HOUSE OF ASSEMBLY.

Wednesday, October 16, 1957.

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

QUESTIONS.

SNOWY RIVER WATERS AGREEMENT.

Mr. O'HALLORAN—Has the Premier any further information regarding the letter he received from the Prime Minister concerning the Snowy River Waters Agreement and whether the contents of that letter can be made available to the people of this State and, more particularly, to Parliament?

The Hon. Sir THOMAS PLAYFORD—In answer to his question yesterday I informed the Leader that the concluding paragraph of the Prime Minister's letter contained a sentence to the effect that, as the preliminary discussions that led to the letter were agreed to be without prejudice, this letter also was without prejudice. I communicated with the Prime Minister by telegram yesterday, asking him the Commonwealth's desire in the matter, and I have received two telegrams in reply. The first is to the effect that the letter was without prejudice in a legal sense, and the second that it is not desired that the contents of the letter be released for publication, so it appears to me that this letter takes the form of a communication from the Prime Minister. I do not know what its status is because this is a public matter of great interest to the people of South Australia and in future will be very important to this State.

If I may make a statement on it, Mr. Speaker, it may be of some interest to honourable members to have the position set out at some length. Cabinet has now considered this matter in the light of discussions held and the communication from the Prime Minister. Under the River Murray Waters Agreement which, incidentally, was arrived at only after 40 years' disputation between the States, South Australia has certain rights in regard to Murray River water. In normal times South Australia has a monthly quota of water, not evenly distributed over the year, but somewhat larger in the summer months; it totals about 1,250,000 acre feet. That is our full right to water in ordinary times and that right is preserved by the River Murray Waters Agreement. The rest of the water is shared between New South Wales and Victoria, each State having the right to the water coming down its tributaries, but being obliged to let pass a sufficient quantity to supply South Australia's monthly quota. In time of drought, which fortunately for Australia does not occur very often, South Australia's right is expressed in another way—as a percentage of the water. The percentage is about three-thirteenths of the water available from the Murray above Albury and from the Lake Victoria storage; therefore South Australia's rights to water under normal conditions are expressed as a monthly quota and under drought conditions as a percentage.

The River Murray Commission, whose decisions must be unanimous, is obliged to declare a drought before it is allowed to let the Lake Victoria storage fall below 200,000 acre feet or the Hume Reservoir below 800,000 acre feet; therefore a drought position occurs when the combined storage of the Hume Reservoir and Lake Victoria falls below 1,000,000 acre feet and a drought must then be declared. From the time a drought is declared, and while it is declared, South Australia's share of the water coming into the Murray above the Hume Reservoir and from Lake Victoria is about three-thirteenths of the total of those waters available.

Two matters concerning the works being undertaken by the Snowy Mountains Authority and the Snowy River Agreement therefore affect South Australia. The first is that the Tooma River, which normally flows into the River Murray, is being diverted into the Tumut River, which ultimately flows into the Murrumbidgee, a river of some importance. That is a fairly large volume of water, which in the Snowy River Agreement is expressed as 330,000 acre feet. In subsequent discussions I was informed that that figure was wrong and that the correct figure was 280,000 acre feet, but whichever figure is correct members will see that it embodies a fairly substantial quantity of water. That is being diverted from the River Murray and from the Hume Reservoir into the Murrumbidgee. A provision in the River Murray Waters Agreement is to the effect that, if a State diverts water from the River Murray above Albury, it shall be deducted from that State's share of the water. Victoria and New South Wales are normally entitled to all the waters, to be divided equally between them, but if one State diverts water above Albury it is to be deducted from that State's share. The Snowy River Agreement dealing with this matter provides that both Victoria and New South Wales agree to have the diversion of the Tooma debited against them equally, so on the face of it the provisions set out to try to work in with what is established by the River

Murray Agreement, but an examination of the position does not satisfy the Government of this State that the position is at all satisfactory, because, whereas under the River Murray Agreement we have an agreement we can enforce, we are not a party to the Snowy River Agreement, and any infringement of this agreement is something that would not be actionable as far as South Australia is concerned.

More than that, this water is not being diverted by a State but by the Commonwealth, and therefore is clearly not enforceable as far as South Australia is concerned against either Victoria or New South Wales. Neither New South Wales nor Victoria would be liable, in our opinion, to supply that water if either of them desired to repudiate that agreement in the future because we are not parties to it. It is a private agreement arranged privately between those Governments.

The second complaint of this State arises out of the fact that we have been advised that it has been held by the highest-qualified courts in the land that the waters of a river constitute the waters that flow within its banks. Under the Snowy River Agreement waters that will ultimately be diverted into the River Murray from the Snowy River are allocated between the States of Victoria and New South Wales. That means that in a time of drought those States—if the agreement is held to be valid—would be able to claim all the water diverted into those rivers at a time when South Australia was obtaining a very reduced quantity of water (owing to drought conditions) imposed by the River Murray Agreement, when we would be on a percentage basis. Honourable members will see that in both these matters this State has legitimate grounds for complaint.

More than that, there is of course the political ground, which I will not enlarge upon this afternoon except to say that South Australia has always paid its full share of the cost of storage works under the River Murray Agreement, and even this year has appropriated £500,000 for work that will take place at Albury. Of course, this State, as a Federal taxpayer, is making a signal contribution to the scheme each year, so politically we cannot see the justification for excluding South Australia from any benefit under the scheme. However, these are political matters and cannot be dealt with now in my reply to a question, but the State Government proposes to issue a writ against the Commonwealth Government to restrain it from proceeding with the works on the Tooma River, and we propose asking the High Court for a declaration of what constitutes the River Murray waters as far as the diversion of waters from the Snowy River into the River Murray is concerned. Those matters are now in the hands of the Crown Solicitor.

PARKLANDS AS BIRD SANCTUARY.

Mr. DUNNAGE—Has the Minister of Agriculture a reply to the question I asked last week about what steps could be taken to declare the parklands a bird sanctuary?

The Hon. G. G. PEARSON—The honourable member's question referred to the trapping of birds in the parklands and he asked whether it would be advisable to prevent this practice by declaring the parklands a sanctuary. The Chief Inspector of Fisheries and Game reports that to declare the parklands a sanctuary would, in effect, prohibit even a dog from wandering on to the parklands; and that any unauthorized or predatory animals found on a sanctuary could be destroyed, but I do not think that was the honourable member's intention. The Chief Inspector suggests that if it is considered advisable to take action it should be along the lines of having a council by-law to prohibit the trapping of birds in the parklands. He also reports that, so far as he is aware, no protected birds are affected and that if any birds are trapped in the parklands they are birds for which we do not provide protection.

GOVERNMENT BUILDING CONTRACTS.

Mr. FRANK WALSH—Has the Minister representing the Minister of Works a reply to the question I asked recently about separate contracts being let for the Marion High School, particularly regarding concrete foundations?

The Hon. B. PATTINSON—When a standard plan was being developed for one type of high school detailed drawings for the foundations were completed before the completion of the drawings for the superstructure. As the matter of providing additional high schools was one of urgency, it was decided to call immediately for foundations for three high schools to enable that work to proceed while the detailed plans were being completed for the superstructure. This method of contracting has not been adopted as a policy nor is it intended to recommend this policy. Unless any similar circumstance arises where the matter is extremely urgent, it is not intended in future cases to recommend the letting of contracts for foundations only. Marion High School was one of the contracts for which the foundations were let separately. In this case, the contractor did not furnish the perimeter

beams to an exact level. In certain places they varied. The contractor was required to hack off the high spots and hack for bond and to level up the low spots. This was done at the contractor's expense and completed satisfactorily.

CEREAL PRODUCTION.

Mr. GOLDNEY—Can the Minister of Agriculture say whether his officers have made any estimate of the probable yield of cereal crops in South Australia for the season 1957-58?

The Hon. G. G. PEARSON—The department is engaged in preparing an estimate and it is hoped that tentative figures will be available shortly. The position in South Australia now is probably more obscure and more difficult to estimate than in any season for a long time.

MARRIAGE LICENCES.

Mr. HUTCHENS—Recently it was brought to my notice that a person who was authorized to perform marriages sent particulars to the Registrar and was told he could go on with the proceedings as requested, but later the male concerned was charged with bigamy. I understand that the Registrar does not check particulars as regards former marriages, and I ask the Premier, as Acting Chief Secretary, whether that is correct. If so, will he consider the advisability of having those particulars checked to protect the interests of parties to a marriage?

The Hon. Sir THOMAS PLAYFORD—I doubt whether it would be practicable for the Registrar to check all previous marriages because many of the people concerned have not lived in this State for a long period.

Mr. Hutchens—In this case they had.

The Hon. Sir THOMAS PLAYFORD—Any check could not cover the position adequately because so many people are not permanently resident here. In any case a person can be married under an assumed name. There, it would not be any protection. However, I will submit the question to the Registrar to see if there is any way of tightening up on the question and whether it is practicable.

ARTIFICIAL RAIN MAKING.

Mr. KING—Recently I had a telephone call from a constituent that it was a very cloudy day and he was wondering whether it would be worth while sending a telegram to those in charge of rain making experiments, because conditions looked very favourable. I endeavoured to point out that it was an experimental project and said I would ask the Minister of Agriculture whether he would get a report on the nature of the experiments so that people would not be under a misapprehension, because it would be most disappointing for people to feel that rain-making clouds had been missed. Can the Minister say how the experiments are being conducted so that people will not be under a misapprehension?

The Hon. G. G. PEARSON—The operation is under the control of the Commonwealth Scientific and Industrial Research Organization, which has chartered the aircraft and is doing the work. The Department of Agriculture is a partner in the arrangements for the purposes of publicity and assisting in any way possible. The project is basically centred in the Midland and Mid-North districts. The purpose is to work in these two prescribed areas alternately over a period in order that the results can be collated, local uncertainties ironed out and the percentage of error reduced accordingly. The organization does not expect to have conclusive results until it has been at work for about three years. I know that planes have travelled over other areas at various times, attempting to precipitate rain, and if we had had enough aircraft we could have employed them very fully over practically every part of the State this year on those occasions when cloud formation made that possible. Therefore, if there is any doubt in anyone's mind, I point out that it is a long-term experiment, that satisfactory results cannot accrue for two or three years, and that it is basically designed for certain specified areas.

PORT GERMEIN JETTY.

Mr. RICHES—The Premier will remember meeting a deputation from Port Germein in relation to the local jetty, and that a very happy arrangement was entered into under which the Port Germein district council would take over the jetty, the Government generously undertaking, through the Harbors Board, to grant £6,000 toward reinstating the jetty for tourists and local use. The chairman of the council has asked me to inquire from the Premier if he could use his good offices to have the money made available as early as possible because they want to get a start on the work and have something ready for the coming holiday season.

The Hon. Sir THOMAS PLAYFORD—The amount of £6,000 has been included in this year's Estimates which were passed by this House and at present are under consideration by the Legislative Council. As soon as they are passed a cheque will be available and I will see that it is forwarded as promptly as possible.

PETROL STATIONS.

Mr. COUMBE—Last week, in answer to a question by Mr. Dunnage concerning petrol stations, the Premier said that the oil companies had given him certain assurances that they would not establish any new selling outlet unless one of the existing outlets was closed. I have a complaint from a small petrol reseller in my electorate that he has received notice from his oil company that it is going to take his pumps away under the terms of his agreement. Is the Premier aware that oil companies are closing down some of the small outlets to provide new and larger outlets of their own in order to keep within the assurances given that additional outlets would not be established? Is he also aware that the oil companies have an agreement with the petrol pump manufacturers which provides that they supply petrol pumps only direct to the oil companies and not to petrol resellers? Will he investigate the position which has resulted at very short notice in my constituent having his pumps taken away and his being unable to buy or rent new pumps, thus having his business and livelihood, which he has built up over some years, taken away from him almost overnight?

The Hon. Sir THOMAS PLAYFORD—I do not know the particular case, but if the honourable member gives me the address of the person concerned and if possible the petrol company, I will make investigations. The assurances given arose out of a statement in this House that the number of petrol stations was being increased in excess of what was necessary as an obligation to the motoring public, and in many instances desirable properties were being demolished. The companies, to counteract that complaint, said they would not increase the number of selling outlets in the metropolitan area, and subsequently, and without any request from me, they sent me a further letter to the effect that they had agreed to continue that policy for another year. However, I will investigate the case mentioned and see if in some way I can find some alleviation for the person concerned.

LIGHTING IN POLLING BOOTHS.

Mr. TAPPING—During the recent debate on the Loan Estimates I mentioned poorly lighted polling booths in the Semaphore electorate. Has the Premier anything to say on the matter?

The Hon. Sir THOMAS PLAYFORD—The Returning Officer for the State reports as follows:—

District returning officers often find it difficult to obtain suitable halls for use as polling booths, and complaints about the lighting could result in the hall not being let for elections. The department has no control over lighting in private halls and buildings, but presiding officers are expected to arrange the polling booth to the best advantage as regards lighting. In the Semaphore district I think the complaints are mainly directed against the Masonic Hall booth. The Returning Officer for the district informs me that this hall has been painted and the lighting improved.

MUCOSAL DISEASE IN CATTLE.

Mr. HARDING—Has the Minister of Agriculture a reply to the question I asked on October 8 regarding the presence of mucosal disease in cattle in the South-East?

The Hon. G. G. PEARSON—The honourable member raised this question, as did the member for Mount Gambier on the same day, and I have received the following report from the Chief Inspector of Stock:—

1. Symptoms resembling those of mucosal disease which has been recognized in the United Kingdom and United States of America for several years, were reported from the South-East of this State during July of this year.

2. The occurrence was promptly investigated by officers of this department and as a precautionary measure, several properties found to be affected were placed under quarantine restrictions.

3. The symptoms of the disease bear some resemblance to those of foot and mouth disease, but there is no relationship whatever between the two diseases, and it was immediately recognized that the condition was not foot and mouth disease.

4. Consultation with publications from overseas provided fairly conclusive evidence that the symptoms and lesions involved in outbreaks in the South-East were identical to those attributed to mucosal disease.

5. In order to substantiate the diagnosis, preliminary inoculation tests were done, and similar symptoms were produced in one test animal.

6. Arrangements were made for Dr. Gregory, Assistant Chief of the Division of Animal Health of C.S.I.R.O. to visit the South-East and examine infected cattle with the Chief Inspector of Stock. Dr. Gregory has had considerable experience in the pathology of exotic diseases during his frequent visits to overseas laboratories.

7. In all, the disease was recognized on eight properties, and although some mortalities occurred, it was considered that these were due mainly to secondary factors.

8. There is reason to believe that the disease has been in existence in the area for some years, but has not been recognized as such.

9. Arrangements have now been made to carry out transmission tests with a view to ascertaining the distribution of the infection in this State.

10. The matter has also been listed for discussion at the Conference of Commonwealth and State Veterinarians to be held in Canberra at the end of this month. In the meantime, all States have been fully informed of the nature of the infection in this State and at least two States have indicated their belief that a similar disease exists in their territory.

11. The disease appears now to have subsided and no fresh outbreaks have been reported for some weeks. From overseas literature there is every indication that the disease is seasonal.

12. The conclusion must be reached that we have in herds, at least in the South-East, a communicable disease, closely allied to mucosal disease in overseas countries. The disease appears to affect only cattle in the younger age groups, and is in itself not serious unless complicated by other factors.

Although the symptoms resemble foot and mouth disease, there is no connection whatever between the two diseases. Every attempt will be made in consultation with other States to determine the economic significance and possible methods of control of the disease.

