The more we enter into public life and have to deal with public associations, the more our emotions become disciplined. In other words, we behave ourselves, and suffer from repression. That does not apply to young people who will be affected by this measure. Two points were made in the second reading speech as being in favour of the measure, the first of which was the financial side, although this is only a minor matter.

Mr. Lawn—Many cannot marry at 21 because they are not financially able to do so.

Mr. HAMBOUR—The honourable member misses my point. The Government says that these unwanted children become the responsibility of the State—and we are supposed to be the State. Then there is the angle of unhappy marriages which I think can be confined to two reasons. The economic question of the State's liability does not impress me one iota. Has the number of little children that cannot be cared for by the parents increased? If so, at least there is a silver lining in that we have some more really good Australians in the making. In my limited experience I find that parents or grandparents usually come to their aid if young people are not able to support their children, so when it is whittled down the number who may become the responsibilty of the State is very small indeed, and I am sure that it is not a financial problem to the Treasury, so that argument does not interest me one bit.

It was said in the second reading speech that some of these young people do not earn enough to live on, but if young people are in love and

happily married the economic side of the situation ought not to come into the question. I have known young people who have battled along in the hard way in the early years of their married life and received help from parents or neighbours or friends, so I do not believe that that should be advanced as a reason for the carrying of this measure. The next question, and the main reason advanced in support of this Bill, is that of unhappy marriages. There may be instances of impossible situations caused through these marriages, but it must be remembered that we also have divorce laws, so that marriages can be annulled. I do not believe in divorce, but a lot of people in our community accept our divorce laws, and where people are unhappily united they can be happily disunited.

It is said that anyone who sins must suffer, and the supporters of this Bill class those people who are forced into these situations as sinners. If that is the case they should put up with some inconvenience, but I am not prepared to let the child that is to come suffer from the sins of his parents.

Mr. O'Halloran—But you are prepared to let the seducer escape the consequences of his act.

Mr. HAMBOUR—I will deal with the seducer in a moment. Much has been said about the people who are unhappily married and how much it would cost if unwanted children became a charge on the State. If you want to wrap it up in pounds, shillings and pence, this child is still a better and cheaper Australian than any we can bring into the country. What does it cost to bring up a child to the stage where it can earn its own living compared with the £2,000 or £3,000 that it costs to establish a New Australian? If we can produce them we should be quite happy to spend that amount of money on them.

According to statistics, in five years 94 girls and 86 boys under the ages proposed in this Bill were married. It is not stated whether any of those 86 boys married some of the 94 girls, so I have to assume that the boys married girls who were not involved in this Act and the girls likewise married boys not involved, so we have a grand total of 180 people, or 36 a year, who were involved. How many of them are unhappy? I know of a girl of 15 who had to marry a man because she was with child. The man was sent to gaol for 18 months, but he was allowed to marry the girl before he went to gaol, and today they live in the country and have five delightful children who are now almost grown up. They are as happy a married couple as any I have met, so it cannot be said that as a general rule all couples married under those conditions will be unhappy.

Marriages are of varying degrees of happiness. There are some marriages of extreme unhappiness, while other couples are extremely happy. Most married couples work out their problems and find that they can tolerate one another. As a matter of fact, I think that young married couples may be happier than older people because they can put up with each other more easily.

Statistics are of little use in assessing whether married people will be happy. I believe that the findings of the Kinsey investigations were of no value. How many people would tell a statistician of their experiences of love, emotions or marital relations? Those who did would tell only what suited them. We must consider this legislation from what we have seen of life. I have spoken of happiness in marriage because that is something that Parliament cannot gauge, nor can any people connected with certain organizations gauge the happiness of other people. Indeed, I would like to look in their kitchens and observe their domestic life.

The Bill proposes that males under 18 and females under 16 cannot marry. This would mean that the birth of a child would bring shame on the mother and commit the child to illegitimacy for at least a year. The Leader of the Opposition said that if we passed the Bill the male concerned could be prosecuted. He argued that the man could be dealt with because he could not marry the girl concerned, but will that help anybody? What good will it do if we send him to the reformatory or to gaol? When he was speaking on a similar Bill last year the member for Norwood (Mr. Dunstan) said:—

> In the overwhelming majority of cases where a marriage takes place between a boy of 18 years of age, or a girl under 16 years of age, and another person the reason is not so much one of mutual attraction but something else.

He could not prove that most of these marriages fail. Happiness is the result of relationships between people. What is attraction between man and woman? People living in civilized countries are supposed to be enlightened, but are they any happier than illiterates with no education and with but one entertainment in life? We must make up our minds on this question in the light of our experience in life. We cannot imagine or gauge the

emotions and happiness of other people; we can only experience our own.

Last year the member for Mitcham (Mr. Millhouse) approached the Bill cautiously, and he did so again today. I presume he is still not too enthusiastic about it, for he queried whether Parliament was in a better position to discuss the problem than parents. He said last year:—

Whether or not two people should marry depends on the personalities and the maturity of the parties.

How can we legislate on maturity and personality? Do we want to know the bust and waist measurements to test maturity? He also said:—

What are the effects on a pregnant girl of her non-marriage? If she is not permitted to marry and has a child, which under this Bill would be illegitimate, her chance of a subsequent happy marriage is materially reduced. She may have made only one mistake, but for it she may be penalized for the rest of her life.

Her child will be dubbed a bastard, and that is what is objectionable to me. When I was at school a child was pointed out to me and called by that name. The former member for Torrens (Mr. Travers) spoke on the Bill last year and started by saying, "I am not very happy about the Bill." He concluded by saying, "We should not take any step to force illegitimacy on the one hand or abortion on the other." How true! If couples cannot marry and the girl is pregnant the result is either illegitimacy or abortion. I think the member for Gawler (Mr. John Clark) said that the couple could go to Victoria and marry, but that was a weak argument.

The basis of the Bill is wrong because all people, whether born in wedlock or not, are equal. Unfortunately, the State does not recognize that. We have just debated the Workmen's Compensation Act Amendment Bill, which illustrates my point. The happiness of a child is of paramount importance, and his future must be protected by Parliament.

Mr. O'Halloran—That is exactly what the Bill does.

Mr. HAMBOUR—No, a child born out of wedlock will have to go through a period of illegitimacy.

Mr. Riches—Why do you say that the State does not treat everybody equally?

Mr. HAMBOUR—We are only just recognizing the rights of illegitimate children in the Workmen's Compensation Act. By this Bill are we seeking to amend the laws of our Creator? Were we born into the world to stifle our emotions and fit in with a society that has been rigged up over the years? A hundred years ago people married at an earlier age, but civilization has become confused and we are trying to re-arrange the laws of nature. This Bill legislates against people who are supposed to be not fit and proper persons to be married and indulge in a relationship for which they are biologically fit. It has been said that the present law provides an escape for seducers of young girls in that they may marry and not have to go to gaol, but a man will not marry a girl unless he has some affection for her.

Mr. Dunstan—What nonsense!

Mr. HAMBOUR—Unfortunately, some members, because of their culture or profession, become colder and colder, but I say that the average man will not enter matrimony without having some affection for the other party. I point out that to avoid prosecution a seducer must get the approval of possibly five people before marrying a girl—the girl, and the two sets of parents. That is not so simple as some members say. People often use "seducer" wrongly. I believe a seducer is a man who does everything for his own personal gratification, but in most cases there is no intention of betraying the girl. If two young people are attracted physically there is a great chance of their marriage being a success.