DROUGHT-AFFECTED SHEEP.

Mr. STOTT—The Minister of Agriculture is well aware of the drought conditions applying in parts of the State. A tremendous number of sheep and other stock are coming to the abattoirs for slaughtering and the Abattoirs Board is allowing the owners 3s. 6d. a head and returning the skins. The Minister also knows the freight charges involved in transporting stock to the abattoirs. Can he indicate the saleable value to the abattoirs of the heart, liver and inedible offal; has he considered reducing freight charges in areas affected by the drought and does he consider the board's arrangement is working out fairly in the interests of producers in view of the return they get from the sale of the sheep?

The Hon. G. G. PEARSON—I know that the Abattoirs Board went to some trouble to work out what it regarded as an equitable arrangement whereby producers received the maximum possible return for the type of sheep they consigned for processing. It was envisaged that the sheep that would come forward would be in poor condition and have little or no meat value, and the only recovery possible from them would be by way of offal and meatmeal. The skins are, of course, returnable to the owners. I believe the board has done the best it could to arrive at the maximum return to the producer. In fact, it would be fair to say that it has to some extent disregarded its ordinary overhead costs in arriving at that figure. I am not a party to the board's calculations on this matter, but I do know something of the calculations made by the Government Produce Department at Port Lincoln in respect of a similar scheme introduced there. The departmental findings were almost in line with the findings of the board in respect of the amount recoverable. The scheme relates to the average stock consigned to it. Naturally some consignments would have more residual value than others, but the scheme was designed to relate to the average type of animal.

The question of freight charges was raised a week or two ago and the Government is still considering it. I point out that it would be extremely difficult at the moment, particularly under the circumstances applying this year, to decide what, if any, consignments, were eligible for reduced freight charges. The drought this year has not followed the pattern normally applying in South Australia. In the main, there are areas quite reasonably placed with regard to pasture and agistment in close proximity to extremely dry areas. It is not the usual drought in which the north is dry and the south has some feed. Therefore, it is not a question of moving stock for agistment purposes from the north to the south, as has been usual. For the additional reason that at the moment the abattoirs is fully occupied in the slaughter of export lambs and local mutton and in any case is not able to handle potter sheep in great numbers the Government has not yet deemed it necessary or advisable to give freight concessions.

TOWN PLANNING ACT AMENDMENT.

Mr. LAUCKE—Has the Minister of Education a reply to the question I asked last week concerning the possible amendment to the Town Planning Act to provide similar conditions relating to roadmaking in country areas as apply in the metropolitan area in respect of subdivisions?

The Hon. B. PATTINSON—The Attorney-General has advised me that the Parliamentary Draftsman is at present considering a number of suggested amendments to the Town Planning Act for inclusion in a proposed draft Bill, including the question raised by the honourable member.

AMBULANCE DELAYS.

Mr. HUGHES—I understand the Premier has a reply to the question I asked on September 26 concerning the Wallaroo ambulance being delayed at the Royal Adelaide Hospital.

The Hon. Sir THOMAS PLAYFORD—I have received the following report from the Medical Superintendent:—

I have again advised the Casualty Registrar that, subject to the patient's best interests, the

rapid turn around of ambulance and stretchers is an integral part of the general policy of an efficient Casualty Department, and that in general it should not be necessary for a request to be made by the ambulance drivers to make the stretcher available without delay. I am advised that the standardization of non-metropolitan ambulance equipment is not yet complete. When a satisfactory design has been established for casualty barouches in order to eliminate the tilt, existing plans for the transfer of patients from stretcher to barouche using canvas slings and poles will be implemented. The transfer recently of the patient under escort from Wallaroo was followed through by Dr. Sheedy personally, and he did not consider the transfer from stretcher on admission to be in the patient's best interests.

WINDSOR GARDENS FACTORY NUISANCE.

Mr. JENNINGS—Has the Premier a further reply to my recent question concerning the nuisance created by Peters Ice Cream factory at Windsor Gardens?

The Hon. Sir THOMAS PLAYFORD—The land in question was purchased by Peters Ice Cream Company from the South Australian Housing Trust. Regarding the second part of the question, the Principal Medical Officer of the Department of Health reports:—

Inspector Inglis visited the premises on October 8, 1957, and his report is attached. Waste water from truck washing and a broken steamline had collected on an area near the factory. At the time of the inspection the steampipe had been repaired and it was discharging into a silt trap which was connected to the sewer. Truck washing is now being done elsewhere. The inspector considers that the area is drying up quickly and the present arrangements for disposing of waste waters are satisfactory.

I will ask the Department of Health to make a further inspection in about a week or 10 days to see whether the position is satisfactory.

PRICE OF MEAT MEAL.

Mr. BYWATERS—Has the Premier, as Minister in charge of prices, a further reply to my recent question concerning the price of meat meal?

The Hon. Sir THOMAS PLAYFORD—The Prices Commissioner reports:—

The Prices Commissioner has reported that meat meal was decontrolled on August 22 this year. Prior to decontrol in January the price was increased by £7 10s. per ton, this being the first increase for five years. Since decontrol the price has been increased by £3 4s. per ton to £41 10s. following discussion between the abattoirs and the Prices Department. Current prices in Victoria are from £45 to £50 per ton for a lower quality meat meal, and although the abattoirs sales are entirely to local users, there is at present a four weeks' lag on orders. If it was decided to sell to other States an acute shortage could result in South Australia. The position has been examined and it is considered that, in view of increased costs incurred by the abattoirs and higher prices ruling in other States, the current price is warranted.

BEDFORD PARK SANATORIUM.

Mr. FRANK WALSH—During the debate on the Estimates I asked the Premier whether Bedford Park Sanatorium was soon to be closed and the Morris Hospital enlarged. Has he a further reply?

The Hon. Sir THOMAS PLAYFORD—I have received the following report on this matter:—

It has been noticed that during the last two years the daily average number of patients at Bedford Park Sanatorium and Morris Hospital has decreased. This is almost certainly due to modern methods of treatment and to the detection of the disease in early and unsuspected cases as a result of the Compulsory Tuberculosis X-ray Scheme. During the last year the daily average at Bedford Park Sanatorium (112 beds), was 67, and at the Morris Hospital (112 beds), 95; but today the number of patients in Bedford Park Sanatorium is 58, and Morris Hospital, 71. These figures show that both institutions have a daily occupational rate of little more than half their capacity. For this reason, thought has been given to the possibility of accommodating all tuberculosis patients in the Morris Hospital. This could not be done at present, because there are insufficient beds in that Hospital and so it would be necessary to erect another block to accommodate sixty (60) patients, as well as essential services, such as physiotherapy, doctors' offices, etc., which are inadequate at present. It would also be necessary to modernize the kitchen. Preliminary planning for such a block is in progress at present and in the near future the whole question will be submitted to the Honourable the Chief Secretary for consideration. One special hospital, such as the Morris Hospital, for the treatment of tuberculosis should be better than two such hospitals, from every aspect, *i.e.*, administratively, economically and for the treatment and comfort of the patients. If Bedford Park Sanatorium were vacated as a Tuberculosis Hospital it would be available for other hospitals, such as an extension of the Mental Services or for use by the Children's Welfare and Public Relief Department. The present position, therefore, is that a statement is being prepared for the Honourable the Chief Secretary, giving all the facts so that he may consider the wisdom or otherwise of accommodating all tuberculosis patients at the Morris Hospital and so free the Bedford Park Sanatorium for other purposes. In any case, if such a scheme were approved, the transfer of all Bedford Park patients to Morris Hospital could not be effected until some further accommodation is provided at that hospital. (It should be stated here that in H.D. 318/53, the Commonwealth Government has agreed to meet costs involved in planning the new block at the Morris Hospital, but has

warned that this does not imply agreement to finance the cost of the hospital as has been done on other occasions under the Commonwealth/State Tuberculosis Arrangement.)

BARLEY STOCKS.

Mr. GOLDNEY—Presumably because of the dry weather considerable demands are being made on the stocks of barley held by agents at country centres. Can the Minister of Agriculture say how long these stocks will last and whether any limit is placed on the quantity that may be purchased by any one person?

The Hon. G. G. PEARSON—I am aware that stocks of barley are being used rapidly. About 10 days ago Mr. Martin, manager of the Barley Board, furnished me with a statement of the position and said that he was somewhat concerned at the way stocks were disappearing and that the board was trying to see that the small quantity remaining was distributed equitably. In fact, speaking from memory, the board resolved to limit sales to a certain quantity to each customer on the basis of either so much for each order or so much per week. The board is concerned to see that available stocks are not held by any one person or group of persons.

EYRE HIGHWAY WATER SUPPLIES.

Mr. LOVEDAY—Will the Premier call for a report on water storages on the Eyre Highway in view of a statement in the press today that some tanks have been shot through, that the water in some has been defiled by the presence of dead kangaroos, and that as a result no water is available to travellers on some parts of the highway?

The Hon. Sir THOMAS PLAYFORD—It is deplorable that at some places where the Government has established a water tank for the convenience of the travelling public some silly fool cannot resist putting a bullet through it, resulting in the next traveller being deprived of water. This could even endanger his life. I do not know the answer to this silly practice, which is all too common. What has been established as a service to the community is sometimes damaged by some person who has no regard for public property or even the safety of other travellers. I will see whether the position can be remedied.

DAWS ROAD REPATRIATION HOSPITAL.

Mr. JENKINS—I have been told on two occasions recently that some of the wards in the Repatriation hospital at Daws Road, which is a Commonwealth institution, are empty. I believe that only ex-servicemen suffering from a war disability are admitted. Many ex-servicemen are suffering from other complaints, so will the Premier, as Acting Minister of Health, ascertain from the Repatriation Department whether they can be admitted to the hospital?

The Hon. Sir THOMAS PLAYFORD—Yes.

GLANDORE INDUSTRIAL SCHOOL.

Mr. FRANK WALSH—I understand that the Glandore Industrial School was built to provide accommodation for between 45 and 50, but I gather from reports issued from time to time by the Chairman of the Children's Welfare and Public Relief Department that there is some overcrowding there. Has the Government had any requests from the chairman for additional accommodation at the school?

The Hon. Sir THOMAS PLAYFORD—I will get a report for the honourable member.

MINING ACT AMENDMENT BILL.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer), having obtained leave, introduced a Bill for an Act to amend the Mining Act, 1930-1955.

Read a first time.

DAIRY INDUSTRY ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

It has been introduced as a result of a general review of the Dairy Industry Act made by the officers of the Department of Agriculture. The principal Act was passed in 1928, and its object was to improve the quality of South Australian dairy produce. It provided for the licensing of dairy farms, dairy produce factories, milk depots and creameries, and contained provisions to ensure that dairy produce was produced or manufactured under hygienic conditions, and complied with proper standards. There was provision for examining and certifying testers and graders of milk and cream and for ensuring that producers who supplied milk and cream to factories should be paid for these products on an equitable basis.

In the period of nearly 30 years since the Act was passed there has been a considerable change in the dairy industry in this State and the departmental committee reported that some amendments and additions to the Act are

required to meet the conditions of today, and to improve administrative practices. After consideration of this report the Government decided that there was a good case for some alterations of the Act and has accordingly brought down this Bill. I will briefly explain to honourable members the effect of the amendments.

Clauses 3 and 4 deal with the territorial application of the Act. Under the existing legislation the Government has power to exempt any part of the State from the whole Act or from any part of the Act, but this power is subject to the restriction that a dairy farm cannot be partly exempt from the Act, but must be either wholly exempt or not exempt at all. For some years dairy farms in proclaimed areas have been treated as being exempt from those parts of the Act which require licence fees to be paid, but such an exemption is not authorized. For this reason the Bill makes amendments to provide that in proclaimed areas dairy farms can be exempted either from the whole Act or from any specified provisions. Subject to these exemptions, it is provided that the Act will in future be of general application. The amendments made by clauses 3 and 4 are for this purpose.

Clause 5 makes several amendments to the definitions in the principal Act. One of them provides that farms on which goats are kept for the production of milk will be treated as dairy farms. There is a growing demand for goats' milk for use in the diet of persons unable to drink cows' milk because of allergies. There is an increased interest in the keeping of goats to meet this demand. An inquiry has also been made on the availability of goats' milk for manufacture of types of cheese in demand by migrants. Where goats' milk is destined for sale for human consumption it is reasonable to expect that places where goats are kept, and conditions under which goats' milk is produced, shall comply with the standards required for dairy farms.

Another amendment in clause 5 is for the purpose of bringing dairy produce stores under the Act. A store is defined as premises (other than a factory dairy farm milk depot or creamery) in which one ton or more of dairy produce is stored. In the interests of proper administration of the dairy produce legislation it has been found desirable that some control should be exercised over these stores. In investigating complaints about the quality of dairy produce the Department of Agriculture has from time to time found that the deterioration of produce is due to faulty conditions in dairy produce stores or faulty methods of storage. To overcome this trouble it is desirable that the stores should be licensed. It is not proposed, however, that stores which are already registered under the Commonwealth Export Dairy Produce Regulations shall have to be licensed under this Bill. It is considered that where a store is subject to Commonwealth control there is a sufficient guarantee that the conditions will be satisfactory. Such stores are accordingly excluded from the definition.

The other amendments made by clause 5 are to the definition of "creamery" and "milk depot." The object of these amendments is to make it clear that premises forming part of a factory where cream is collected or milk is collected, pasteurized and chilled, will not be regarded as creameries or milk depots within the meaning of the Act so as to require separate licences, unless the milk or cream is to be taken elsewhere for manufacture or other purposes.

Clause 6 requires that a person who is about to establish a factory, creamery, store or milk depot either by building new buildings or converting existing buildings, must deposit plans and specifications of the buildings with the Minister and obtain his approval to them. It is laid down that the Minister must approve of any plans and specifications submitted to him, unless they are not in compliance with the regulations. After plans and specifications have been approved the premises must be built in accordance with them. There is, however, power for the Minister to exempt minor alterations of premises from the operation of this section. Clause 7 makes a consequential alteration of headings in the Act.

Clause 8 makes some alterations in the licensing system. Under the present law any application for a licence for any kind of premises under the Act may be made to a police officer. It is provided in the Bill that every application for a licence for premises other than a dairy farm must be sent to the Chief Dairy Adviser, that is, to the Adelaide office. Applications for licences for dairy farms, however, will be dealt with by police officers as in the past. With regard to factories, creameries, milk depots and stores, however, it is necessary that applications should be dealt with by officers of the head office because of the greater complexity of the premises and the importance of ensuring that they comply with the law before a licence is granted. In connection with licences, it is also proposed to increase some of the fees. The fee for a licence for a dairy farm, which is at the rate

of 6d. per cow, will remain at the present rate, but the fees for factories, milk depots and creameries will be doubled. These fees were fixed in 1928 and are very light. The licence for a factory now costs £2 and for a creamery or milk depot, 5s. Under the Bill it is proposed to raise these amounts to £4 and 10s., respectively. As a consequence of the extension of the Act to the production of goats' milk, it is also necessary to provide for the licensing of goat farms, and the fee for such a farm will be at the rate of 6d. per goat.

Clause 9 re-drafts with amendments the provision of the Act dealing with the obligations of proprietors of factories, milk depots and creameries as to the payment for milk and cream supplied by producers. There are two amendments of substance. The first deals with the period for which payments for what is called the over-run will be calculated. At present the Act does not lay down the intervals at which these payments must be made, but the practice is to compute them on a monthly basis. It is proposed in the new clause to lay it down that the period for which over-run payments are paid will be such as is prescribed by regulation. It is probable that annual payments will be prescribed. The second amendment makes it clear that over-run payments are to be pooled between all suppliers. In other words, no attempt need be made to calculate each producer's payment on an individual basis on the assumption that one producer's cream may produce more butter than that of another. This would be impossible, but the Crown Solicitor advises that under the present law each producer may have a right to have his over-run payment computed separately.

Clause 10 re-enacts section 20 of the principal Act with amendments. At present this section prohibits the manufacture of dairy produce from putrescent milk or cream and lays it down that such milk or cream must be removed and disposed of in accordance with the regulations. It is proposed to extend this provision so that it will also apply to milk or cream which, though not putrescent, is for any other reason unfit for human consumption, *e.g.*, because it is dirty or contains foreign bodies. Secondly, the scope of the section is extended so that it will apply not only to milk and cream supplied to a factory (as at present), but also to milk and cream supplied to creameries and milk depots.

Clause 11 provides that the owner of a cheese factory must cause all cheese manufactured at the factory to be marked in accordance with the regulations. The object of this is to ensure that identifying marks are placed on cheese so that it will be possible to ascertain who manufactured it. When the department is investigating complaints about the quality of cheese it is essential that the officers should in all cases be able to trace the manufacturer.

Clause 12 amends section 24 of the principal Act which deals with the requirement that testers and graders of milk or cream must hold certificates of qualification. The amendments repeal some obsolete provisions dealing with the time of the commencement of the section and also make it clear that separate certificates are to be issued for testers and graders respectively.

Clause 13 provides that the Minister may issue butter makers' or cheese makers' certificates to persons who qualify for them under the regulations. There is no provision for these certificates at present. It is, however, not proposed at this stage to place any restrictions upon persons who may act as butter makers or cheese makers. The effect of the clause will be that those who comply with the prescribed requirements will receive certificates which will be evidence to prospective employers that the holders are properly qualified. Clause 14 increases the general penalties for breaches of the Act from £10 to £50. Clause 15 declares that a number of minor amendments set out in the schedule are to be made. These are mostly consequential amendments made necessary by the fact that dairy produce stores are being brought under the Act.

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

EVIDENCE ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

The matters dealt with in this Bill, with the exception of clause 5, were brought to the notice of the Government by the Law Society of South Australia. Almost every day in the courts it is necessary for a party to an action to prove some matter by production of the *Government Gazette*. The only way at present whereby this has been done is by tendering a copy of the gazette. For many years solicitors and others associated with the courts have experienced difficulty in obtaining copies of gazettes for production in court as exhibits, and

whilst the Government Printer has always tried to assist by keeping a stock of all back numbers, problems of storage and reprinting have of recent years prevented him from replenishing his stocks.

In many cases it becomes necessary for solicitors and their clerks to convey the original half-yearly bound copies to the court, thus exposing valuable books to the risk of being damaged or lost. It is therefore desirable to provide some more convenient method of proving matters published in the gazette.

Clause 3 accordingly provides that evidence of the making of the contents of any regulation or other like instrument may be given in court by the production of any one of the following documents:—

1. A copy of the relevant gazette; or
2. A copy of the regulation or instrument purporting to be printed by the Government Printer; or
3. A copy purporting to be certified correct by the Secretary to the Attorney-General.

Other subclauses of clause 3 make similar provisions for proving the date of publication.

Clause 4 deals with the proof that a paper is the gazette or that it was printed by the Government Printer, and is of a consequential nature to facilitate proof of matters which are never in dispute. Clause 5 is an evidentiary provision to facilitate the proof of the fact that any place is within a municipality district or township. This matter is seldom in dispute in Court proceedings, but often involves difficulties of proof and sometimes requires the attendance of the town clerk of the area concerned, who has little time to be concerned with such matters. The clause provides that an allegation in a complaint or information that a place is within a municipality, district, or township shall be *prima facie* evidence of the matter so alleged.

The clause does not exclude the right of any defendant to contest the issue that any particular place is within a municipality or district. Where such a matter is disputed, the Court must be satisfied beyond reasonable doubt before entering a conviction. Where the matter is not disputed, the evidentiary section will enable the point to be proved without the necessity of calling witnesses.

Mr. DUNSTAN secured the adjournment of the debate.

FRUIT FLY (COMPENSATION) BILL.

Returned from the Legislative Council without amendment.

LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT BILL.

In Committee.

(Continued from October 15. Page 1086.)

New clause 2A—"Exemption from Act."

Mr. DUNSTAN—I ask leave to withdraw my new clause 2A with a view to substituting a new clause.

Leave granted.

Mr. DUNSTAN—I move the following new clause:—

2a. Section 6 of the principal Act is amended by adding the following words at the end of subsection 2 (*c*) and 2 (*d*) thereof.

> "and which, in the case of any such lease entered into after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1957, provides for a rental not in excess of twice the rental which was pursuant to this Act last applicable to the dwelling when the provisions of this Act applied to it."

and by adding the folowing words at the end of subsection (2) (*b*) thereof:

> "provided that, in the case of any such lease entered into after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1957, the rental payable is not in excess of twice the rental which was pursuant to this Act last applicable to the dwelling when the provisions of this Act relating to the control of rents applied to it."

and by adding a new subsection (5) as follows:—

> "For the purpose of calculating the last rental applicable to a dwelling for the purposes of subsection (2)(*c*), (2)(*d*) and (2b) of this section where a fixation has previously been made for the whole of a dwelling and it is proposed to let or sublet a portion of that dwelling on a lease in writing, the last rental applicable for that portion shall be deemed to be a sum which, together with the rental for other portions of the dwelling let, shall not exceed the total of rental so previously fixed for the whole of the dwelling."

The clause is as it appeared in the original printed form with the addition of the new subsection (5). The purpose is to cope with an objection raised by the Premier last night. He pointed out that there could have been a controlled rental for a house, but subsequently portions of it could have been let on lease at greatly inflated rentals, and in respect of those portions there would have been no rent fixed. Previously, what happened was that where the greater portion of the house was let that was still deemed to be the dwelling house for which the controlled rental had been fixed. It has been pointed out to me by officers of the Housing Trust that an anomaly exists under the control provisions at the moment, because if

the portion which is sublet is not the greater portion of the house, in effect there is no rent fixed in respect of it; and under control a considerable anomaly can arise in that greatly inflated rentals can be charged for that portion of the house. The trust has some means of coping with that situation under the control provisions of the Act. When a matter is brought to its notice, and in respect of controlled premises, it can make a fixation under section 14 (3), but where it has not come to its notice an anomaly exists. My first proposal would not cope with that situation. My impression was that the assessment was fixed for a previous period, but that is not so and I must apologize for having misled the Committee on that point. Section 14 does not cope with premises released from control and in respect of which a lease is signed, and in order to meet the Premier's objections I have drafted this new provision to provide that the total of rentals of sub-leases shall not be greater than the total of the fixed rental for the whole house, and that in calculating what is the last applicable rent for the portion of the dwelling which had not previously been let as a portion consideration must be had to an amount which, together with the rental of all other portions let, is not greater than the last controlled rental for the whole dwelling. This, in fact, will mean that the fixation in respect of the whole dwelling is the applicable rental for the sum of the portions of the dwellings.

As to the other matter, I point out that a landlord can go to the Housing Trust at any time and have his rent fixed. That is possible under section 27 of the Act even if he has no tenant in his house. In order to bring his last controlled rental up to date and to have consideration given to improvements he has made the landlord may go to the trust before a lease is signed. After the lease is signed, provided the rental is not more than double that fixed by the trust, the landlord is exempt from the provisions of the Act. It is not proposed by my amendment to bring premises back under control except in those instances where exploitation is absolutely clear. Those people who are being fair and seeking only to gain a fair profit will not be controlled, but those who are taking an unfair advantage of the scarcity of houses will be subject to control.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—My main objection to the honourable member's amendment last night was that it would tend to bring more persons within the scope of the Act, whereas the Government's policy is to decrease the number. I suggest that the amendment was based upon a rule of thumb method which did not take into account all the contingencies that could arise. I referred particularly to premises in respect of which extensive alterations had been made and to premises that were leased. This amendment attempts to meet the position regarding sub-leasing, but it still has the disability of not taking all contingencies into consideration. While the honourable member was speaking I worked out three different types of cases presumably governed by his amendment in respect of which three different answers could be given, depending on the portion of the house let and the amount of rent charged. The new clause would be uncertain in its application and does not improve the Bill and I ask the Committee not to accept it.

The Committee divided on new clause 2a.—

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

Noes (19).—Messrs. Bockelberg, Brookman, Geoffrey Clarke, Coumbe, Fletcher, Goldney, Hambour, Harding, Heaslip, Jenkins, King, Laucke, Millhouse, Pattinson, Pearson, Sir Thomas Playford (teller), Messrs. Quirke, Shannon and Stott.

Pairs.—Ayes—Messrs. Davis and Loveday. Noes—Hons. Sir Malcolm McIntosh and C. S. Hincks.

Majority of 5 for the Noes.

New clause thus negatived.

New clause 5a.—"Court to consider hardship."

Mr. DUNSTAN—I move to insert the following new clause:—

5a. Subsection (i.) of section 49 of the principal Act is amended by inserting the words "or pursuant to section 55c" after the words "section 42" in subparagraphs (*c*), (*d*), (*f*), and (*g*) thereof.

This new clause is related to new clause 5b and proposes that in making decisions under 55c the court shall have power to take into account the circumstances of the case. It provides that under section 49 in certain circumstances, certain matters shall be considered upon application under section 55c. Prior to the enactment of section 55c, apart from one or two small clauses in the Act which have not often been invoked, in any proceedings for recovery of premises the court had power to take into account the circumstances of the case. Section 49 of the Act reads:—

49. (1) On the hearing of any proceedings by a lessor for an order for the recovery of

possession of any premises to which this Act applies, or for the ejectment of the lessee therefrom, the court shall take into consideration, in addition to all other relevant matters—

(*a*) any hardship which would be caused to the lessee or any other person by the making of the order;

(*b*) any hardship which would be caused to the lessor or any other person by the refusal of the court to make the order;

(*c*) where the application is made on any one or more of the grounds specified in paragraphs (*g*), (*h*), (*i*), (*j*), (*l*1), (*m*) and (*n*) of subsection (6) of section 42—whether reasonably suitable alternative accommodation in lieu of the premises is, or has been, whether before or after the date upon which notice to quit was given, available for the occupation of the person occupying the premises or for the occupation of the lessor or other person by whom the premises would be occupied if the order were made;

(*d*) where the application is made under a ground specified in paragraph (*g*) of subsection (6) of section 42—whether at the time the lessor acquired the premises the premises were let to the lessee and whether the lessee had any opportunity to acquire the premises and the reasons for the lessee failing to acquire the premises;

(*e*) where the application is made under a ground specified in paragraph (*m*) of subsection (6) of section 42—whether at the time the premises were agreed to be sold to the purchaser the premises were let to the lessee and whether the lessee had any opportunity to acquire the premises and the reasons for the lessee failing to acquire the premises;

(*f*) where the application is made under a ground specified in paragraph (*g*) of subsection (6) of section 42—whether the lessee is the owner of another dwellinghouse capable of being occupied by him and whether he has taken all necessary and proper steps to obtain possession thereof;

(*g*) where the application is made on a ground specified in paragraph (*g*) of subsection (6) of section 42—whether the lessor has been required by circumstances to live elsewhere than in the premises and whether there has been any relevant change in those circumstances;

(*h*) whether the lessee has made reasonable efforts to secure other premises;

(*i*) where the proceedings relate to a dwellinghouse and a permit has been issued to the lessee under the Building Materials Act, 1949, for the construction of a dwellinghouse—whether the lessee has been guilty of unreasonable delay in the construction of the dwellinghouse in respect of which the permit was issued.

(*j*) where application is made on a ground specified in paragraph (*s*) of subsection (6) of section 42—whether the lessee had reasonable cause not to reside personally in the premises,

and may, in its discretion, make the order subject to such conditions (if any) as the court thinks fit or may, on such conditions (if any) as it thinks fit, refuse to make the order notwithstanding that one or more of the prescribed grounds has been established.

When section 55c was enacted it was stated that the court, upon proof of certain formalities, must make an order without taking into account any of those matters contained in section 49. Where section 49 is taken into account by the court all the matters I have mentioned are considered and, if the lessee has not been unreasonable and has nowhere else that he could reasonably go to, it comes down to a question of conflicting hardships. Where the hardships are in the balance the court gives the order to the landlord because it takes account of the fact that he owns the house.

I propose that the court may take into account all matters contained in section 49, but in addition, before balancing the scales, it must consider the fact that the landlord owns the house; that ground will be considered at the outset. That would give the landlord, under section 55c an edge he does not normally get under section 49; but it means, of course, that the court may go into the circumstances of the case and determine it on its merits. The court may not do that at the moment under section 55c and there have been grievous examples of what may be done under that section. Let me quote one or two cases.

A lady owned premises in the West Torrens district comprising a fairly large house and, beside it, a smaller dwelling. The large house was occupied by tenants; the landlady got them out on the ground that she needed the house for her own use and occupation and induced them to occupy the smaller house. She then proceeded to let the larger house at the fantastic rental of 10 guineas a week after £500 had been put down on the furniture. The new tenant simply could not meet his commitments and went out. The larger house is now empty; the landlady has not gone into it herself. Although it is empty, however, she has now given to the tenants who moved into the smaller house notice under section 55c stating that she needs that house for her own use and occupation and all she need do in the court is to prove that she gave six months' notice and make a statutory declaration that in her opinion she needs the house. The court cannot consider whether that statement is correct or not: it has held that it has not that power.

It may merely determine whether the declaration was made and the notice given. If the court had power to take into account the background it would say to the woman, "You don't reasonably need these premises for your own use and occupation and that ground cannot be made out in that case." However, she does not have to establish that ground under section 55c, which, however, in effect simply means that the landlady may give six months' notice and that is the end to the matter.

That is a fantastic situation in view of the present housing shortage and, when the fact that a landlord may give notice for his own use and occupation, however tenuous his view of that need may be, is combined with the fact that he may give notice that he needs the premises to facilitate a sale, regardless of whether they are needed for sale or not, and whether any real hardship is involved for him, tenants are faced with a difficult situation.

In my district at present there are several cases of people who have eviction warrants pending against them. They will have to go within the next few days. A pensioner couple are occupying a house in Glyde Street, Beulah Park that is owned by a real estate company. They have an eviction warrant out against them and, although for some time they have had an application with the Housing Trust for a pensioners' flat, the trust says that no flat or emergency accommodation is available for them. The husband, because of the worry entailed, had another heart attack last week and I do not know what will happen to them for I cannot get a vacancy for them in a church home for such homes have long lists of applicants.

Within 50 yards of my home resides a lady, 78 years of age, who has been there for many years. She is unable to get about very much and seek alternative accommodation. She has an invalid daughter, who is subnormal and has been released to her from Parkside mental hospital. The daughter needs someone to be with her, although she is capable of doing some work about the house. It would be tragic if this couple were separated, but I do not know what will happen to them after December 6. No trust home is available to them, nor can any church home take them. Such cases can be repeated by practically every metropolitan member.