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

Mr. HAMBOUR—This Bill is not an analysis of what makes successful marriages. Where young marriages are brought about through illicit intercourse, the couples at least have established sexual compatibility. Lack of sexual appreciation has been responsible for many unhappy unions. Biologically young marriages are sound, but by this legislation we are trying to suppress human associations which hitherto have been blessed by holy matrimony. It will force young people beyond the pale accepted by society. What will be the result? Mr. Travers summed it up in three words—"Bastardy or abortion." One cannot control sexual indiscretions or human nature. The provision allowing a child to later become legitimized is just a legality and does not lessen or remove the stigma that will be attached to it by society.

The majority will not marry after suffering the disgrace and publicity inflicted upon them by this Bill. Even if they did the child is still born out of wedlock and will always be subjected to that fact by the unkind. Man knows

no greater insult than being called a bastard. The insult reflects on the person we all love best—our mother. I ask that the decision **be left with the parents,** whose love and regard for the future of their children will always be a better determining factor than any legislation.

My first consideration is for the child. Whether the responsibility for its care falls on the State or not does not influence me in the least. I do not accept that so many go to the State. I believe there are homes for all, with kind and loving people. The question of whether a young couple can afford to get married is not an issue at all. The people of this State are such that they will help young people through their difficulties and problems. I do not believe parents will sacrifice their daughter to some unprincipled person merely to save her reputation. The girl's wishes will always be a consideration. The fear of prosecution alone will not force a young man into marriage that is distasteful to him. There must be some affection. What is proposed for boys between 16 and 17 years? They will not be able to marry. Will there be an open season? What purpose will penalties serve? I oppose this Bill. Parliament should not interfere in what is now controlled by the parents and the parties concerned.

The Hon. C. S. HINCKS secured the adjournment of the debate.

APPROPRIATION (FLOOD RELIEF) BILL (No. 2).

His Excellency the Governor's Deputy, by message, recommended the appropriation of such amounts of the general revenue of the State as were required for the purposes mentioned in the Bill.

The Hon. T. PLAYFORD 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 appropriate a further sum of £800,000 out of the revenue of the State for flood relief.

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.

The Prime Minister has advised me that the Commonwealth Government will make the State a grant of up to £800,000 on a pound for pound basis of expenditure by the State. The grant is made up of £50,000, already made available for personal hardship and paid to the Lord Mayor's Relief Fund; £250,000 for flood-damaged roads; £250,000 for protective measures during the emergency; and £250,000 for replacement of embankments on the lower river areas. The grant is made to the State Government as a reimbursement of 50 per cent of the amounts expended by the State on the above allocations.

Parliamentary appropriation has already been given to the expenditure of £800,000 by the State for flood relief purposes, £300,000 by Appropriation (Flood Relief) Act No. 1, 1956, and £500,000 provided for in the Estimates. The total amount available for expenditure is £1,600,000—£800,000 from the Commonwealth and £800,000 from State funds. The purpose of this Bill is to seek Parliamentary authority for the State to expend the additional £800,000 which will be repaid by the Commonwealth by way of grant. Clause 1 is the short title. Clause 2 authorizes the issue of £800,000. Clause 3 sets out the purposes on which the money may be expended and appropriates the amount for those purposes.

Actually, the Bill is introduced for technical reasons. It is Commonwealth money, but because it has been passed over to me as Treasurer of this State it is necessary to provide for an appropriation to enable the expenditure of the money. We cannot spend it unless there is a Parliamentary appropriation. The money has been provided for a specific purpose and it cannot be diverted o any other purpose.

Mr. O'HALLORAN (Leader of the Opposition)—I do not think the amount provided by the Commonwealth will be adequate to meet the emergency created by the flood, but it is all that is available at the moment. The Commonwealth has directed how it must be expended. From the Premier's remarks, I assume that of the £250,000 provided for replacement of embankments some will be available to assist in the restoration of private embankments.

The Hon. T. Playford—I will explain that in Committee.

Mr. O'HALLORAN—It is not for us to quarrel with the Commonwealth's directions how it must be spent. I hope this Bill will pass without unnecessary debate or delay. Just prior to the resumption the Premier intimated that Parliament would re-assemble on February 5 next. We will then be in a

better position to assess what additional assistance is required. I support the Bill.

Mr. KING (Chaffey)—I join with the Leader of the Opposition in his remarks on this Bill, which is really a recognition of a Commonwealth grant. The Commonwealth Government should be thanked for what I hope is an interim gesture, as this sum is small compared with the total amount of the damage. It will, however, at least enable the State Government to do a worth-while job, whereas its finances would be seriously hampered if it had to carry the burden alone. I trust that later another Bill of the same nature, but with a different amount, will be introduced.

Mr. BYWATERS (Murray)—I believe the grant from the Federal Government is insufficient and I, too, trust it is only an interim sum. I hope that a case will be presented to the Federal Government for a further grant, as this money will not go far. I do not argue about the sum of £250,000 to be spent on protection work, but the same amount for roads will be inadequate in view of the condition of the roads. The sum of £250,000 for the rehabilitation of embankments will be supplemented by another £250,000 from the State Government and, although this may enable the repair of Government banks, unfortunately nothing has been said about private banks, and the small groups of settlers on private swamps will find it difficult to re-establish themselves and re-build their banks.

I trust, therefore, that some means will be found to enable them to get back into production. I believe this assistance will not be sufficient in many cases where settlers are working on mortgages and will therefore find it hard to borrow more money. Their security has gone, and I trust some move will be made to borrow money on their behalf so that they can get back into production because, if they are not given that opportunity, land sharks may cash in on their misfortunes.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Appropriation."

The Hon. T. PLAYFORD (Premier and Treasurer)—As the Leader of the Opposition (Mr. O'Halloran) implied in his second reading speech, I altered the text of the second reading explanation by deleting the word "Government." In this matter, of course, we are under instructions from the Commonwealth Government as to how the money will be spent. I have not yet received the official letter from the Commonwealth Government setting out the full instructions that I must follow; therefore at present I am obliged to follow the general text provided by a telegram I have received. I understand the official letter will be received next week. The telegram states:—

Reference your letters September 20 and October 15 regarding flood damage and flood relief Commonwealth is willing to make available to your State on a pound for pound basis which would take account of what you have already spent a grant of up to eight hundred thousand pounds Stop. This grant is made up of fifty thousand pounds already made available for personal hardship two hundred and fifty thousand pounds for flood damage roads two hundred and fifty thousand pounds for protective measures during the emergency and two hundred and fifty thousand pounds for replacement of embankments Stop Letter following shortly Stop

The telegram does not state "Government embankments," nor do I know whether the subsequent letter will confine the work to Government embankments. I believe, however, that it will not, for the purpose of the grant is to get areas back into production. I trust that that limitation is not placed on the meaning. The telegram from the Prime Minister continues:—

I would like to make it clear that no claim is proposed by the Commonwealth in relation to expenditure incurred by the Commonwealth in the course of dealing with the floods Stop I mention this only because I have gathered that you thought some claim might be made regards R G Menzies Stop

That part of the telegram is important for it means that the apparent grant of £800,000 from the Commonwealth will in reality be nearer £1,000,000 because the army did much valuable work and made available much equipment and plant. Further, the various Commonwealth departments made available much heavy earth-moving plant on which we had started to pay charges before this telegram arrived. Although I have made no further inquiries since it arrived, I believe there will be some refund in the matter, therefore I excluded from my second reading explanation the word "Government" in the text. I thank members for their co-operation in this matter. It is necessary to clear it up because State Government funds are already committed, and without this appropriation we might soon be unable to continue with the necessary works.

Clause passed.

Title passed. Bill read a third time and passed.

Later the Bill was returned from the Legislative Council without amendment.

LOTTERY AND GAMING ACT AMENDMENT BILL (TOTALIZATOR LICENCES).

Adjourned debate on second reading.

(Continued from November 7. Page 1492.)