Since August when the first of the notices to which I have referred fell due there has been a marked increase in the number of cases for eviction orders and, whereas previously on Monday morning there may have been 10 or 12 cases at the Adelaide Local Court, there are now sometimes 30. They go through like sausages when the advocate says, "This is a section 55c application." The judge then asks, "Has the notice been served and the declaration made?" Counsel for the plaintiff says, "Yes." The judge then says to the defendant, "You realize I must make an order in this case. You had better negotiate with the landlord for time to get out, but I must warn you that the maximum time given by the court is three months, and that is only given in exceptional circumstances." Where a lawyer acts for the defendant it does not even come to that because the parties negotiate beforehand to get the longest possible time for the tenant. Then a consent order is announced in the court, because there is no ground on which to fight a case even though the most grievous hardship could be pleaded by the unfortunate tenant who cannot help himself.

Last year I not only forecast accurately what would happen under this provision, but when the notices fell due I asked the Government to do something about the matter and I am horrified that nothing has been done. This amendment cannot be said to be unfair. What unfairness is there in asking that the court examine the circumstances of every case? In every case the amendment may give an edge to the landlord under section 55c by giving weight, in addition to the circumstances mentioned in section 49, to the fact that he is the owner. In those circumstances no unfairness can arise. I have had cases in the court recently where a tenant has been given one month's notice under section 42 because the landlord wanted to demolish the premises, build something better, and make a profit out of it. Alternatively, he stated to the court that when he had demolished the premises he would sell the valuable site. The court examined his financial circumstances and the hardship that that would devolve on the tenant and said, "Taking into account the conflicting hardships it cannot possibly be said that the tenant's hardship is not overwhelmingly greater than that of the landlord. The landlord is affluent and does not need the money as much as the tenant needs a roof over his head. The tenant has not been unreasonable and even if the ground is made out in this case we should not grant on order because the hardship of the tenant would be so great." Yet under section 55c that landlord may merely give six months' notice and say he needs the place for sale for demolition, and he can then get possession.

I ask members not to adopt the attitude that the landlord may do what he likes in the present housing shortage. I know that hardship devolves on certain landlords under this legislation, but there are other people who are in real difficulties today. This legislation does not protect unreasonable tenants. If such people do not take proper steps to see whether they can get alternative accommodation an order is made against them. Under the Act there is no excuse for them, and the landlord gets his premises, but when the tenant has done everything he can and there is nowhere else for him to go, how are we to cope with the situation?

The housing shortage should be coped with by seeing that least hardship is done and that the person who can best bear the hardship bears it. If the tenant is unreasonable let him be put to hardship because he has not done what he should, but the reasonable tenant should be protected if the landlord is not being put at a gross disadvantage by being denied the use of his house. The Premier said he did not believe in rule of thumb methods, but there could be no better example of rule of thumb than section 55c. Under that section the court has been made a rubber stamp for the issue of eviction warrants, for it cannot investigate the circumstances of a case. That is something we should not allow to continue, so I urge members to accept the amendment and the one I shall move later which will in effect, mean that the court may take into account the circumstances of every case, and it will give added weight, in comparison with section 42, to the consideration of hardship.

The Hon. Sir THOMAS PLAYFORD—Section 55c was inserted in this legislation fairly recently, arising out of many cases of hardship which came under the notice of members on both sides of the House. Many people who had purchased a house could not gain occupancy as the court had to consider the hardship on a tenant if he were evicted. After much consideration Parliament inserted section 55c, which states:—

Notwithstanding section 42, but subject to this section, the lessor of any dwellinghouse may, at any time after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1955, give notice to quit to the lessee thereof, on the ground that the dwellinghouse is reasonably needed for the occupation as a dwellinghouse by the lessor . . .

More recently another provision was added to that section, as follows:—

or, as the case may be, declaring that possession of the dwellinghouse is required for the purpose of facilitating the sale of the dwellinghouse.

As the member for Norwood said, in those cases the hardship provisions of the Act do not apply, and the owner can get possession on giving six months' notice. He now seeks to break down those provisions so that hardship has to be considered by the court. The amendment increases the scope of the Act, but the Government is trying to reduce its scope. Parliament decided that the court must not consider the question of hardship in certain cases, and that the owner should be able to get possession of his house if he required it for himself or for any of his immediate relations or for sale. I ask the Committee not to accept the amendment.

Mr. STOTT—The Government should be commended for trying to abolish landlord and tenant controls as quickly as possible, but we must try to be fair to both landlords and tenants. We must afford some protection to tenants, so the Committee should accept the amendment. Landlords should not be able to evict tenants who would have nowhere else to go. The Act goes a little too far in favour of landlords on the question of the right to possession.

Mr. SHANNON—The member for Norwood has overlooked the hardship on some people who have been left properties. Many of them have to sell a property to pay succession and other duties. Beneficiaries have to accept a greatly reduced price for a house if they sell without vacant possession, and that was one reason why Parliament inserted section 55c. If we carry the amendment a beneficiary will have to satisfy the court on the question of hardship if he is to get the highest possible price for the property. There are men with families who have purchased homes with the object of making them available to their children when they marry. In our wisdom we determined that such action should be encouraged and that if a landlord gave notice to quit to his tenant he should secure the premises for his child. The member for Norwood now suggests that the relative hardships should be considered in such a case. Obviously it would be a good thing for his profession because it would enable them to gain more shekels through taking these cases to court. The more involved our legislation the more work we make available for certain professional men. We have operated under the existing legislation quite satisfactorily for a few years. There have been no attempts to unjustly secure premises from a tenant.

Mr. Dunstan—What about the case I quoted?

Mr. SHANNON—I think the owner of the property had a perfect right to secure possession. This legislation was introduced as a war time measure to assist people who could not help themselves, but for 12 years we have been enjoying prosperity, with high wages, and people should have been able to look after themselves. I know of cases in my electorate where people have obtained homes as a result of their own efforts. I know of New Australians who have only been here five or six years but have been able to build their own homes. A son-in-law of mine during his weekends and holidays built a wooden-framed home. I gave some small assistance but he used his own resources and borrowed what money he could and provided his own labour. I give New Australians full marks for their efforts in this respect and believe old Australians could take a leaf out of their books.

Mr. DUNSTAN—The member for Onkaparinga has revealed that he simply does not know what is contained in the Act apart from section 55c. He referred to beneficiaries of an estate needing to realize upon a house to pay succession duty. An amendment was moved by the member for Burnside (Mr. Geoffrey Clarke) and inserted in 1954 to enable that such a house can be secured upon six months' notice without section 49 being considered. I do not propose to alter that position. Mr. Shannon said that where a man owns a house and has another he desires to sell for valid purposes he should be entitled to do so. That is already provided for by an amendment inserted by the member for Burra. If he gives six months' notice he can secure possession without the provisions of section 49 being taken into account. Mr. Shannon referred to the man who purchased a house with the object of ultimately providing accommodation for a son or daughter. Section 49 (6) states:—

(6) If in any such proceedings where application is made on the ground that a dwellinghouse is reasonably needed for the occupation as a dwellinghouse by the lessor or the son or daughter of the lessor and proof is given to the satisfaction of the court—

(*a*) that the lessor has been the owner of the dwellinghouse for at least two years before the giving of the notice to quit; and

(*b*) that at the time of the giving of the notice to quit the lessor was not the owner of any other dwellinghouse which was reasonably available to the lessor, or as the case may be, the son or daughter of the lessor for his occupation; and

(*c*) that the lessor has not since the twenty-second day of September, nineteen hundred and forty-nine, as owner, transferred or conveyed or otherwise disposed of any dwellinghouse which was at the time of the transfer, conveyance or disposition reasonably available to the lessor, or as the case may be, the son or daughter of the lessor for his occupation; and

(*d*) that the lessor is a British subject; and

(*e*) that the lessor has since the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1950, given notice to quit to the lessee for a period of not less than six months,

then the court shall not take into consideration any of the matters mentioned in subsection (1) of this section.

He obviously can get his house without the hardship provisions being considered. Members opposite are apparently not aware that over the years Parliament has seen fit to provide for the anomalies that have arisen. Mr. Shannon also referred to tenants who have done nothing to provide themselves with accommodation. That is taken into account under section 49 in deciding hardship. Where a tenant has not made reasonable efforts to get other accommodation an order is made against him.

The Premier mentioned the case of a landlord who leases a house temporarily and discovers he is bound by the Act. There are provisions for temporary lettings to be entirely exempt from the recovery sections of the Act. The landlord need only go to the trust and produce his lease to secure exemption for a period. I was a tenant of a house where an exempt lease was put into effect. I had just returned to South Australia and was in bad health and had to pay £3 10s. a week for a house no larger in total area than that occupied by the Independent benches in this Chamber.

Mr. Shannon has seen fit to suggest that the reason for these amendments was to make things more profitable for my profession. I take serious exception to that. Let me assure the Committee that there is no profit to most members of my profession from landlord and tenant cases: certainly there is no profit to me. Most cases I conduct under this legislation are for poor people who cannot pay any fee.

Mr. RICHES—When section 55c was first proposed I opposed it, as did several members in this Chamber. The Premier and the member for Onkaparinga have said that as Parliament decided the court should not have this discretionary power we should not interfere with it. Section 55c was inserted by a comparatively small majority and a large section of Parliament then, as now, realized that hardship

would result from it. Mr. Shannon referred to this as war-time legislation which should be repealed. I cannot help feeling that some members do not fully realize the conditions under which a large section of the community lives. If members opposite believe that the emergency is not still with us, their belief must have been formed on a knowledge of different circumstances from those I have experienced. People still come to see me about their housing difficulties. The trust still has before it over 10,000 unsatisfied *bona fide* applications for rental houses, and that is not the total number before it by any means. Can anyone seriously say that the emergency has passed? This legislation will be necessary until the need for houses has been met. One member said that some people do not do all they can to purchase a house, but the demand could be more adequately satisfied if more finance were available. The court should have the power to consider the relative hardships of landlord and tenant.

Mr. QUIRKE—I have detested this legislation since its introduction because it is the type that must do an injustice to someone, either landlord or tenant. Some people have no hope of owning a house and, if they are evicted from their present homes, where are they to go? I support the amendment because there is no alternative but to allow the courts to give justice. We shall have a housing shortage for a long time yet, for no-one has advanced a solution. The amendment will enable the court to handle the scales of justice with a leaning towards the man who owns the house.

Mr. FLETCHER—I support the amendment. Under the existing legislation the court can go so far but no further, whereas it should have a right to take into account the conflicting hardships of landlord and tenant. It may not be popular to say that legislation we passed recently has not fulfilled our expectations, but we should be big enough now to mete out justice and accept the amendment.

New clause 5a inserted.

New clause 5b—"Recovery of possession of premises in certain cases."

Mr. DUNSTAN—I move to insert the following new clause:—

Section 55c of the principal Act is amended by striking out all words in subsection (3) thereof after the word "court" in the fifth line and by substituting in lieu thereof the following words:

> "may make or refuse an order in the manner provided by and after taking into consideration the matters mentioned in subsection (i.) of section 47 and after giving weight to the fact that the applicant is the owner of the dwellinghouse."

New clause 5a and new clause 5b are, in effect, both part of the same amendment.

New clause 5b inserted.

Title passed. Bill read a third time and passed.

APPROPRIATION BILL (No. 2).

Returned from the Legislative Council without amendment.

LAND SETTLEMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 3. Page 943.)

Mr. O'HALLORAN (Leader of the Opposition)—I support the Bill, which continues the term of the Land Settlement Committee for another 12 months. My only complaint is that the period should be much longer. This valuable committee should be a permanent part of our Parliamentary institution, as the Public Works Committee is, and its powers should be widened to enable it to conduct more investigations into the possibility of land settlement.

Mr. QUIRKE (Burra)—I, and other members of the Land Settlement Committee in 1948, had something to do with the architecture of a Bill that was introduced in that year. This Bill extends the term of office of the Land Settlement Committee and the power to acquire land in the South-East for another 12 months, and I shall stress the importance of extending the committee's term for much longer. I am not greatly enamoured of land acquistion Acts, but when the 1948 Bill was passed there was a dire need to acquire land for soldier settlement. The schedule to that Bill embraced an area comprising the whole of the western division of the South-East, and the evidence taken by the committee showed that it was necessary to drain the whole of that area to bring it into production. To do this it was necessary to acquire large areas and undertake a big drainage scheme. This scheme is proceeding, and the landholders have been able to establish permanent pastures and get the full benefit of drainage. As a result land values are increasing sharply, but the landholders are not contributing one penny towards the cost of drainage because drainage rates are not payable until the completion of the scheme. The South-Eastern Drainage Board's report of last year shows that that is correct, but that was never intended when the Act was passed.

A great deal of country remained underdeveloped because it was subject to annual inundation. The legislation provided that

landholders could retain a portion of their property, and the rest would be acquired at the price ruling before draining. However, none of the land has been acquired as underdeveloped country. Some land that was worth only £5 an acre before drainage is now worth £40, and landholders have acquired that unearned increment as a result of the expenditure of public money. It would be almost impossible to fix a rate that would be commensurate with the increased value of the land as a result of drainage. It seems to me that these landholders will be given a gift on a plate, and I do not agree with that.

The 1948 Bill contained a schedule of the sections of land that would be liable to acquisition upon drainage, but not one rood of that land has been acquired, yet the drainage scheme is proceeding. The 1948 amendment resulted from a reference to the Land Settlement Committee, and the committee's report contained the same schedule of land as is contained in the schedule to the Act. The area that was reviewed comprised 117,000 acres south of drain M, 143,000 acres between drain M and drains K-L and 141,000 acres north of drains K-L. Included in the evidence in this first report of the Land Settlement Committee on South-Eastern Drainage and Development is the following comment:—

A considerable area of the land is Crown lands and from that amount of £1,589,300 would have to be deducted the Crown interest which would not average, over the whole leasehold area, more than 10s. an acre.

It was suggested that the total cost of acquisition would involve the expenditure of about £6 an acre or £1,339,000. The committee made the following recommendations:—

(*a*) The comprehensive drainage scheme for the Western Division of the South-East be undertaken as a Government undertaking.

(*b*) As a first instalment of such drainage scheme the engineering works necessary for the areas south of drains K-L, estimated to cost £1,280,470, be undertaken, but with due regard to the ultimate effective drainage of Eastern Divisional lands.

(*c*) The Government cause an immediate investigation to be made in Australia and abroad with a view to securing the necessary modern excavating plant and employing the most efficient method of drainage construction.

(*d*) The project be submitted to the Commonwealth Government for inclusion, in terms of the War Service Land Settlement Agreement, of all lands within the prescribed drainage area deemed suitable for the settlement of ex-servicemen.

That was never done and ex-servicemen who were eligible for land are as far from getting it as ever. The recommendations continued:—

(*e*) The Land Settlement Act No. 37 of 1944 be appropriately amended to enable the Government, on the recommendation of the Parliamentary Committee on Land Settlement, to proceed with the compulsory acquisition of either underdeveloped or developed land which is within any prescribed drainage area, and which is land required for the settlement of ex-servicemen.

(*f*) In the event of acquisition present owners, if so desired by them, be permitted to select from their holdings sufficient land to successfully continue production.

(*g*) The Lands Development Executive, in conjunction with the Soils Division, C.S.I.R.O., make a soil survey and systematic examination of the potentialities of the land within the drainage area north of drains K-L for closer settlement purposes.

(*h*) A thorough investigation be conducted to determine the extent and effect of underground water on existing and contemplated drainage works in the South East.

Apart from putting a drainage scheme into operation no other part of those recommendations has been implemented. It is interesting to cite some of the evidence given to the committee. I do not wish to read the names of those who gave evidence, but they appear in the report. The following appears in evidence:—

Under your proposal we would still be up against the existing difficulty associated with under-developed land?—It would not apply under the Crown Lands Development Act of 1943, which gave power to buy, not to acquire. You could buy any land. Another way of doing it would be to amend the Land Settlement Act so that powers of acquisition are not limited to under-developed land.

The Act is not limited to under-developed land because it states:—

The Commissioner on the recommendation of the Committee may acquire any land in the western division of the South-East either by agreement or by compulsory process.

The following also appears in evidence:—

My suggestion is that you keep exactly the same powers as under the Compulsory Acquisition of Land Act, plus those under the Land Settlement Act?—That would be all right.

I am not enamoured with the idea of compulsory acquisition unless the need is great enough to justify it. The cost of drainage and the needs of land settlement for returned soldiers, might justify it in this particular instance, but I would not like to see compulsory acquisition in all parts of the State. I would like to have it that way if it is feasible?—It would be a practical scheme to have a Bill

providing for the acquisition of that land in accordance with the Compulsory Acquisition of Land Act, with special provisions as to the way the value is to be ascertained, as you might think proper.

I doubt whether the Government would get away with a rating system so high as to force people to sell their land. If you acquire land for soldier settlement the idea would be to drain the land in preparation for settlement, and then unload some part of the cost on to the settlers.

If we have to acquire land compulsorily I take it that it would be because of the needs of soldier settlement?—That would be the only justification for it.

No land there has ever been acquired for soldier settlement. The evidence clearly indicates the beliefs of those who appeared before the Committee. I pay a tribute to the members of the committee—excluding myself. They included Messrs. Norman Brookman, J. A. Lyons, Oscar Oates and Wm. Macgillivray. They represented a cross-section of Parliament and they were deeply interested in securing land for returned servicemen. They were prepared to do some things that they would refuse to do for any other cause. They made recommendations which have not been implemented and it is pertinent to ask why something has not been done and why people will be able to get enormous benefits from the drainage when the only possible way the Government could get anything from it would be through drainage rates. It is interesting to refer to the evidence of one top-ranking officer. He said in respect of the implementation of the drainage scheme:—

It is presumed that evidence regarding the method of acquisition of the land under consideration will be required. Under the Land Settlement Act, No. 37/1944, it is extremely doubtful whether a valid case for acquisition exists. The land could not be declared underdeveloped because the limiting factor of development has not been eliminated. If the land were drained the limiting factor would be out of the way. From the manner in which the Land Settlement Act has operated it is evident that there would be no valid case for acquisition. The data arising out of the survey is largely of an agricultural nature. Much additional information is necessary if any recommendations as to acquisition are to be made. Unfortunately, this additional information would be most difficult and perhaps impossible to obtain. In order to illustrate these difficulties and provide a basis for discussion, two methods of acquisition are reviewed below.

1. Complete acquisition followed by re-allotment of a specified area to owner occupiers within the area.

2. *Partial acquisition, i.e.,* acquisition of portion or whole of the properties which fall into the following categories:—

(1) Portions of larger properties within the drainage areas.

(2) Properties owned by persons holding adequate property outside the drainage area.

(3) Portions of properties, the land of which is registered in the names of various members of the one family, but the income from which accrues to the senior member of the family.

(4) Properties owned by persons whose principal livelihood is not derived from agriculture.

I quote these extracts to illustrate the intensity of effort put into the framing of this legislation. The following also appears in evidence (Q.711):—

Complete acquisition would enable the project to go ahead faster?—Yes, it would clear the air. With partial acquisition there would be all sorts of precedents established and the Lands Development Executive would be asked to proceed with a process of subdivision.

You say that about 60 per cent of the area has no dwellings on it; therefore, complete acquisition would simplify matters. Partial acquisition would only confuse the issue?—That is the position.

Mr. William Moffatt Anderson, the chairman of the South-Eastern Drainage Board, also gave evidence. I have the greatest admiration for the work he has done and for the clear and precise manner in which he presented his evidence. The following appears in his evidence (Q.711):—

By the Hon. E. A. Oates—How many landholders are responsible for repayment of the £126,051?—700. Evidence was submitted on October 22, 1946 (Q.20), regarding the estimated cost of the works proposed. Costs have, however, materially increased since then. Wages and materials have risen considerably, and this, together with the adoption of a 40-hour week, has necessitated an increase of 20 per cent, the estimated costs as at 1/2/48, being:—

Then follows a table showing an average of £5 2s. for the larger scheme—the area south of drain M, the area between drain M and drains L-K and the area north of drain L. If that were the cost at that time, I appreciate it can be much more than the value accruing to that land at the rate at which land values have increased. That completely wipes out the cost and makes a considerable free gift to the owners if it is allowed to continue. I do not like the taking away of people's property, but when we have such a tremendous unearned increment accruing to land consequent upon the expenditure of public money something should be done about it, and as nothing has been done yet I want to know what is to be done. The Bill extends the life of the committee and of the legislation by one year. That is not completely satisfactory to me. I will vote for

the Bill because it keeps this activity alive, but there are serious doubts whether, if I had not drawn the Minister's attention to it, it would not have lapsed altogether. I asked the Minister how much land had been acquired under the Act. I knew how much had been acquired, but some land has been purchased for soldier settlement by private agreement.

It is vitally necessary that we should see what is going to be done, because I would not like to be a party to implementing, after an investigation, legislation such as is provided in Act No. 49 of 1948, and then allowing what we deliberately set out to stop—the expenditure of public money with benefit accruing to certain people. It is like handing out a benefit to them on a plate, and that is what can happen under this legislation unless an alternative scheme is prepared so that it does not operate in that way. I will await with interest the Minister's answers to the questions I asked. I should like to know whether there is any intention in the next 12 months to implement, outside the actual drainage itself, any of the recommendations in the report of the Land Settlement Committee on South-East drainage and development, which was printed in 1948. It is provided that an area situated in that portion of the western division of the South-East which is south of drains K and L shall not be compulsorily acquired unless within nine years of the passing of the Land Settlement Act Amendment Act of 1948. That period ends in December, and unless this Bill is passed the legislation can lapse. I want to know whether the matter is to be expedited. The drainage scheme is proceeding well, and the engineers are performing a magnificent job, and as a result of their work an advantage will accrue to people who have never earned it. We shall never be able to apply a rate which will recoup the increased value people will receive as a result of the drainage scheme. I support the Bill.

Mr. HARDING (Victoria)—I have in mind an area apart from that mentioned by Mr. Quirke. I am informed that 700,000 acres of Crown lands is unoccupied in the South-East, and for that reason I support the proposal for extending the term of the Land Settlement Committee for another year. This body has an important role to play and therefore I support the second reading.

Mr. BYWATERS (Murray)—I also support the second reading because I believe it is very essential that the work of this committee should be continued for another 12 months. I would favour its being permanent, because of the need for land settlement. Many people would like to go on the land, being land hungry, but find it impossible because of the high prices asked or the fact that land is not available. It is essential that the committee should continue to inquire into the availability of land for young settlers, which is so necessary for the welfare not only of the State, but of the Commonwealth. I believe there is ample land along the Murray which could be made available. Some of the land, under irrigation, would prove its worth. Certain areas, much of which is no more than a sand dune, are lying idle, but by irrigation and proper cultivation they could be utilized. This question should be considered by the Land Settlement Committee. Many gardeners are being forced out of the metropolitan area because of the prices being offered for their land and because of the rates imposed. Areas in the lower Murray are close to the metropolitan markets. It has been stated that Murray Bridge and the surrounding district are ideal for the growing of tomatoes in glass houses. This because of the low humidity content of the air, which is so necessary for glass house production. It has been suggested that large tracts could be opened for closer settlement for glass house growers, with big potentialities not only on the South Australian market, but in the eastern States. I appreciate the remarks of Mr. Quirke and consider that they should not be treated lightly and passed off from year to year. Something concrete should be placed before Parliament to carry out his wishes.

Mr. KING (Chaffey)—I also support the second reading, having in mind the arguments advanced by Mr. Bywaters. As he says, the Murray basin has a wonderful potentiality, there being much undeveloped land extending from the Victorian border to the sea. In recent years considerable advances have been made in irrigation techniques which have enabled much land to be irrigated by the sprinkler system. This has opened up the potentiality for vegetable production. A wonderful opportunity is also presented to South Australia to take advantage of the very buoyant market for some types of stone and citrus fruits which are suitable for the climatic conditions obtaining, particularly in the upper Murray. There has been a big development in vegetable production in areas served by the Murray. In 1938, I think, there were only 198 acres devoted to vegetable growing, but by 1956 that had increased to

3,206 acres. Most of it has been applied to two or three principal varieties of vegetables.

I hope that the Government will shortly be able to bring into production much valuable land suitable for fruit trees which has as yet been omitted from irrigation schemes, but which could now be brought into production by the use of the sprinkler system. By this method we could add considerably to the output of this land without considerable cost. There is a big potential, on which the Land Settlement Committee could advise the Government. On both sides of the Murray are areas suitable for settlement, and I still hope that some of it may be used to help settle the remaining approved soldier applicants. If we do not do something for them fairly soon, I am afraid their opportunity will have been lost. There is plenty of work for the Land Settlement Committee, and therefore I should be pleased to see it continue for another 12 months and possibly longer.

Mr. FLETCHER (Mount Gambier)—I support the Bill. I have always advocated the permanent appointment of this committee. When it is not engaged on investigating new land it could be used wisely to report on the various areas of the State, acting as the watchdog of Parliament. In 1931 the Agricultural Settlement Committee issued a report and recommended the permanent appointment of a similar committee. I always hoped that the Land Settlement Committee would do similar work to that done by that committee.

The member for Burra (Mr. Quirke) referred to the increased value of land in the western division of the South-East. Last Monday I travelled through that area by car and saw much of the land adjacent to the main highway. I was astounded at the growth of feed on that portion acquired by the State Government but condemned by the Commonwealth Government as unsuitable for settlement. Parts of it are covered by grasses and clover at least 1ft. high. As long as I can remember some landholders in the western division always opposed the drainage of the area, but its drainage has greatly improved it and resulted in unbounded benefits to landholders. Indeed, some parts are unequalled anywhere in the Commonwealth for the production of clover and other seeds.

I am sorry the Minister of Lands is not present at the moment, but I draw the attention of members to an estate known as Mount Meredith in the South-East. This estate was acquired by the Government but has not yet been reported on by the Land Settlement Committee. It is still in its virgin state and I suggest that the committee report on its potential with a view to its development, because several people have asked me whether it could be developed as a soldier settlement project. After all, much heavier country has been bulldozed and cleared on Kangaroo Island and I am sure that this country could be cleared and three or four ex-servicemen settled. It would mean draining the area. The Dismal Swamp area could also be drained into the Glenelg River, something advocated for years by landholders in the hundreds of Nangwarry and Mingbool. I trust the Government will make the Land Settlement Committee a permanent committee.

Mr. CORCORAN (Millicent)—I, too, support the Bill, because land settlement has played, and is playing, an important part in the development of the State. In fact, I regret that this committee has not been appointed permanently. If all the underdeveloped land resources of the State are to be developed, much work is ahead of the committee. The member for Burra referred to the vast areas which have been reported on by the committee but about which nothing has been done. Can the Minister say what the Government intends to do about their development? About 400 ex-servicemen applicants are waiting for dry blocks and many other younger men capable of developing blocks are eager to get on to the land. I receive many letters from such people. The land is there, but if no advantage is taken of the legislation passed nine years ago the opportunity to develop it will be lost.

We should exploit the productive resources of this State and nowhere are such resources so plentiful as in the South-East. The area between the Victorian border and Dismal Swamp station awaits development, but the Land Settlement Committee has not inspected it. I suggest that it do so soon to see whether it can be developed. The drainage of the Dismal Swamp area into the Glenelg River might then be undertaken. I understood that the Government had some sort of a lien over certain land in the western division because it believed that certain advantages would follow the drainage scheme there. The Government was not popular when it threatened compulsory acquisition, but it considered it had the right to purchase the land at a certain figure because the drainage would enhance its value. I will support any

representations made by Mr. Quirke to ascertain what is being done about the development of the areas he mentioned.

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

AGRICULTURAL SEEDS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 10. Page 1025.)

Mr. O'HALLORAN (Leader of the Opposition)—Eight clauses of this Bill contain machinery amendments, and clause 9, which is a dragnet provision, amends section 26 of the Act. The question of the purity of agricultural seeds is a vital one. Firstly, it is vital to those engaged in agriculture, and as the prosperity of the State depends largely on the prosperity of our primary industries, it has an influence on the State as a whole. We have from time to time passed legislation to ensure the proper grading and examination of agricultural seeds to see that they were true to type, free from impurities, and free from noxious weeds, but our efforts have not been as successful in some respects as they might have been. I think we have all witnessed, in our travels throughout the State, the spread of noxious weeds owing to impurities in seeds, but recently the legislation has been tightened up and the amendments contained in this Bill further strengthen the law.

I see no possibility of any injustice being inflicted on any person as a result of this measure, and the protection for agriculturists generally will be greatly strengthened. This is one of those occasions when the Opposition has to support the Government. The Government does not believe in controls or socialism or interfering with the sacred rights of private property or private enterprise, but this type of legislation has been forced on us as the result of the bitter experience of the past. The Opposition has always believed that the interests of the community should be paramount, so I support the second reading.

Mr. QUIRKE (Burra)—I commend the Government for bringing down this Bill. Noxious weeds in one area tend to spread to surrounding areas, and those areas infested by such dangerous weeds as hoary cress and Cape Tulip should be closely watched. It is of little use to say to primary producers around Clare that Cape Tulip must be eliminated because the cost would be so great that no landholders could eliminate it. Particular attention should be paid to the marginal lands surrounding infested areas so as to see that Cape Tulip does not spread to the Blyth plains and Hill River.

Mr. O'Halloran—In other words, you want to stop the spread of the pest?

Mr. QUIRKE—Yes, and one way is to see that agricultural seeds do not contain the seeds of these pests. That will not be so easy as may be imagined. A machine cannot grade strawberry clover seeds and Cape Tulip seeds on colour. The specific gravity of those seeds may be the same, so it is difficult to separate them by grading. I suggest that a map be published of the areas infested with dangerous weeds, and those selling seeds should have to give a certificate that they are free from dangerous or noxious weeds. That would help to stop the spread of weeds, but there is another prolific source of propagation of weeds, namely, the activities of the Highways Department. Highways trucks take spoil whereever it is required. Penwortham Hill is now heavily infested with St. John's Wort as a result of the Highways Department's work in shouldering the road from there to Clare. The trucks took spoil from infested country, and now St. John's Wort grows for seven miles along the road. Surely something can be done to stop that practice. However, the weed does not grow in paddocks alongside the road because the farmers made desperate efforts to keep it out.

Contractors may go into a paddock with a cultivator. After they have carried out their contract there they may take away seeds of hoary cress and transport them some miles before going into another paddock. If they do not clean the tines that paddock then becomes infested. I hope that the Government will seriously consider what I have said and make at attempt to control the spread of these weeds. Most of them are spread as a result of carelessness. If one walks through an infested paddock he should look at the cuffs of his trousers, for he will probably find many seeds there. If they are not cleaned out it is possible to walk through another paddock and infest the land. I hope this Bill will be a further step towards the elimination of dangerous and noxious weeds that greatly reduce production.