Mr. O'HALLORAN (Leader of the Opposition)—This is a simple amendment of the Act necessary owing to the disastrous floods in the Murray areas. It has become necessary for the Renmark Racing Club to move to a site which brings it into close proximity to the Berri-Barmera Racecourse, and this infringes the present law. I have no objection to the Bill, but I do not know why we could not make a simple amendment to section 17 of the parent Act which provides that a totalizator cannot be established within 20 miles and in certain cases 10 miles of an existing racecourse. There are certain exceptions, such as the Jamestown, Quorn, North-Western and one or two other racing clubs. I do not know why all the power and majesty of Parliament should be required to do these things. Why could we not amend the Act to give the Chief Secretary, on the recommendation of the Commisisoner of Police, the right to permit totalizators to be used on any racecourse in country areas? That would be a simple way of overcoming the difficulty. I am pleased to be able to facilitate the continuance of the activities of the two racing clubs concerned.

Mr. KING (Chaffey)—The two clubs find themselves within the limit prescribed in the Act, and it would be almost impossible for either to carry on if the Bill were not carried. They are not big clubs like metropolitan racing clubs, and most of the supporters attend for the outing. If either club were to go out of existence, it would spell the doom of the survivor. The Bill will do no harm, but allow a harmless occupation to be continued.

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

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 7. Page 1499.)

Mr. O'HALLORAN (Leader of the Opposition)—This is one of those formidable looking Bills which, no doubt, struck at least a degree of terror into the minds of members when the second reading was moved last evening. Speaking generally and with the reservation that I have not had the opportunity to go into the various matters as thoroughly as I would have liked, I am satisfied that the Bill does not contain much that could be objected to. It is to be regretted that such a comprehensive measure should have been brought in so late in the session, apparently on the assumption that it did not need careful consideration. Unfortunately, several Bills have been introduced under these circumstances, and that is not generally conducive to good legislation.

The Bill aims at modernizing the Friendly Societies Act, and this is a good thing, as some of its provisions have remained unaltered for about 40 years, notwithstanding the considerable changes in money values during that period. Some of the provisions were, I believe, adapted from the English Act of 1886, and are therefore quite old, if not archaic.

The Bill will also consolidate as well as bring up to date the provisions now contained in sections 7 and 7a, which have been amended several times in recent years. In this connection, the Bill recognizes the expansion of the activities and interests of friendly societies consequent upon the widening of the field of social services. Among other things, provision for the reimbursement of costs incurred by members of these societies in procuring medicines, aids, etc., and in meeting the charges for various professional services not originally contemplated, represents a distinct improvement on the existing legislation. Provision for the establishment of funds for the purpose of building homes for the aged and infirm is to be especially commended. I support the second reading.

Mr. FLETCHER (Mount Gambier)—I support the Bill. As the Leader of the Opposition said, some of the laws in connection with the operations of friendly societies have been on the Statute Book ever since we have had the societies and it is only right that they should be allowed to move with the times. Subclause (6) of clause 3 provides for the reimbursement of members for expenditure incurred in the purchase of medicines. In the past the Act has provided for the supply of medicines to members at a contract rate, either through the shops of the friendly societies or by private chemists, but there was no provision for reimbursing members for any expenditure incurred in the purchase of medicines. The amendment will particularly favour persons living outside the metropolitan area and Port Pirie and

Mount Gambier where the friendly societies have their own shops. The Bill will also be a help in connection with treatment by dentists, physiotherapists and others.

Subclause (8) of clause 3 is a very desirable amendment and provides for the establishment and maintenance of hospitals, homes or other institutions for the treatment of members in old age or infirmity. The amendment must be commended by all right-thinking persons. I believe that in some other States such homes have been established and been successful. The other clauses are machinery clauses and bring the working of the Friendly Societies Act more up-to-date, particularly in regard to the payment of funeral expenses. The activities of friendly societies have always been under the watchful eye of the Public Actuary. Members will appreciate that this cannot be said about other societies. If there had been such a scrutiny we would not have had "fly by night" societies. Clause 7 has been earnestly requested by the council of the friendly societies to further streamline the administration. At present it is necessary for every medical and hospital cheque to be signed by two trustees and countersigned by the secretary or a person appointed to act in his stead. The clause reduces the signing to one trustee, with countersigning by the secretary or his nominee.

I am connected with the National Health Services Association of South Australia and for the year recently ended handled 92,934 medical claims. This necessitated each claim having one or more cheques signed by two trustees, whose primary duties are to protect the interests of the association and not to be merely rubber stamps. I commend this amendment to members. Clause 13 has been inserted at the instance of the Public Actuary and it enables him to obtain from friendly societies information that he considers necessary to give a close valuation of their funds. The Friendly Societies Council is pleased with this move because it ensures that its funds will be properly valued and the interests of its members properly protected. This need not apply to similar societies not coming under the Act. We all appreciate the wonderful work done by friendly societies.

Mr. LAUCKE (Barossa)—I heartily support the Bill, which enables old and honourable institutions, such as friendly societies, to more adequately fulfil their high and useful purpose in assisting their fellow men. With the advent of the Welfare State the activities of friendly societies have been considerably affected, but this measure will restore to them the ability to serve those desiring insurance protections beyond those available from the State.

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

PRISONS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 7. Page 1491.)

Mr. TAPPING (Semaphore)—I support the Bill, the main purpose of which is to enable a new position, known as Deputy Comptroller of Prisons, to be created. I have said before in this House that we should praise the splendid services of many Government officers, and surely the sheriff (Mr. Allen) deserves commendation for the way he has carried out his important duties. Some months ago he appeared before the Public Works Committee to give evidence on a proposed prison farm to be established near Cadell. He impressed all members with his desire to assist and rehabilitate prisoners. He approaches the problems of his office in a humane and understanding spirit. The work of his department has increased greatly, hence the need to appoint an assistant to help him.

The average number of prisoners in gaol each day is 479, compared with 284 in 1950, and that proves the need for the appointment of an assistant to the sheriff. Those figures do not mean that the moral standard of the people has declined: our prison population has increased because of the natural increase in population and the many immigrants coming into the country. We all appreciate the excellent work being done at the Gladstone and Kyeema gaols. Most of the inmates there are trusted prisoners, and when they leave those gaols most of them become good citizens. We should pass this Bill because it will assist the administration of the Sheriff's Department.

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

TOWN PLANNING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 7. Page 1491.)

Mr. HUTCHENS (Hindmarsh)—I support the Bill. I believe its provisions have been rendered necessary by rapid development in the building industry and, to some extent, the high cost of metropolitan building blocks. At first glance, clause 2 appears rather contentious, but after a close examination I am

convinced it can be accepted with advantage. Among other things it provides that the Minister of Works, his agents, servants and workmen may enter upon private land for certain purposes. It is an entirely new provision and does not appear in legislation in other States. I believe it will be advantageous and enable the more expeditious installation of the services provided by the Engineering and Water Supply Department. It will be of particular advantage in areas where the block building of houses is being carried on.

In view of the weight of transport on our roads it would be wise to consider providing lanes at the rear of houses to carry all our services—water pipes, sewer mains and electric light fittings. That would save colossal expenditure on roads and footpaths by councils and Government departments. No discomfort would result therefrom and it would not be necessary for workers to enter private property. Clause 3 extends the law applying to ribbon development. It must be agreed that some control over the subdivision of agricultural land is desirable. In the springtime one frequently sees notices advertising agricultural land for sale for residential purposes, but in the winter months the notices are withdrawn because of the wet nature of the land. A person who purchases such land and commences building operations frequently finds that his foundations are under water in the wet months. There is little possibility of normal services being provided on such land. Before 1934 certain protections were afforded under the Municipal Corporations Act and the District Councils Act, but with the repeal of these Acts that power disappeared. I believe this legislation will be of advantage and I support the second reading.