Mr. KING (Chaffey)—I support the second reading. I was surprised to hear from the Leader of the Opposition that he thought this was a socialistic measure, because I do not regard it as such.

Mr. O'Halloran—You don't know the meaning of Socialism.

Mr. KING—We would have more dangerous weeds under Socialism than under Liberalism.

Mr. O'Halloran—Liberalism has produced all these weeds.

Mr. KING—I do not think so. The roots would go much deeper under Socialism, but I think we all support this Bill because it protects the body politic and does not introduce any repressive legislation. It is in the same category as the legislation which keeps out dangerous drugs from the country. A few minutes ago we were discussing the production of vegetables in the river areas and saying how important it was to have sound, certified seed. We have had much trouble in growing tomatoes in the river areas, for we have had trouble with nematode and other diseases, though there are seeds being produced which are resistant to those diseases. It is necessary to ensure that agricultural seeds are sound and free from rubbish, which reduces not only the standard of the crop, but also the standard of living of the producers.

This Bill is complementary to the Weeds Act. In the dried fruits industry one trouble is to keep the fruit free from dangerous seeds which are of about the same weight and size as the fruit. They all go through the grading machinery, and dangerous seeds sometimes finish up as an impurity in the finished article. Some of those seeds which are picked up in the harvesting process were introduced into the district by carriers on the tyres of their trucks. We have encountered them immediately following the delivery of a load of wood from another district. It is almost impossible to get the seeds out of the fruit and they lower the quality and consequently the value of the fruit at the packing shed.

We frequently use cover crops as a most satisfactory type of manure in vineyards and if we do not get proper seed, particularly for legumes, we do not get the results we desire. It is most essential that the grains we use—and rye, barley and wheat are excluded in this legislation—are effective. If we do not get good quality grain we do not get a good quality cover crop. The same applies in respect of egg producing. One cannot expect better quality eggs unless he uses good feed for his poultry. The standard of seeds must be sufficiently high to produce the result for which a person strives. We have a good reputation for our fruit and vegetables and it is most essential to maintain that reputation.

We should also examine the nursery stocks from which we obtain vines and trees, particularly trees because they all originate as seedlings in a nursery. The value of the tree in the long run depends on the soundness of its root stock. I suggest that the Minister of Agriculture ascertain whether some form of control could be exercised over the sale of nursery stocks for orchard plantings. This matter has been considered on a number of occasions by fruit growing organizations on the Upper Murray. They are anxious to see that the growers obtain the actual trees they order. About 30 years ago many growers were sold trees reputedly of a certain variety and quality which ultimately turned out to be entirely different and which produced almost unsaleable fruit. When it is realized that some trees take seven years to come into full production the necessity of securing the right article can be appreciated.

I believe it is necessary that research work be undertaken on the types of seeds that can be used in various localities. There are some vegetables which grow better in the Adelaide hills and on the Adelaide plains than in the dry arid atmosphere of the River Murray. The Department of Agriculture should examine this question to ascertain if some seed types could not be adapted to the river conditions thus taking advantage of the undoubted benefits offered by the climate which affords freedom from disease in many instances because of its aridity and also because the area is semi-quarantined. If vegetable growing could be developed in the Upper Murray it would encourage people from the city. Last year 4,000 tons of tomatoes were produced within 10 miles of my home town. The potential of the area has hardly been touched. Much of the produce is sent interstate and some is canned for export overseas. It could be an industry of great magnitude and of untold value to the State and Commonwealth. I commend the Bill and support the second reading.

Mr. BROOKMAN (Alexandra)—This Bill is consequential on the recent amendment to the Weeds Act. I support the Bill. Our legislation is of a high standard and does protect the users of seeds. It is administered in a manner reflecting credit on the Agriculture Department which has administered it wisely and moderately, with a complete lack of unnecessary compulsion.

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

Sitting suspended from 5.58 *to* 7.30 *p.m.*

MARRIAGE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 9. Page 1002.)

Mr. O'HALLORAN (Leader of the Opposition)—I rise with some diffidence to speak on on this Bill, as I did when a similar measure was before the House last year. It is one of those difficult measures dealing with social problems, and there is a wide diversity of opinion as to what is the best means to correct the problem we seek to correct. I want to make my position clear at the outset. The Labor Party has an inviolable rule that we do not take a Party stand on social questions, and this is a social question. In Committee, if the Bill gets to that stage, I shall move certain amendments, but I want to make it clear that I will not be moving them as Leader of the Opposition, but as a member of Parliament. Members of the Opposition are free to vote on these amendments according to the dictates of their conscience, as they are free to vote on the second reading, irrespective of what I might say.

It is apparent from the debates on this and other similar Bills and from the amendments which have been moved—and accepted or rejected—that there has been a great deal of confusion and uncertainty in the minds of members regarding the objects to be achieved by this legislation and the means of achieving them. One of the reasons for this confusion and uncertainty is, I believe, the fact that the general principle of the Bill, namely, the voidance of marriages involving minors under the prescribed ages, is to be qualified by a provision to legalize such marriages under certain circumstances. This being so, the question which immediately arises is whether the general principle of the Bill—which is really the prescription of arbitrary minimum ages—should be qualified at all. The existing minimum ages —14 years for males and 12 years for females —have a natural or biological sanction entirely unrelated to moral issues. They have not been explicitly set out in a statute, but have been established under common law through decisions of the court; but an important aspect of this fact in connection with the Bill is that there is no provision for any exception. Common law does not lay down minimum ages and then provide for marriage at lower ages. I emphasise that the common law as it exists does not prescribe any variation from the natural law, which is based on biological grounds. Therefore, the marriage of a girl of less than 12 and of a boy less than 14 is not recognized under the common law. We make no exception and we have never endeavoured to make any exception in those cases, but in the Bill we provide for increasing the ages at which marriages of minors may be validly contracted, and then proceed to make certain exceptions to that rule.

One of the first issues we have to decide in determining whether we should amend the Marriage Act along the lines suggested in the Bill is whether, having prescribed minimum ages, we should depart from them at all. If we admit the desirability of some marriages under the proposed minimum ages, we are casting some doubt on the reasonableness of these minimum ages; and in view of the possibility that those ages might not be the right or best ages to prescribe, it might even be wiser to continue as we are under the common law minimum ages.

There is, indeed, considerable scope for difference of opinion as to the ages to be prescribed; and this question is, of course, intimately connected with the conditions under which relaxations of the general prohibition may be approved. Without going into this question more deeply, I would say that some members might favour fixing a lower age for females than 16 years and, perhaps, deleting provision for relaxation. The lower the minimum age, of course, the less difficult the administration would be and the less onerous the task of the authority set up to determine the desirability of any particular marriage.

Under certain given conditions relating to relaxation, it would not matter much what ages were fixed. I would draw attention to the fact that under existing provisions of the Marriage Act every minor must obtain the consent of his or her parents or, failing that, the permission of the Chief Secretary. It should be noted that when the Chief Secretary's authority is invoked, he must consider the circumstances—as is now provided in the Bill for a special class of minors—in determining whether the marriage is desirable. I would also point out that, even if this Bill is not passed, the provisions of section 26 of the Act will continue to apply equally to the special class of minors for whom this Bill is intended to provide and to minors over the prescribed ages.

Probably there are some who consider that the provisions of section 26 could, with some small amendment, be widened to cover the special class which we are now considering. Subsection (5) (*d*) of that section is designed to meet cases in which the consent of the parents has not been forthcoming, whereas the

implication in the Bill is that the Chief Secretary would normally not figure in the case unless the parents have consented. However, the Chief Secretary's important function under the subsection is to determine whether an under-age marriage is desirable and that is the responsibility which the Bill proposes to place on the Chief Secretary in respect of the under-age marriages which will otherwise be illegal. Thus it would appear that the purpose of the Bill could be achieved much more simply by an extension of the scope of that subsection. The approach to this legislation has also been influenced by the emphasis placed on the right of parents to speak for minors in the matter of marriage and the general duty of parents to consult the interests of their children. On this matter, it is sufficient to say at this juncture that to all intents and purposes the Bill proposes that, if parents give their consent to an under-age marriage, the Chief Secretary must grant permission unless he has very strong reasons for not doing so. I am inclined to think that if the parents give their consent, the Chief Secretary's permission will follow as a matter of course, and the provisions of subsection (1) of section 26 could appropriately apply to these under-age marriages. The Bill provides for no guidance to the Chief Secretary; no code is provided to determine under what circumstances he shall grant or not grant permission if the parents consent to the marriage.

The problems associated with this Bill are further complicated by the realization that one of the two parties to the marriage may be over the prescribed age; and perhaps some members have been thinking in terms of forcing the male party, if he happens to be over 21 years of age, to consent to the marriage. But these and certain other matters, which inevitably occur to us when we consider the law relating to a marriage to which either or both the parties are very young, are not necessarily relevant to the Bill and need not find expression in it. It is important to remember that the Bill, as it now stands, merely provides that a person under the prescribed age desirous of marrying cannot contract a legal, valid marriage without the permission of the Chief Secretary and, presumably, without the consent of parents.

In view of the fact that in most cases the parents—especially the parents of the under-age girl—would tend to desire the marriage we should consider the implications of the provision for the consent of parents, that is, in relation to the wishes of the parties themselves. In these cases there is what might be called legal duress—such as the threat of prosecution for carnally knowing, etc.—which, rightly or wrongly, may induce the male party to apply for permission to marry the girl who is pregnant to him. There is also such a thing as moral duress, under which the girl, with or without persuasive pressure from her parents, may be induced to accept marriage as a way out of "shame and disgrace" not only for herself but also—and sometimes especially—for the parents.

Whatever weight we may or ought to give to these aspects, it is important to remember that the Marriage Act takes no cognizance of them, except perhaps in some instances when the Chief Secretary intervenes against the opposition of parents. In general, the marriage is based on the presumption that agreement exists as between the two parties concerned. There is no reference in it to any of the antecedent events or circumstances such as I have mentioned which might have influenced those parties to decide to apply for permission to marry; and incidentally, it is only when one at least of the parties is under the age of twenty-one years that their agreement, however arrived at, may be prevented either by the parents or the Chief Secretary from being given legal expression and sanction. It seems to me, therefore, that whatever authority is set up to decide whether under-age marriages are desirable could very well investigate the presumption that such agreement really exists.

It is doubtful, however, whether the Bill does require the Minister to inquire into such matters. The proposed new subsection (4) provides, in effect, that if the Minister is satisfied that the parents have consented (which could, of course, mean that they have persuaded the minor to apply for permission to marry) he will grant permission unless special circumstances justify his not doing so. As I have said, this is practically tantamount to making the Chief Secretary's permission automatic if the parents have consented.

Proposed new subsection (6) appears to support this contention. If I have interpreted this provision correctly, it must mean that the parents' consent has been obtained before the case comes before the notice of the Chief Secretary. And if this is so, what "special circumstances" would the Chief Secretary regard as justifying his refusal? Would not the parents have already considered the factors which the Chief Secretary would consider—such as any great disparity of age that might

exist, the character and reputation of the male party (or of the female party), etc.?

I also point out that the Bill appears to take away from minors under the prescribed ages the right they now have of appealing to the Chief Secretary when their parents withhold their consent. That is a very important point. Under the present legislation, if the parents withhold their consent to the marriage of minors, an appeal may be made to the Chief Secretary, who then determines whether or not the marriage shall take place; but that right of appeal is apparently destroyed by the Bill for minors under 18 and 16. That right, incidentally, is expressed in the Act in such a way as to imply that the Chief Secretary will not grant permission in the face of parental opposition unless circumstances justify his doing so. That bears out my contention that, if the Chief Secretary has no information that is not known to the parents and has no valid ground in determining whether or not the marriage should take place, he must grant his consent if the parents consent. In other words, the right of appeal by minors under 18 and 16 to the Chief Secretary against the prohibition by their parents of their marriage is nullified by this Bill.

If we are to assume that the parents' consent implies a desire on the part of the principals or that the parents know better than the minor and have the right to impose their will on him or her, there does not seem to be any need to bring the Minister into the discussion at all, except within the scope of paragraph (*d*) of subsection (6) of section 26. The implication in this last provision is that the parents can only be wrong (if at all) when they withhold their consent.

That is to say, if they grant their consent the Chief Secretary will then grant his consent to the marriage, but if they withhold their consent the Chief Secretary may—although I do not think he will in view of the drafting of the legislation—conduct an inquiry into the validity of their reasons for withholding consent. Reverting to the fundamental principle of the Bill—that is, the prohibition of under-age marriages—if we regard the parents' consent as necessary as well as sufficient for these marriages, all we need to do is to insist on the actual production of documentary evidence of consent, as laid down in subsection (1) of section 26 of the Act, without the exemption allowed in subsection (4), and to declare that consent has not been obtained and duly verified, the marriage contract entered into shall be void. The only qualification of this would, of course, arise from circumstances described in subsection (5). Under those circumstances the intention is that the Crown, as represented by the Chief Secretary, is to be regarded as being in *loco parentis* for the purpose of allowing or disallowing the marriage.

In reference to the suggested insistence on the production of documentary evidence of parental consent—which, according to the appropriate schedule, includes evidence of the age of the minor concerned—this would mean that the registrar would have to verify the declaration and inform the officiating clergyman accordingly, and the officiating clergyman would not be authorized to proceed without such verification. However, we would have to provide that, if, even with such precaution, an unauthorized under-age marriage should be celebrated, on discovery of any irregularity, such marriage could be declared void. In any case, that is, in effect, the intention expressed in the Bill and, I assume, the procedure to be adopted if it is discovered that any unauthorized under-age marriage has taken place. In this connection, I would point out that, under existing provisions, any marriage contracted without due observance of the provisions of section 26 of the Act (if not invalid for other reasons) is valid notwithstanding such non-observance. This provision will lead to considerable trouble in the future and possibly to some difficulty of interpretation in the courts because the marriage contract is one that is recognized by law. If there were some antecedent features provided by law which were not specifically provided in those circumstances leading up to the contract I could not see how the marriage could be declared void, but this Bill suggests that it will be declared void. That will be a very fine point for divorce lawyers to consider and courts to determine.

There is another aspect which we should consider carefully if this Bill is to be passed more or less in its present form. That is the authority which is to determine the desirability of under-age marriages. If this authority is the Chief Secretary, it is likely that decisions will be perfunctory in the sense that the Chief Secretary would have to rely on departmental advice—he would certainly not have the opportunity to investigate an application personally. This being so, it might be better to entrust the matter to a magistrate and give him all necessary power to conduct a thorough inquiry in chambers. Such provision would, I think, be preferable to placing the responsibility on the Chief Secretary. In

addition, if a magistrate is given this responsibility, I think he should also be given some practical guidance by way of provision in the Act or regulation. By such means, justice—not to mention uniformity in decisions—would most likely be achieved.

I mentioned earlier that I intend moving certain amendments if this Bill reaches the Committee stage. One will be that the minimum age for females shall be reduced from 16 to 15. In these days most girls have to leave the shelter of the home at an earlier age than was formerly the case, so they become better fitted to contract marriage. This legislation has been before Parliament for some years. It has been passed by another place and dropped in this House, and passed by this House and dropped by another place, and all the time circumstances have been changing.

I also propose to move an amendment for a magistrate to take the place of the Chief Secretary wherever the Chief Secretary is mentioned in the Bill. I believe a magistrate would be a more appropriate authority than the Chief Secretary to consider applications under this legislation. There is no guidance provided for the Chief Secretary on what measure he shall use to determine whether or not to grant consent to a marriage, assuming that the parents have granted their consent. I think that if both parents granted their consent the Chief Secretary would more or less automatically grant consent, but there is nothing to guide him in determining whether he should withhold his consent.