Mr. FRANK WALSH (Edwardstown)—I support the second reading, but I am concerned with a matter not dealt with in this Bill. If a person desires to erect maisonettes on his property the Town Planner has the right to refuse him permission if he desires separate titles for them. From information I have received I understand the Town Planner has instructed building inspectors that under no circumstances are they to permit the erection of maisonettes. I am referring to settled areas where there is a limited scope for building expansion. I object to the activities of some prominent land brokers.

Mr. Fletcher—Land sharks.

Mr. FRANK WALSH—I would not call them that, but I could certainly describe them in unparliamentary terms. One need only consider some of the areas that are being subdivided for residential purposes. In previous debates I have referred to an area in my electorate. I would defy any authority to successfully plan for the development of that area to permit the provision of normal household services, quite apart from the construction of roads. On the South Road, near Darlington, land around a disused quarry is being subdivided and attempts are being made to construct roads, but will the normal amenities ever be supplied to that area? Some councils today are willing to agree to the erection of maisonettes in their districts, but the provision in the Town Planning Act requiring a building block to comprise at least 7,500 square feet precludes their erection. When I raised this matter on August 22 I was not aware that this Bill would be introduced. In reply the Treasurer quoted a report from the Assistant Parliamentary Draftsman, which referred to the area of 7,500 square feet and the provisions of the Town Planning Act enacted in 1929.

In the past some agents built semi-detached homes, but today most of this type are built by the Housing Trust. The trust's semi-detached rental units are a credit to any area, although I do not advocate their sale to the public. I believe that where a council is willing to pass a plan for a pair of maisonettes, each unit being on land of at least 4,000 square feet, its decision should not be overridden by the Act. The Government should further consider this matter for much capital expenditure could be saved, both to the owner and the Government, in the more economical provision of services to such homes.

Further, I remind members that, in accordance with the terms of the Act, an ordinary building block of 60ft. by 150ft. may be covered by a block of flats, although very little backyard can be provided under such circumstances. Indeed, such a block has been constructed not far from the Anzac Highway. I suggest the amendment of section 18 to provide for the construction of the type of maisonette I have mentioned. Further, separate titles could be supplied for each unit.

The member for Hindmarsh (Mr. Hutchens) suggested services could be supplied to homes from back lanes, but I remember when attempts were made in Colonel Light Gardens to supply such services by way of the back lane between the rear fences of homes. Unfortunately the lanes became a dump for rubbish, not only for people living near them, but for nearby residents. As a result, it was costly for the

Garden Suburb Commissioner to keep them clear. Although the idea of providing these lanes for services was good, even if they were sealed they would still be abused. However, clause 2 is not a good solution, because such lanes will deteriorate and the roads will have to be opened for repairs. I am in favour of any Town Planning Act to provide for subdividing areas to ensure that they are within a reasonable distance of the necessary services, because I think the owners of homes in many areas that have been subdivided will find they are in what can only be regarded as rural areas.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Enactment of sections 30 to 34 of principal Act."

Mr. MILLHOUSE—The powers given to the Town Planning Committee under some of the new sections are wide, so I ask if the Premier could explain them. New section 31 (1) (*a*) seems to me to mean that any subdivision of land anywhere in the State, even in the far north-west, has to be approved by the Town Planner, because of the use of the words "or otherwise." This provision seems to be too wide.

The Hon. B. PATTINSON—A lengthy explanation of this clause was given in the second reading speech. I do not know to what subject matter the honourable member has alluded.

Mr. Millhouse—To the definition of "area" in the principal Act.

The Hon. T. PLAYFORD—At present there are a number of subdivisions of land that can only be regarded as farm land. These lands usually comprise areas of about five acres, and make no provision for roads. They are purely and simply rural development, and they are occurring through the hills as well as on the Main North Road. There is no intention of bringing broad acres into the provisions of the Bill.

Mr. MILLHOUSE—I accept the explanation, and I understood this to be the case. However, this clause is too wide, because it gives the Town Planning Committee power over any land, and could bring in a large area of the State. My query is whether this clause will give the Town Planner more power than he needs to deal with the matter.

Clause passed.

Clause 4 passed.

Title.

Mr. FRANK WALSH—Will the Premier, before the next session of Parliament, consider the matter I raised about the type of maisonette that could be built on not less than 4,000 square feet?

The Hon. B. PATTINSON—Consideration will be given to that matter.

Title passed.

Bill read a third time and passed.

POLICE OFFENCES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 7. Page 1493.)

Mr. DUNSTAN (Norwood)—It is needless for me to say that I support the second reading because for some time I have asked the Government to take action in this matter. When the Bill is in Committee I shall move several minor amendments. In his second reading speech the Minister said that in the old Police Act, which the Police Offences Act of 1953 replaced as to the offence provisions, it was provided that it was an offence to use indecent language within a public place or within the hearing of any person. That was far too wide a provision because it meant that anybody who said anything anywhere that could be called indecent was committing an offence. A man could not indulge in private cussing without being subject to prosecution if a nark chose to prosecute him. If a man were in his shed and hit his thumb with a hammer he would have to say, "Oh! goodness" or something like that in case someone heard him.

The matter came to a head in connection with a prosecution where police officers had gone to private property without warning in the belief that they would catch people committing an offence, but they did not do so. However, when listening at the window as eavesdroppers, and trespassers incidentally, they overheard bawdy songs. The people concerned were brought before the court because it was said they had used indecent language that had offended the police officers who were eavesdropping. It is a pretty bad thing when the law can come to such a pass. The committee felt that the provisions of the law had gone too far, but unfortunately it recommended a swing in the opposite direction. In the Police Offences Act of 1953 there was no provision for it to be an offence if a person used indecent language in a private place so as to offend or insult other people. In consequence, people could thereafter abuse other people most violently over the back fence, or stand inside

the front fence and abuse people in a public place with complete impunity. Something had to be done about that because in practically every police station in the country the police found themselves considerably hampered by the fact that people could create considerable nuisance to people in other premises or public places by using indecent language without its being an offence. I asked the Government to do something about it and I am glad that we have this amendment.

At present people who use indecent language in a public place or police station commit an offence, and that is provided for in paragraphs (*a*) and (*b*) of subsection (1) of section 22. We have to get at two other sets of people. One set consists of people who within their own properties use indecent language so as to create a nuisance to people in a public place or on an adjoining property. The other set consists of people who in a boarding house create a nuisance to other occupants of that boarding house. The latter is the more difficult matter to deal with because there is the man who uses indecent language in his own home but does not offend anyone outside. The wording in paragraph (*c*) of subsection (1) of section 22 is slightly ambiguous. I do not like lecturing the Parliamentary Draftsman on the use of prepositions but I think it should read "which is audible in a public place" and not "which is audible from a public place," which is not quite the same thing. However, I think the court would hold that paragraph (*c*) meant "in a public place." Paragraph (*d*) says it is to be an offence for any person to use indecent or profane language or sing any indecent or profane song or ballad so as to offend or insult any person. That brings us back to where we were under the old Police Act. It would be better for it to be an offence to use such language or sing such songs in such a way as to be audible in any adjoining or neighbouring premises.

It should be absolutely prohibited for a person to use language that is a nuisance to his neighbours. The other suggestion is that we should make it an offence to use language with intent to offend other people. That would cut out people who offend inadvertently. A man would not then have to worry, every time he let out a private malediction, that there might be someone coming down his drive or lurking outside a window listening in. There are occasions in arguments, even in the supremely happy circles we heard about this afternoon, when a little cussing lets off a bit of steam. It is quite right that this should be so, and I do not think what goes on behind the doors of private dwellings should be investigated and brought before the courts under this legislation. Therefore, in Committee, I will move an amendment to tidy up the provision and safeguard all proper cussing in the future.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Indecent language."

Mr. DUNSTAN—I move—

In proposed new section 22 (1) to strike out paragraph (*d*) and insert in lieu thereof:—

(*d*) which is audible in any neighbouring or adjoining occupied premises; or

(*e*) with intent to offend or insult any person,

The amendment removes the subjective test of offending or insulting any person and makes it an objective test by the court of whether the person using the words could be reasonably held to intend to offend or insult a person.

The Hon. B. PATTINSON (Minister of Education)—After having studied the amendment and heard the honourable member's explanation I consider that it will improve the Bill, and on behalf of the Government I support it.

Amendment carried; clause as amended passed.

Title passed. Bill read a third time and passed.

Later the Legislative Council intimated that it had agreed to the House of Assembly's amendment.

FIREARMS BILL.

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

The principal purpose of this Bill is to control the possession of firearms by young persons and aliens. The Bill also effects a number of improvements in the law relating to firearms. It will assist members if, before explaining the Bill, I give a brief outline of the law relating to firearms. It is contained in a number of Acts and is broadly as follows:—

Under the Criminal Law Consolidation Act, there are a number of provisions making the use of a firearm for criminal purposes an offence. Under the Police Offences Act, it is an offence to carry a firearm without lawful excuse, and it is also an offence to discharge

a firearm without reasonable cause and so as to injure, annoy or frighten any person or so as to damage or be likely to damage property. Under the Use of Firearms Restriction Act it is an offence for a person under 15 to possess a firearm. Under the Firearms Registration Act, all firearms must be registered by their owners. Under the Firearms Restriction (River Murray) Act, the discharge of a rifled firearm from a vessel on certain parts of the River Murray is prohibited. The licensing of pistols is provided for by the Pistol Licence Act. Licences for shooting at animals are issued under the Animals and Birds Protection Act.

The Government has received a number of requests that the law relating to firearms should be reviewed in order to prevent the wanton or careless use of firearms, particularly by young persons. There have been a number of serious accidents in recent years occasioned by the careless use of firearms, and also many instances of persons doing wanton damage with firearms to property such as tanks and road signs in country districts. The Government has given careful consideration to these requests. Various suggestions have been made. Some have proposed that a strict system of licensing should be introduced under which no person would be permitted to use a firearm unless he held a licence entitling him to use the firearm. Others have proposed that youths under 18 should be prohibited from using firearms. It has also been proposed that shooting in built-up areas should be prohibited.

Representations have also been made to the Government that from time to time the police find themselves in difficulties through lack of authority to deprive of firearms persons whom they consider unfit to have them. In general, the police can only take a firearm from a person when arresting him and, in general, after the case against the person has been disposed of, the firearm must be returned to him. It has been suggested that this problem could be dealt with by a general system of licensing.

Under the present law, there is no way of preventing a person from possessing or using a firearm, except if he is under 15 or the firearm is a pistol. Registration cannot be refused under the Registration of Firearms Act, neither can a licence be refused under the Animals and Birds Protection Act. As I have mentioned, the Use of Firearms Restriction Act prevents the possession of firearms by persons under 15. The possession of pistols is strictly and effectively controlled under the Pistol Licence Act.

The Government has given careful consideration whether a general system of licensing should be introduced, but has decided that the circumstances do not warrant the introduction of such a system. Its introduction would cause great inconvenience to law-abiding members of the public and would involve considerable administrative problems. It has been estimated that there are about 100,000 rifles, 45,000 guns and 5,000 airguns in the State. Before introducing a general system of licensing, it would be necessary for it to be demonstrated that some substantial benefit would result. It is by no means clear that the possible benefits would outweigh the considerable disadvantages.

The Government has decided that it is desirable, however, to require persons under 18 and aliens to hold licences for the possession of firearms. In view of the provisions of the Police Offences Act mentioned, no useful purpose would be served by prohibiting shooting in built-up areas.

The Government also thinks that the police should be empowered, subject to safeguards, to deprive persons of firearms who are unfit to possess them whether by reason of mental instability or criminal tendencies or for any other reason. It is therefore proposed to enable a member of the police force to seize a firearm from a person whom he suspects to be unfit to possess it, and to provide for an application to a court of summary jurisdiction for certain orders to be made in respect of the firearm nd the person. This procedure is also made available where a member of the police force finds a person in possession of an unsafe firearm. It is desirable that the police should be able to take such firearms away from members of the public. Firearms may become unsafe through disrepair, or may be of an unsafe pattern.

The Government is accordingly introducing this Bill. The opportunity has been taken in the Bill to bring the Use of Firearms Restriction Act and the Firearms Restriction (River Murray) Act together in one Act and to repeal altogether the Firearms Registration Act. The Firearms Registration Act is almost worthless. There is no provision in it for registration of changes in the ownership of a firearm, and in the course of years a very large register has accumulated which is of little or no value. Even if the register did accurately indicate who owned the firearms in the State, it is doubtful of what value that information would

be. Almost certainly it would not justify the expense and trouble involved in the keeping of the register.

The details of the Bill are as follow:—Clause 2 provides that the Bill shall come into operation on a day to be fixed by proclamation. Clause 3 effects the necessary repeals. Clause 4 defines "firearm" to include an air gun, and contains a number of other definitions necessary for the purposes of the Bill.

Clause 5 re-enacts the principal provisions of the Use of Firearms Restriction Act. The clause makes it an offence for a person under 15 to use, carry or possess a firearm, and also makes it an offence for a person to supply a firearm to a person under 15. These provisions do not at present, apparently, apply to airguns, but will do so under the Bill. Modern airguns are sufficiently dangerous to be dealt with in the same way as other firearms.

Clause 6 prohibits a person under 18, or an alien, after the expiration of three months from the commencement of the Bill, from using, carrying or having in his possession a firearm, unless he holds a licence. A person holding a licence under these provisions will not be relieved of any obligations under the Animals and Birds Protection Act or the Pistol Licence Act.

Clause 7 sets out a number of exemptions from clauses 5 and 6. Only one of these requires to be mentioned. It is that a farmer, or the servant of a farmer, or a person residing with a farmer, is not required to hold a licence in order to use a firearm on the farmer's lands. Similarly, a person under 15 who is employed by or resides with a farmer may use a firearm on the farmer's land.

Clause 8 provides for applications for licences to be made to the Commissioner of Police. The Commissioner is required to grant a licence if he is satisfied that the applicant is a sufficiently reliable person to use, carry and have in his possession a firearm without danger to persons or property. However, if he is not so satisfied, he may either refuse to grant a licence, or grant a licence subject to restrictive conditions. The Commissioner is prohibited from granting a licence to a person under 15. A fee of 5s. is payable for a licence.

It should be mentioned at this stage that under the Bill the Commissioner is empowered to delegate his powers, and accordingly it will be possible for the Commissioner to arrange for officers in charge of police stations and other suitable officers to deal with applications for licences. Clause 9 provides that a licence will remain in force for a year, but may be renewed from time to time on payment of a fee of 5s.

Clause 10 requires the Commissioner to keep a record of licences granted by him. Clause 11 enables the Commissioner to refuse to renew a licence in certain circumstances and also to revoke a licence. He may, instead of refusing to renew a licence, renew it subject to conditions in certain cases.

Clause 12 enables a person aggrieved by a decision of the Commissioner under the Bill to appeal to a special magistrate. Clause 13 substantially re-enacts the provisions of the Firearms Restriction (River Murray) Act, and does not require explanation. Penalties under that Act have been altered to bring them into line with the penalties for other offences in the Bill.