The Bill does not provide any right of appeal by under-age minors to the Chief Secretary, or anyone else, in the event of parental consent being withheld, but such a provision is essential. A magistrate should decide these cases in chambers, and he should decide them on the merits of each case. I can visualize what will happen if the Chief Secretary is to be the authority, particularly when he receives applications from country areas. He will communicate with the local police officer and ask for a report on which he will determine whether the marriage should be permitted. I do not think that is the way to approach this matter. If we appoint a magistrate as the authority arrangements could be made for people from the far flung parts to approach him at a convenient place or even in Adelaide at any time to present their case for the marriage of minors. In dealing with this legislation we are considering the most important matter Parliament could be asked to consider.

Marriage is one of the oldest institutions in the world. It is the basis of home life and the foundation of Christian life. Our Lord said, in effect, "Those who are joined together in holy wedlock, let no man put asunder." We are not dealing with divorce laws but marriage laws and no civil law should unduly interfere with the natural right of parents and of people who desire to become united in the bonds of holy matrimony. We have been told that there will be some illegitimacy. We have that in any case and the parents of the type of younger teenager who is likely to be faced with bearing an illegitimate child will no doubt freely consent to her marriage. That type of marriage will just as quickly break up and leave behind the problems arising from a broken marriage.

Although this is the third time such legislation has been before this House we should give more consideration to it. I suggest we should appoint a committee representative of churches, social organizations and the Children's Welfare Department to consider every aspect of the question and bring down a report on which could be based a Bill that would receive the unanimous approval of this Parliament. I do not propose to move an amendment on those lines. As a matter of fact, it would be impossible for me to do so but I suggest the Government seriously consider my suggestion which could secure unanimity and achieve what we desire, namely, that the marriage contract be recognized as sacred and lasting and not be put aside in circumstances which the civil law could avoid.

I know that in Tasmania and in many countries, including Great Britain, the ages provided in this Bill have been adopted as the minimum ages for marriage, but I have no evidence that the morals in those countries have been improved as a result. I believe that our morals will stand fair comparison with those of those countries. Whilst I do not oppose the second reading I suggest we should approach this legislation with great caution.

Mr. HAMBOUR (Light)—I think honourable members know where I stand on this legislation. I do not favour young marriages because I believe maturity helps. There is much to be said for prohibiting young marriages if possible, but I am not so much concerned with those people who desire to get married early just to set up house as with those who believe that marriage is essential for the well-being of the child to come. I was particularly impressed with the Leader

of the Opposition's remarks because they were so dissimilar to his attitude last year. I believe he has given greater consideration to this legislation and I can more fully appreciate what he said this evening.

It is appropriate to trace the history of this legislation. This is the third time it has been introduced. It was introduced before my entry into Parliament and lapsed. It was introduced here last year and lapsed in the Legislative Council. On each occasion the Government introduced it in its pure form but on the third occasion it was somewhat adulterated in that there was no longer an absolute prohibition on marriages under the ages provided. Last year the member for Mitcham (Mr. Millhouse) had an amendment on the files providing for a magistrate to determine whether or not a marriage should take place. The Government—and I believe the Premier—prevailed on Mr. Millhouse to alter his amendment to provide for the Chief Secretary as the authority. I do not hold it against Mr. Millhouse for permitting his amendment to be changed. I do not suggest he was naive or unsuspicious, but I believe he was unthinking. I submitted a proposal last year but did not get any support. I made the outlet a condition, because the only thing that really concerned me was the pregnant bride to be and the unborn child. I wanted that girl to have the opportunity to legitimate her child before it was born. I could not get a supporter on that occasion and the amendment failed, but I believe it was responsible for the Opposition being unable to get in their amendment to substitute a magistrate for the Chief Secretary. I was a new member at the time, but I believe the procedure did not allow a subsequent amendment at that stage. I want members to remember these points because they relate what actually happened.

I am very happy with the speech made by the Leader of the Opposition because it veered towards my way of thinking, but I cannot support it in its entirety. The Leader said:—

> If we admit the desirability of some marriages under the proposed minimum ages we are casting some doubt on the reasonableness of these minimum ages, and in view of the possibility that they may not be the right or the best ages, it might even be wiser to continue under the common law minimum ages.

It is evident that there is a doubt in the minds of everybody. Every member I have spoken to feels that there should be a certain degree of elasticity, but they are not agreed on just what that degree should be.

I invite all members to give serious thought to this matter because it will affect the lives of people in the future, and in particular the mothers of babies to be born. That is the responsibility of this House. This Bill has been passed in the Legislative Council, and if we accept it in its present form it will become the law of the land. The Government, in my opinion, wants total prohibition, and it has on two occasions introduced the Bill in its pure form. What have we now? The Bill comes up again and provides in effect that the Chief Secretary shall give permission unless certain circumstances exist. I point out to members that there is a tail in the clause which has a mighty sting in it, and if one reads the second reading speeches of the Premier and the Attorney-General one will see the sting. Members have to pass judgment on the intention in the administration, because they know that the administration will play the most important part in this legislation.

The special circumstances which would influence the Chief Secretary were outlined by the Premier and the Attorney-General, so we can take it for granted that that is the policy of the Government. One of those circumstances was "the means of the party." Members opposite pride themselves in upholding the rights of those who are not in a position to do so themselves, and are they going to support that contention? I will not agree that the means of the parties should be part and parcel of a reason for refusal. The Government is suggesting that lack of means is a reason for refusing permission.

Mr. Lawn—Is the Government suggesting that if they have means it would be all right for the marriage to take place?

Mr. HAMBOUR—That may be so. I want all members as the elected representatives of their people to say what they think should be right for the community in general. How many honourable members in this House had any considerable means when they were married? I borrowed money to get married, but would I have been denied the right to get married, if I were under age, because I did not have means? I venture to say the majority of people have no means when they get married. The next point was the question of maturity, but the Chief Secretary is not in a position to judge a person's maturity. Is he a superman?

The next point is the character of the parties involved. Has the Chief Secretary so little work he can investigate the character of

applicants? Another point is the prospects of the marriage being successful. That is a beauty! We know that one out of every seven marriages between adults is unsuccessful, and, if separations are included, one out of every four is unsuccessful. What an alley to put in the Chief Secretary's basket to try to anticipate whether a marriage is going to be successful. To me that is completely wrong. I subscribe to the last point, which is the attitude of the parents, but not for any consideration for the attitude of parents. I would like to know who is getting married—the grandparents or the young people? Let us be realistic. We are here to deal with the affairs of State as they affect the community, and we should apply our judgment to the people concerned. After all is said and done, that is our responsibility. That is the sting that I said was in the tail of the clause, and if I can do no better I will ask that it be removed.

I have a high admiration for the present Chief Secretary, but he is only human. Public servants would be interpreting this law, but are we going to allow that? This legislation definitely indicates one law for the rich and another for the poor. I spoke for one hour last year on this legislation with some feeling and heat, and that feeling still prevails. I will try not to repeat anything I said last year. Last February I had little support inside this House, and I believe I had little outside, but in the meantime there has been much public discussion about this matter. Arguments have appeared in the press, and in both Houses of Parliament there has been a complete change in the appreciation of this subject. During this session the Hon. C. R. Cudmore said in the Legislative Council:—

As far as I know the only church which has come right out into the picture and fixed a marriage age of its own is the Roman Catholic Church. The *Externals of the Catholic Church*, by John F. Sullivan, states that the question of marriage—

The SPEAKER—I think the honourable member is out of order in referring to a debate in another place.

Mr. HAMBOUR—It is not debate, but a statement from a publication.

The SPEAKER—The honourable member is not referring to a debate in another place?

Mr. HAMBOUR—It is an article taken from a publication, although it was read in debate.

The SPEAKER—The honourable member is not in order if he is referring to a debate in another place.

Mr. HAMBOUR—It is not a debate, Mr. Speaker. The writer of this article stated that the question of marriage has nothing to do with the State, but is a matter for the church. In reply to the question, "Has the State any right to nullify marriages?", he said:—

None whatever. It has the right to regulate them—for instance, to require the obtaining of a licence and the subsequent registration of a marriage—and it can lawfully inflict penalties for the non-observance of these rules; but it has no right and no power to annul a valid marriage.

Mr. Cudmore then gives his own opinion, and in deference to your ruling, Sir, I cannot quote it. However, it was mentioned in the Legislative Council that this Bill was initiated by the League of Women Voters. I believe all women's organizations were set up in the hope that they would do some good in the community, but must we accept the opinions of a small group as being the opinions of the community? The President of the League of Women Voters, in an article, said:—

In a democracy any group has the right to work for legislative reform and to seek support from other organizations.

I accept that completely; that is their privilege and right in a democracy. The article continues:—

The league is proud to have been the originator of the proposed Bill, and the accusation that support has been gained from other organizations by the overlapping of offices is not in accordance with the facts.

I accept that, but the following is the part that I think members will appreciate:—

In any case, the policy of our association is decided by its governing bodies.

This means the governing committee; the members were not consulted—there is no question about that. I will give further evidence of that. I have a letter signed by Corinna L. Edwards, and I believe I am not committing a breach of Parliamentary privilege by quoting from articles published in the press. This article states:—

It was erroneously broadcast that the National Council of Women supported the new Bill. This is not so, and as there are 112 affiliated societies within N.C.W., a unanimous vote would be hard to obtain. The groups so far supporting the League of Women Voters (originators of the proposed Bill) represent only a minority of women and very specialized at that. Although the C.W.A. and Housewives Association support the L.W.V. plea, one should not overlook the fact that in the C.W.A. there is overlapping of officers within the League of Women Voters.

In fairness to the League of Women Voters, that particular section is refuted, as they say

there is no overlapping of officers, which I am prepared to accept. The article continues:—

During Show week I met many C.W.A. members who do not favour the Bill because it makes inroads into the freedom of parents to choose a girl's husband at an early age when necessary. It is notable that the Church of England Synod did not give assent to supporting it.

I have spoken to many members of the C.W.A., and I admit I found one who supported the Bill, but all the rest had no knowledge of its contents or implications, so to say that that body supports the Bill is not in accordance with facts. The article continues:—

The advisers of the League of Women Voters have been the Police Department and social welfare workers.

I believe they have also been advisers to the Government. Then the article states:—

The League of Women Voters has stated that it is not trying to prove its case on the figure basis, but is relying on the views of the Women Police and welfare workers and the frequent broken marriages later. To some of the women's groups that have not yet given support to the Bill this latter evidence is not strong enough to allow the taking away from parents of an inherent freedom.

I am not suggesting anyone is trying to prove this on statistics. The article goes on to say:—

The new law would deprive the girl bride of the basic rights the law intended her to have, to make the father of her child her husband. At present 450 babies are thus placed each year, but one has only to recall the drop in the birthrate in any family during the depression to imagine the fate of these, at present, more fortunate ex-nuptial infants.

We know that adoption is now reasonably easy because there are plenty of takers, but if times become difficult it may not be so easy to find people to adopt these ex-nuptial children. The article continues—and this is in conflict to a degree with a previous article:—

The ruling at International Court level was that the inviolate right of a mother to her baby must never be usurped by the law of man. Under the proposed law, South Australia will be forcing these unwed mothers to relinquish their babies.

Mr. Riches—Which clause of the Bill does that?

Mr. HAMBOUR—The sting in the tail. If the honourable member will wait, I will come to that. I have given an extract from a Catholic journal, the opinion of the League of Women Voters and of a woman who is a member of another women's organization. Let me now give the opinion of the Rev. H. S. Grimwade. I do not know what denomination he is, but I know he is not a Catholic. I presume he is Church of England, although I do not know; however, that is beside the point. It is interesting to get his opinion, because he is Director of the South Australian Marriage Council, so I would say he is qualified to express an opinion. It is useless for me to give statistics because no doubt members have read them in the press, but the numbers we are dealing with are not very great.

Mr. Corcoran—What is your attitude towards the legitimating of children in the event of the parents marrying later?

Mr. HAMBOUR—I would accept that in an extremity, as it is better than nothing, but I believe what I am proposing is better. They should never be born out of wedlock if it can be avoided, but if it happens, I would accept subsequent legitimation. The fact is there is so much money about that some people are upsetting the peaceful existence we knew in our younger life when things were a little more difficult.

In the press appeared the following under the heading "Four Girls Aged 14 were Married in South Australia Last Year":—

The Director of the South Australian Marriage Guidance Council (the Reverend H. S. Grimwade) said that the increase in marriages among young people was due to improved economic conditions. Young people were earning more money and were, perhaps, making friendships earlier. Experience had shown that such marriages were reasonably stable provided that they were not contracted through pressure by parents or undertaken with any unwillingness on the part of the couple.

To me that is a very moderate and sober statement from a man who would have a vast knowledge on the question. I shall quote another gentleman, whom I think is held by the community in high regard, the Reverend Frank Hambly. This is what he had to say:—

I should think that no responsible citizen has been able to avoid giving some thought to the Bill now before the South Australian Parliament to raise the minimum age of marriage to 16 for girls and 18 for boys.

It's always easy to stand outside a situation and make a definite statement on the rights and wrongs of any case.

Often the spectators, who are quite sure what the players ought to do, would not do nearly as well if they were players themselves.

In the same way, you can always be sure what ought to be the law when you have the comfortable feeling that the law is unlikely to affect you personally.

There is no doubt that we regard it as a mark of civilization that we bar child marriages. We are revolted by the idea of treating a child as anything but a person who deserves the most thoughtful and considerate treatment.

The real question is at what age the law is prepared to allow that a person may be entrusted with the tremendous responsibility of establishing a new family unit in the community.

It has become quite clear that, while the law may prescribe the general principle as to a minimum age for marriage, it must still make provision for the exceptional case.

Most of the controversy seems to have been centred not on the general principle, but on the way in which the application of the principle to a particular case may be waived.

Is it to be the prerogative of a parent, a Minister of the Crown, or a magistrate?

Those are the questions we have to decide. His article continues:—

It seems to me that those most likely to be in a position to know the situation are those who live closest to it.

It is easy enough to sit back in a comfortable armchair and say that the situation which seems to call for early marriage should never have arisen if the parents had done their job.

I know that these unfortunate situations can arise in homes where parents have done their very best for their children.

In such a situation, the majority of parents will continue to try to do the best possible.

It should always be remembered that, in almost every case where an exception may be necessary, there will be more than one set of parents involved.

Raising of the minimum age is necessary to satisfy the conscience of the community.

Is that what we are trying to do, or are we trying to mete out justice? I am not prepared to satisfy the conscience of the community. We must accept our responsibility. Mr. Hambly then goes on to say:—

In the comparatively few cases that will occur, I believe it not only safer, but wiser also, to trust parents.

To refer the important decision as to consent absolutely to the most trustworthy person in the world is to refer it to someone who after all, is not personally involved in the total situation.

There is no doubt about where this gentleman stands. He believes that the question should be referred to the parents. The next comment is rather an interesting one and was by Mr. Donald MacLean, President of the New Education Fellowship in New South Wales. He was addressing a parents association. He said that one marriage out of seven fails and if desertions were included it would be one out of four. That is a pretty serious state of affairs. Here, despite this failure of one in four, we are trying to condemn young people because their marriage has failed. The degree of successful marriages is just as great in the marriages of young people as in the marriages of older people. It is generally accepted that most divorces occur between the ages of 24 and 34 or thereabouts. In a case before Mr. Justice Mayo the man was 23 and the girl 14. He granted a release under a bond of £100 for the man to be of good behaviour for two years and to marry the girl.