Clause 14 provides that a court of summary jurisdiction may, if satisfied that a firearm was taken from a person by a member of the police force, and that person is not fit to have the firearm in his possession, or the firearm is unsafe, make any of a number of orders. It is provided that the court may order the Commissioner of Police to keep the firearm for a period ordered by the court, or until further order, that the firearm be destroyed or that the person be prohibited for such period as the court orders or until further order from using, carrying or having in his possession a firearm or any class of firearm. The court is also empowered to make such other order as it thinks fit including any order with respect to the disposal of the firearm. Under the clause the person may subsequently apply to a court of summary jurisdiction for the return of the firearm or for the ending of a prohibition imposed under the clause. It is also provided that a person who uses, carries or has in his possession a firearm in contravention of a prohibition imposed under this clause shall be guilty of an offence.

Clause 15 enables a member of the police force to seize a firearm from a person where he suspects on reasonable grounds that an offence has been or is being committed with respect to the firearm, or that the person is not fit to have the firearm in his possession or that the firearm is unsafe. Clause 16 gives a member of the police force power to search persons, vehicles and premises for firearms. The remaining clauses deal with various ancillary matters and either have already been referred to or do not require comment.

Mr. HUTCHENS (Hindmarsh)—I support the Bill. I have had an opportunity of studying its provisions and the remarks of members in the Legislative Council. The Bill tightens up some of the looseness in the many Acts relating to the use of firearms. The number of firearms in South Australia, as mentioned by the Premier, must surely convince members that it is necessary to have the controls provided in this Bill. The clause prohibiting persons under the age of 18 years and aliens from possessing firearms without holding licences is desirable and long overdue. The provisions enabling a police officer to seize firearms in the possession of a person suspected of being unfit to have them may be objected to in certain circumstances, but certain safeguards are provided and there is therefore no reason to fear that the provision will be abused.

Clause 4 defines the word "firearms." The inclusion of airguns is long overdue, for many modern airguns are dangerous, particularly in the hands of young people. The Bill makes it an offence for a person under 15 years of age to carry or possess a firearm and also for a person to supply another person under the age of 15 with a firearm. That provision is long overdue, for many young people should not be trusted with firearms unless special circumstances exist. In this connection I am pleased that the Government has provided for a wide exemption that will permit a farmer, his servant, or any other person under the age of 15 on the farm to use firearms on the farmer's land. I am sure that country members in particular will appreciate the necessity for such a provision.

Mr. Riches—Is it necessary to make such an exemption for a person under the age of 15?

Mr. HUTCHENS—Yes; for instance, firearms may be used to frighten birds in an orchard or to shoot foxes and rabbits. Having had experience on farms I know how useful this provision will prove. Clause 16 gives police officers power to search persons, vehicles and premises for firearms and, although I do not object to this clause, I draw the Minister's attention to a provision in the Animal and Birds Protection Act which controls firearms. Section 24 of that Act should be given much greater attention because it is observed in the breach more than any other provision in the country. The section should be tightened up for only a small percentage of people carrying firearms on roads and private properties on Sundays carry them for any other purpose than to shoot birds and animals. When they cannot find the animals to shoot they often use their firearms on road signs. The Government should examine this section to see that it is enforced so that the country may be rid of much of the vandalism perpetrated by many people carrying firearms on Sundays.

Mr. MILLHOUSE (Mitcham)—I support the Bill and think that all members are in sympathy with its general object. Under clause 14, however, it seems to me that considerable oppression could result. Apparently clause 14 provides that if the police feel that a person should not be in possession of a firearm it can be taken away from him and application then made to a magistrate for an order as to its disposal, but I point out that no time is stipulated in which the police must apply for such order. On ordinary general principles it is oppressive enough for anyone to be able to take away property in the possession of anybody else without legal sanction. I am prepared, however, to accept that in such cases as this that may be necessary, but if the police, after taking away a firearm, do not apply for the order, what happens? The only remedy of the person from whom the firearm has been taken is to sue the police in detinue, but that could lead to considerable oppression.

I do not reflect on the principles of the police force, but I think it is a bad thing if we, as a Parliament, leave such a loophole, which could be easily eliminated by inserting a provision obliging the police to apply for the order within, say, one month after the seizure. Then if no order is applied for or made the firearm must be returned to its owner. Even in that case the latter course is bad enough, but if no time limit is inserted the police may go for six months without applying for an order. Such a loophole should not be left in the Bill.

Mr. LAWN (Adelaide)—I have two serious objections to the Bill. I regret that it has been introduced so late in the session, for I have had no chance to check the statements in the Minister's second reading explanation, and I have not had an opportunity to compare the Bill with the principal Act. Clause 5 provides that persons over 15 years of age shall be eligible to possess firearms, but that is too young an age. We have had a number of accidents recently with firearms and boys over 15 years have been concerned. Obviously they have been incapable of properly handling firearms. I think the age should be increased

to more than 15. If the Bill is passed any person over 18 years of age other than an alien will be permitted to have a gun without a licence.

Mr. Dunstan—Unless he has it for shooting animals or birds.

Mr. LAWN—That makes it all the more ridiculous. I think that in all cases a person should hold a licence to have in his possession, carry, or use a firearm. The Bill needs serious consideration before being passed.

Mr. JENKINS (Stirling)—I support the Bill because it tightens up the provisions of the legislation. During weekends many people are out with guns and commit acts of vandalism. They shoot holes in tanks, railway and road signs are riddled with holes, and insulators on telephone and electric light poles are broken. If the police can disarm the people responsible for these acts of vandalism it will be a deterrent. It is said that the power given to the police in clauses 13 and 14 can be criticized but I do not think they give the police too much power. The clauses provide that if the police take possession of firearms recourse can be had to a magistrate for the firearms to be returned within a specified period. I think the clauses take care of the matter. Many aliens are not conversant with our laws and are the chief offenders in acts of vandalism. The provisions in the Bill will act as a deterrent to them. The measure is more to the point than the legislation it displaces.

Mr. STEPHENS (Port Adelaide)—I oppose the Bill because I do not understand it. I have not had time to study its provisions. It is time we called a halt to the practice of asking members to agree to Bills without having had sufficient time to peruse them. Under the Bill an alien will not be allowed to use a gun in the metropolitan area unless he holds a licence, but if on a farm where he is employed he can use a gun without a licence. How often have we heard of people being shot on farm properties or on a road from a rifle fired from a farm property? There should be no exemptions. Everyone using a firearm should be licensed. That would help the police if someone were shot. This Bill should have gone further than dealing with firearms; it should have dealt with other dangerous weapons. Many foreigners who come here draw a knife when in a quarrel, though they allege they carry knives only for their own protection.

Mr. GOLDNEY (Gouger)—I support the Bill, though it does not go as far as many members hoped it would, but it will be of some assistance in controlling the indiscriminate use of firearms, not only by young people but by older people too. Recently there have been accidents with firearms in the metropolitan area, some with fatal results. The indiscriminate use of firearms, particularly on the Adelaide plains, has been a source of great annoyance and loss to many land holders. Many irresponsible people use not only the ordinary short-range firearm, but high-powered rifles such as the .303. Many stock have been killed or wounded, though usually these irresponsible people fire at water tanks or road signs. I cannot understand the mentality of such people. I have had many complaints about parties who go out at night in a utility to shoot rabbits, and this endangers people and stock in the neighbourhood. Anything that will restrict the practices of irresponsible people and make the country safer is all to the good.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Exemptions."

The Hon. T. PLAYFORD—I move—

After paragraph (*d*) of subclause (1) to insert the following new paragraph:—

"(*e*) that, as the case may be, he used, carried or had in his possession the firearm in circumstances prescribed by the regulations."

I also move—

In subclause (2) after "(*c*)" to strike out "or," and after "(*d*)" to insert "or (*e*)."

The purpose of these amendments is to enable regulations to be made exempting persons belonging to rifle clubs from compliance with clauses 5 and 6. Clause 5 prohibits the possession of a firearm by a person under 15, and clause 6 requires persons under 18 and aliens to hold licences for the possession of firearms.

Under Commonwealth regulations persons over 14 may belong to small bore rifle clubs. Doubts have been raised as to the effect of the Bill on the ownership of firearms by members of rifle clubs who are under 18. There is no question about aliens since aliens cannot belong to such clubs. It is desirable that the doubt should be removed, and these amendments provide for appropriate exemptions to be made by regulation. A general power of exemption is provided by the amendments. Circumstances may arise in the future rendering it desirable to provide for other exemptions.

Members will realize that it is not within the power of this Parliament to legislate on a matter covered by a Commonwealth Government regulation.

Amendments carried; clause as amended passed.

Clauses 8 to 14 passed.

Clause 15—"Seizure of firearms."

Mr. MILLHOUSE—I move—

To insert a new subclause (2) as follows:—

> Where a firearm is seized pursuant to paragraph (*b*) or (*c*) of subclause (1), if a complaint is not laid under clause 14 within one month of the seizure, or if a complaint is laid and no order is made under that clause with respect to the firearm, the firearm shall be returned to the person from whom it was seized.

This will meet the situation I outlined during the second reading. If the police seize a firearm from a person they must apply within one month for an order for its disposal. If they do not apply, or if, having applied, the order is not granted, the firearm has to be returned. I submit that the amendment is fair and just in the circumstances.

The Hon. T. PLAYFORD—I have no objection to the amendment, which I think is desirable.

Amendment carried; clause as amended passed.

Remaining clauses (16 to 27) and title passed.

Bill read a third time and passed.

Later the Legislative Council intimated that it had agreed to the House of Assembly's amendments.

WRONGS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 7. Page 1492.)

Mr. O'HALLORAN (Leader of the Opposition)—This is a Bill about which one could become involved in complicated legal argument because it is designed to remove some legalism from decisions made in the court under the Wrongs Act in the case of damages claimed in respect of accidents and other causes that may come within the ambit of the Act. The Act provides that the courts, in assessing damages, may consider certain pecuniary benefits that may accrue, particularly in the case of death. For instance, a man may be killed and leave his widow the proceeds of a life insurance policy and certain other assets, and the court in assessing damages against the person responsible for the death must legally consider those benefits.

The Government proposes in this Bill that at least life insurance policies shall be exempt from consideration by the courts in such cases. In his second reading explanation the Minister said that a law similar to this had been passed in the United Kingdom in 1908, and apparently it has taken this Parliament a long time to realize that something should be done in this matter. I was intrigued by the following statement in the Minister's second reading speech:—

> For those reasons the Government has brought down this Bill. It has an open mind on the general question of what deductions should properly be disallowed and would welcome expressions of opinion on this question.

It seems to me, however, that the Government, on this matter as on many other matters, has no mind of its own. Apparently it had some haunting thought in introducing this Bill that the Leader of the Opposition might help it in this regard, but although I am always willing to co-operate, in the limited time at my disposal I have had no chance to consider what other items than life insurance policies might be included under the legislation. I therefore suggest that Parliament pass the Bill and before the next session the Government close its mind a little and bring forward some suggestion on what other matters might properly be exempt under the Act. I support the Bill.

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

LOCAL COURTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 25. Page 1249.)

Mr. DUNSTAN (Norwood)—I support the Bill. It has long been felt necessary that the jurisdiction of the local court should be increased both as to monetary limits and the nature of the jurisdiction in certain matters. It has been found that certain equitable jurisdiction of the local court has been too limited, consequently applications have had to be made to the Supreme Court in matters in which the monetary sum involved has not warranted the cost of a Supreme Court application. Further, as the value of money has decreased, so has the real value of the local courts' jurisdiction. To get a case into the local court, although not a short procedure, takes much less time than to get it into the defended list for hearing in the Supreme Court. In that court defended civil cases set down in June may be heard about

December if one is lucky. The local court may be of considerable use in cases not involving complicated matters and in which the monetary limits are not very great. It has been found that with the ending of tenancy control, particularly over business premises, an application to the court in respect of them has to be brought before the Supreme Court because the monetary value of the properties has appreciated, whilst the monetary value of the local court's jurisdiction has not. During the control period these things could be expeditiously dealt with by the local courts, but when the control was lifted application had to be made to the Supreme Court, with a more lengthy procedure.

The local court previously had no power to make declaratory judgments and this stymied many actions in the local court. Such judgments are necessary to determine rights under documents such as agreements, deeds and wills. No injunction could be issued by the local court in respect of such matters as declaratory judgments, but in many cases where such judgments are issued injunctions are required. A man could apply to the local court in respect of a small shop property for a declaration that he was entitled to assign a lease because the landlord had withheld his consent to the assignment. Many landlords have said that they will withhold consent because they have a tenant who will pay a higher rent, and the tenant can apply for an injunction against the landlord for refusing to allow the assignment. Although the monetary value of the property is small it has been found necessary to apply to the Supreme Court, with consequent increased costs. The new provisions will clear up these matters, and as they will considerably facilitate the rights of litigants before courts all members should be happy to agree to the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 18 passed.

Clause 19—"Equitable jurisdiction."

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

To delete "second" in paragraph (*a*) and insert "third"; and to leave out "per annum" in paragraph XI of paragraph (*c*) and insert "a year."

These are drafting amendments. One corrects a wrong reference to the number of a line in the principal Act, and the other substitutes the English words "a year" for the Latin "per annum." This second amendment will secure uniformity of the language in the Bill.

Amendments carried; clause as amended passed.

Clauses 20 to 22 and title passed. Bill read a third time and passed.

Later the Legislative Council intimated that it had agreed to the House of Assembly's amendments.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 7. Page 1467.)

Mr. DUNSTAN (Norwood)—I support the Bill. The forfeiture proceedings before the Supreme Court have been unnecessarily cumbersome for a considerable time, and it has taken months in many cases to enforce the estreatment of recognizances and other necessary forfeitures. It is also desirable that courts of summary jurisdiction should have the powers set out in sections 77 and 77a. of the principal Act. They are the two main matters dealt with by the Bill, which is unexceptionable, and I think all members should agree to it.

Bill read a second time and taken through its remaining stages without amendment.

COMPANIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 7. Page 1489.)

Mr. DUNSTAN (Norwood)—In his second reading speech the Minister clearly explained the amendments made by this Bill, which makes it possible for the registration of companies to be effected much more satisfactorily than at present. Other provisions facilitate the registration of companies in South Australia. They remove a number of anomalies and the Bill is in no way controversial or exceptionable. In those circumstances I urge all members to support it.

Bill read a second time.

In Committee.

Clauses 1 to 13 passed.

Clause 14—"Branch register."

Mr. GEOFFREY CLARKE—I am in complete accord with the purpose of this clause. Those who have had to prove wills and administer estates will appreciate the advantage of not having to prove wills in other States when shareholders can be recorded in the South Australian register. It is an economy in time and from the

point of view of expense a saving to the estate. The State will reap the succession duties on the estates which are so registered. I hope when next this Act comes before Parliament the Government will further enlarge the section to make it possible for a person who has investments in the nature of debentures or stock units, which are becoming extremely popular, to have them registered in the way shares will be registered under this proposal.

Clause passed.

Remaining clauses (15 to 20) and title passed.

Bill read a third time and passed.

(*Sitting suspended from* 10.48 *p.m. to* 12.16 *a.m.*)

[*Midnight.*]

WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

Read a third time and passed.

Later the Bill was returned from the Legislative Council with the following amendments:—

Clause 6, page 3, line 15: After "amended" insert the letter "a."

Line 17: At the end of the clause add—"and (*b*) by adding at the end thereof the following passage: For the purpose of this Part a disease shall not be regarded as being due to the nature of the employment in which a workman was employed unless it was caused by the nature of the work which he was employed to do."

Consideration in Committee.

The Hon. T. PLAYFORD (Premier and Treasurer)—The Parliamentary Draftsman reports:—

The object of the amendment is to make it clear that an industrial disease for which compensation is payable must be a disease caused by the nature of the work which the workman was employed to do. The idea behind the amendment was that the workman should not be entitled to compensation merely because he caught a cold or some other infectious disease not connected with his actual work, but only if he acquired a disease as a result of his work. This was the intention of the Bill and I see no reason to oppose the amendments if members desire the intention to be clarified by the words proposed to be inserted. The Parliamentary Draftsman says that the amendments will not alter the intention of the provision, but make it perhaps a little more clear. I move they be agreed to.

Mr. O'HALLORAN (Leader of the Opposition)—For once I agree with the Premier in his suggestion that the amendments be accepted. I have consulted the highest legal authority available in this House, Sir Edgar Bean, who assures me that the words proposed to be inserted do not affect in any way what was provided in the Bill when it left this place.

Mr. DAVIS—In explaining the reason for the amendments the Premier referred to the common cold. Who is to decide whether the workman caught the cold on or off the works?

The Hon. T. PLAYFORD—It was never intended under the Bill that the common cold should be regarded as a disease under the Act. The Bill deals with occupational diseases and the common cold is not one by any stretch of imagination. That is why I really see no need for the Council's amendments. A person milking cows could catch an occupational disease like undulant fever, which would be a disease regarded as arising from the nature of the work. A person cannot catch that disease unless he comes in contact with it.

Mr. FRED WALSH—It frequently happens that an employee working in a cold cellar or a cold storage plant catches a cold as a result of moving from one place to another. He may even get pneumonia, and it has been accepted in the past that his illness arose out of his employment.

The Hon. T. PLAYFORD—I believe in such a case the arbitrator would say the disease arose from his employment, and I think that tuberculosis has sometimes been accepted as arising out of the circumstances of an employee's work and that compensation has been paid as a result. However, I do not think the arbitrator would consider a common cold caught by an office employee to be an occupational disease.

Amendments agreed to.

MARGARINE ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

ADJOURNMENT.

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

That the House at its rising do adjourn to Tuesday, February 5, 1957.

This is not the usual motion moved at this time of the year which leads to a prorogation, for the two matters remaining on the Notice Paper and some others arising in the meantime may be dealt with on February 5. That will not prevent me, however, from expressing to all members the compliments of the coming festive season. In the Parliamentary life of

this State we have many arguments. We hold various views and I hope we will fight strongly for those views, but that does not affect our personal relationships, and I believe one would go a long way before finding the same spirit of personal friendship between members in any other Parliament. That spirit has been a feature of the South Australian Parliament for many years, and I believe that in the South Australian Parliament, more than in any other, confidences exchanged between members outside the House are never repeated in the House; consequently friendships can go on without fear of breach of confidence.

I thank my colleagues for their assistance and honourable members for the consideration given by them to matters before the House. It is not to be wondered that we do not agree on all topics, for every honourable member is trying to exercise his judgment in the best interests of the country generally and his constituents in particular.

I thank you, Mr. Speaker, for the assistance you have given in the deliberations of this House. For many years we were privileged to have a Speaker who had long associations with and great experience in this House, but in your one session you, Sir, have already won the confidence of members. We thank you for the fairness of your decisions and the way you have conducted proceedings. You have the good will of all members, notwithstanding the fact that a few moments ago there was a question of disagreement with your ruling. I express to the Chairman of Committees, who is also new to his job, our appreciation of his work. When the House is in Committee his job is a heavy one and we thank Mr. Dunnage for the way he has presided over the Committee. We thank the officers of the House, the messengers, the Parliamentary Draftsman, the Librarian and his staff, and the catering staff. Above all, we thank the *Hansard* staff; every member at some time or other has been very much in their debt, because they have put what members say into clearer language. We express our appreciation to all officers of the House for their assistance in making the Parliamentary machine work.

Some members have been absent from time to time because of sickness, but I am pleased to say that they are all on the way to recovery and I hope that next year they will be fully restored to health.

I mention one officer in particular: George Edmonds, the Chamber Messenger, who has helped members in the Chamber for a long time. He has now reached the retiring age and it may be that when the House meets next year he will not be in the Chamber. We wish him well and thank him for the many courtesies he has extended to us and the way he has carried out his heavy duties when the House has been sitting.

Mr. O'HALLORAN (Leader of the Opposition)—I join with the Premier in his felicitations to the Clerks, the *Hansard* staff, the catering staff, and to all others who have made this session as comfortable as they could. On behalf of Opposition members I express to the Premier and his colleagues our appreciation of the courtesies they have extended to us during the year. I believe it is on the basis of principle and courtesy that British Parliamentary institutions can be made to work and, although I do not always agree with some other members, I have to accept the majority decision. I would like especially to thank you, Mr. Speaker, for the way you have presided over this Parliament during this session, despite the fact that you recently ruled against me. Your ruling was upheld by the House, and I have nothing more to say on that matter.

Although I do not wish to reflect on you, Sir, in any way, I wish to say that some of us regret that Sir Robert Nicholls no longer presides over this Chamber. We remember the long years he presided with credit to himself and benefit to this Chamber, and we regret the fact that he is not with us today.

I understand the Chamber Messenger, George Edmonds, will not be with us when we meet again. George has been here, I think, as long as I have and, that is a very long time; and has been of invaluable assistance to all members. He knows where to find amendments to Acts and all those documents members desire to refer to. I regret that he will not be with us again and I wish him a happy and long life of retirement.

I join with the Premier in expressing our thanks to all those who have assisted us in our work and I wish them a happy and holy Christmas.

The SPEAKER (The Hon. B. H. Teusner)—Personally, and on behalf of the Chairman of Committees and all officers and departments of this institution, I wish to gratefully acknowledge the very kind sentiments that have been expressed by the Premier and the Leader of the Opposition. I feel that by the conscientious discharge of their duties and their unfailing

courtesies they have in no small measure contributed to the smooth functioning of our Parliamentary institution. In particular I would like to mention the assistance that has been given to me during my first year as Speaker by the Clerk and Assistant Clerk at the table. I deeply appreciate that assistance, and I am certain that all members of this House, particularly those who came here this year for the first time, appreciate the assistance so readily given them by the Clerks.

Reference has been made to Mr. George Edmonds, who will be reaching the retiring age, I think, next month. He has been with us approximately 28 years and during that period has rendered signal service, particularly in this Chamber. I think it can be said that he is imbued with the desire to serve, and that, together with his gentlemanly bearing, has been greatly appreciated. Members will miss him when he leaves, but I, too, wish him well in his retirement.

Upon my election to the Chair in May I stated that this Parliament had an enviable reputation in Australia for the decorum and the dignity of its proceedings, and that it behoved all honourable members to maintain the dignity and prestige of our Parliamentary institution. Indeed, that prestige cannot be maintained unless members support the Chair in upholding that dignity and prestige. During the past year I have had the co-operation of honourable members and I hope that by a continuation of that co-operation in the future the dignity and prestige of this Parliament will be maintained.

I think it can be said that we are living in perilous times, with dark and ominous clouds looming over the international horizon; but I trust that the bright and radiant sunshine of tranquillity will penetrate and disperse this cloud so that the approaching Christmas festive season can usher in an era of perpetual peace and goodwill to all mankind. It is in that spirit that I wish all honourable members a very happy Parliamentary recess and Christmas.

Motion carried.

At 12.54 a.m. on Friday, November 9, the House adjourned until Tuesday, February 5, 1957, at 2 p.m.

Honourable members rose in their places and sang the first verse of "God Save the Queen."