Mr. Coumbe—That would be the punishment!

Mr. HAMBOUR—I am not prepared to agree to that. I think the judge would be big enough to come to a decision that the marriage would be reasonably successful. He made an order that they should be married and I presume they were married. The next comment deals with the most distasteful aspect of the lot and was made by the Archbishop of Brisbane. I say this as a warning to Parliament because the criminal offence of abortion is becoming more prevalent all over the world. Archbishop Duhig said:—

Alarming statistics have recently been published by our own Government dealing principally with the morals of youth as reflected in the growth of illegitimacy in the community. To establish the full extent of this growing evil one should take into account the vile war waged against the unborn and unwanted child, who is unscrupulously done to death to save personal and family reputations.

It is our responsibility as members of Parliament to see that that is not done, and I think we are unanimous in that desire. The next statement I have on this subject is contained in an unsolicited letter I received from a Lutheran pastor following on my opposition to last year's Bill. That letter states:—

I am surprised that no support was forthcoming from the public in support of the continuation of the present minimum marriage age. It seems to me that the Housewives' Association and other worthy bodies are too emotional in their views. I could not say I am competent to judge about all the aspects of this issue. It is only a fraction of New Australians who would consult me in their marital affairs. But two-thirds if not more of the brides who come to me are pregnant and some more had intercourse. Much as we may regret it, there is no relation today between sexual and other morality. As migrants are uprooted from their native country the prohibitions and disapprovals which they might have feared at home tend to become weakened. In addition, boys, because of scarcity of females, will look around even for younger girls. Most of the cases of pre-marital intercourse (as distinct from promiscuity) occur on a level below that of tradesmen. In these groups an illegitimate mother still has a stigma. The consequence of raising the marriage age will most likely be an increase in abortions. The League of Women Voters and other diminutive organizations seem to think that the murder of the unborn child is preferable to a divorce, a queer viewpoint for Christians.

Also, a prosecution for carnal knowledge will entail a stretch at Yatala where the boy in question will mix with criminals. Because the boy is precocious or unable to get an older girl he is to be stigmatized as a sex offender for all his life. The raising of the marriage age to 16 and 18 respectively will not ensure that the boys and girls concerned are mature. People simply pay the penalty for the fact that the biological and the social maturity of our children do not coincide any more. It seems also strange that the law wants to penalize young people for what is generally condoned and for falling to an over-sexed atmosphere which is offered everywhere through pictures, posters, etc. In many of these cases the girl has been the willing and even the soliciting party. Though in most of the cases it did not matter whether the boy was gaoled, as his employer did take him on again, I consider such gaolings are needless cruelty. If we want to change to a later marriage age we have to change public opinion, not the law. Others may have a different viewpoint on account of their views of the sanctity of the marriage ties. I personally did not observe enough so-called forced marriages to come to any valid conclusions but I do not think they end more often in divorce than the general run. If divorces out of the incompetence of the partners take place they would occur in any case, as the incompetence of the housewives in the below-tradesmen group is usually great in any case.

That is the considered opinion of a man who has come into close contact with people that may be affected by this legislation. In his second reading explanation of this Bill the Minister said:—

The Government has introduced this Bill again because it makes a highly desirable reform and there is still a strong public demand for it.

Although some people demand it—indeed, some members believe it is right and I respect their opinions—I believe that to say there is a strong demand for it implies that most people have asked for it, and I do not accept that. The Minister continued:—

The Government suggests that the Bill should be now passed.

The Government may suggest that, but it is for this House to decide. The Minister continued:—

The statistics show that in the last seven years 155 girls under 16 and 133 boys under 18 have married. It has been pointed out by social workers who have taken an interest in such matters that these marriages are usually unsatisfactory.

I do not accept that. The Minister continued:—

In many cases they only take place because the girl is pregnant—

I accept that—

and because the parents force the children into marriage.

I do not accept that. The second reading explanation continues:—

The Bill provides that, in future, a marriage will be invalid if the girl is under 16 or the boy is under 18, unless the consent of the Chief Secretary to the marriage is obtained. The Government agreed to this exception when it was proposed early this year by Mr. Millhouse, M.P.—

but I point out that that amendment in the first place provided for the consent of a magistrate—

and after further consideration believes that it should work satisfactorily. The Chief Secretary will have a discretion to allow under age marriages . . . The basic rule is that the Minister is not to consent to a marriage where either of the parties is under age unless he is satisfied that the marriage is desirable. For the exercise of the power conferred on the Minister by these provisions it will be necessary for him to obtain reliable information about all the relevant circumstances, but with the aid of the administrative and legal officers of the Government there is no reason why this should not be done. The Minister will have to consider all the relevant circumstances such as the means of the parties, their maturity, their character—

I have mentioned those circumstances before—

and the prospects of the marriage being successful.

I suggest that the last circumstance is almost impossible to forecast.

Mr. John Clark—None of those circumstances is stipulated in the Bill.

Mr. HAMBOUR—If the Chief Secretary is to administer the Bill he will administer the policy of the Government. That is implied in the second reading explanations delivered in the Legislative Council and here. Honourable members will have an opportunity later in this debate to express their opinions and I hope to get some support because it is in me to believe what I believe and I shall not be influenced by anybody, however high or low his office. Last year the member for Hindmarsh (Mr. Hutchens) compared conditions in Australia with those in Japan, but that should be the last comparison in the world to make, for abortion is legalized in Japan and we do not want that here. It may be all right to have a minimum age when abortion is legalized, but I refer members to statistics in our Parliamentary library that show that in one year 1,250,000 legalized abortions were reported and it is estimated that twice that number were performed and not reported. Therefore, let us not compare Australia, which we claim to be the best country in the world, with a country that permits murder.

Mr. Corcoran—That is all it is.

Mr. HAMBOUR—Yes. When a similar Bill was passed in Western Australia very few members spoke on it and it received the treatment there that the legislation received here previously: it went through peacefully with no provocative or aggressive speeches. I hope that the Bill will not receive that treatment. I trust that members will give it the thrashing it deserves and, even if it is passed in any form, that members will punch some holes in it and make it a much better measure.

I know that this Bill is a hot brick. Every member would like to throw it out if he thought he could do so with a clear conscience. The public conscience has been influenced by leaders in our community, and points have been raised during the debate that were not previously thought of. That is obvious from the changes that have taken place in this legislation since it was first introduced. I do not know whether I shall be in order in referring to what happened in the Legislative Council.

The SPEAKER—The honourable member cannot quote the debates of another place.

Mr. HAMBOUR—May I ask members to read the reports of the debate in another place?

Mr. Stott—Don't inflict that on us!

Mr. HAMBOUR—That was a very good debate, and members would learn much from reading the report.

Mr. John Clark—It resulted in a better Bill.

Mr. HAMBOUR—Some amendments were defeated, but I want to read a letter that was referred to in the Legislative Council because to me it has much significance.

The SPEAKER—Does the honourable member propose quoting from the debate in another place?

Mr. HAMBOUR—No, I shall read a letter.

The SPEAKER—Does the honourable member propose reading from *Hansard*?

Mr. HAMBOUR—Yes.

The SPEAKER—And the report of the proceedings in another place?

Mr. HAMBOUR—No, only a letter. May I have permission to read a letter that was read in another place?

The SPEAKER—No, I cannot grant that.

Mr. HAMBOUR—Then I ask members to read page 930 of *Hansard,* which shows that the Chief Secretary refused to listen to one case. In Western Australia and Tasmania a magistrate hears these cases. The Chief Secretary will have to rely on information supplied by the women police or social workers, but they will be public servants, and the decision will be the decision of the Government, and I want members to consider that in relation to the original attitude to the Bill. I would like them to take particular notice of the remarks I shall now make.

Under the Bill, the two parties concerned must go to the Chief Secretary for permission to marry. If he grants permission all will be well, but if he does not and the girl is under 17, the boy must be prosecuted under the Criminal Code. Does any member think that with the risk of prosecution hanging over his head a boy will take the chance of allowing the Chief Secretary to say "Yea" or "Nay"? If he refuses permission the Chief Secretary will be in duty bound to obey the laws of the State and launch a prosecution. That must carry some weight with members when they are considering this Bill, for it may result in some people not applying for permission to marry.

Mr. Lawn—Do you mean they would give a false age?

Mr. HAMBOUR—No. The Chief Secretary may think he should refuse permission to marry.

Mr. Lawn—You said that young people might not seek permission.

Mr. HAMBOUR—Yes, because if the girl was under 17 the boy might be charged with carnal knowledge. Would that not weigh heavily on the parties concerned? If permission to marry were granted a prosecution would probably not be launched, but if it were refused a prosecution would probably follow.

Mr. Quirke—The Chief Secretary does not necessarily have to see the parties.

Mr. HAMBOUR—They would first have to go to police officers or welfare officers and give their names and seek permission to marry. If permission was refused the police would know that a criminal offence had been committed and they would have to prosecute.

Mr. John Clark—If they did not seek permission, what would they do?

Mr. HAMBOUR—They would have to suffer their shame, for they could not get married.

The Hon. Sir Thomas Playford—Do you think there would still be no prosecution?

Mr. HAMBOUR—If they got permission to marry that would resolve the question. I am asking the House to consider the consequences of refusal.

The Hon. Sir Thomas Playford—What would happen if there were no application for permission to marry?

Mr. HAMBOUR—They could not get married.

The Hon. Sir Thomas Playford—What else would happen?

Mr. HAMBOUR—The child would be illegitimate.

The Hon. Sir Thomas Playford—Wouldn't there be a prosecution?

Mr. HAMBOUR—Yes, if they were found out.

The Hon. Sir Thomas Playford—How could they avoid that? The child has to be registered.

Mr. HAMBOUR—That is true, but the mother does not have to give the name of the father, and I believe many mothers would not give the name of the father out of love or loyalty because they would not want to incriminate the father. To say that all offences of carnal knowledge are not prosecuted does not count with me, but under the Bill we are asking offenders to report themselves. It has been said that the views of other members must be respected, and I respect the views of all members, and I hope they respect mine. With me there can be no compromise on this measure. I hold very firm opinions and I will not regard the Bill as a bargaining issue. If I cannot realize what I have advocated I will not take the next best thing. I oppose the Bill.

Mr. FRANK WALSH (Edwardstown)—I support the second reading, and the amendments on the file will receive my attention later. The report of the Children's Welfare and Public Relief Board for the year ended June 30, 1956, contains a significant paragraph which has some bearing on my opinions on this measure. The second paragraph states:—

Last year mention was made of the rather big increase (40 per cent) in the number of children committed for offences or released under the Offenders Probation Act. That figure (329) grew to 486 for the year 1955-56; equal to a further increase of nearly 48 per cent. While a complete explanation cannot be given, this increase does clearly indicate the pressing need for closer parental interest and oversight of the teenagers' leisure time activities.

We should try to understand why there is so much talk about young people marrying, and why the necessity for so many young marriages. The population of the metropolitan area has icreased rapidly in recent years. Large areas have been devoted to home building and secondary industries and schools have been built on what were once vacant allotments with the result that there are no longer adequate playing fields for young people. The result is they indulge in other activities. At present we are going through a modern age, although we are probably regarded by the teenagers as "squares." I appreciate that traders earn their living from the materials they sell, but I deprecate the style of dress indulged in by some teenagers. It is not unusual to see girls wearing jeans known as stovepipes and boys in black jeans with brass zippers and wide belts. They regard this manner of dress as glamourous. I am pleased to note from the report that this practice is being arrested and I trust that it will not be long before we revert to a period of sanity. Most parents like their children to dress as normal human beings.

Under our educational system we prescribe school uniforms, which give a most ladylike appearance but there are always some teenagers who try to draw attention to themselves by the flashiness of their dress and general appearance. It is a pity that there are some registered hairdressers who cater for what might be termed "bodgie cuts" for youths. I firmly believe that if boys and girls can be taught to have self-respect and to dress suitably many of our present problems will be overcome. When we were young we were taught to respect the feminine sex and I believe that if boys can be educated to respect femininity there will be no necessity for this legislation.

The Children's Welfare report supplies interesting information as to the type of training conducted at the Industrial School at Glandore. I had occasion recently to conduct a party of 30 boys from that home over Parliament House and their behaviour reflected credit on that institution. I have never visited Vaughan House—the girls training school at Enfield—but I am somewhat perturbed about the delinquency referred to in the report. According to the report the total number of girls in that home at June 30, 1956, was 31. There was one girl in the 12 to 13-year age group; two in the 13 to 14-year group; four in the 14 to 15-year group; six in the 15 to 16-year group; 15 in the 16 to 17-year group, and three in the 17 to 18-year group. That indicates that the largest number were in the 16 to 17-year age group, and I point out that we are dealing with a Bill which provides for marriage at that age.

The question of the ages we should fix has caused me a great deal of concern. A married couple may only have one child, a girl, and if the couple are at an age when they can go out and enjoy themselves the girl is sometimes left without any supervision. Just imagine the shock of those parents at receiving the news that their daughter is pregnant. Whether a girl is 15, 16, or 17 years of age, or even just a little older, there is still always that anxiety.

A boy of 17 years of age is not permitted under this Bill even to enter into marriage.

I know that the chairman of the Children's Welfare and Public Relief Board always insists that if there is to be an adoption of a child the mother of that child must personally interview the chairman before he gives his consent to the adoption. Let us examine the case where we believed everything was all right until the very drastic announcement was made that the teenage girl was pregnant. Parents have to make up their minds whether there should be a marriage or whether a doctor should be consulted to make the necessary arrangements to safeguard the health of the girl concerned. That has to be a choice, because the parents themselves are entitled to be considered and to say whether they will permit the marriage of a girl under 16 years of age. This is a very serious matter.

I maintain that more interest could be taken in the home life of children, and that view is held by the people who are daily handling delinquency problems in this State. Even under the proposals contained in this Bill the parents have a choice in the matter. If the female child under this Bill has not reached the age of 16 years and the boy involved has not reached the age of 18 years the parents have two obligations imposed upon them. They will have to consider whether to give their consent, and if they do give their consent they will have to satisfy the Chief Secretary as to the means of the parties involved, their maturity and their characters. One of the parties may have been under the care and custody of the Children's Welfare and Public Relief Department, not necessarily having been committed to the care of that department but under voluntary supervision. That record would have been kept, and how much more difficult would it then be to convince the Chief Secretary of the desirability of the marriage. In any event, it will not be the Chief Secretary who will do this work, but an officer in the department who may have very little knowledge of the administration of this legislation. The Children's Welfare Department and the women police will no doubt be consulted. Undoubtedly, the chairman of the Children's Welfare and Public Relief Department could give reports on these matters, because I know he makes himself conversant will all things under his administration.

I support the Leader of the Opposition in his comments on the sacredness of marriage, which cannot be overstressed. These tragedies can happen in even the best intentioned families, and people who thought they were bringing their children up under the very close supervision of home life have found that their daughter is about to become a mother and this anxiety forced upon them. It should not be a Minister of the Crown who has the right to make up his mind whether a marriage is justified; the deciding factor should be whether they are in a position to marry. If a young couple comes home to live with the parents of either party, quite often the marriage breaks up because of interference by the parents, so we should subsidize marriages of people under 21, even if they are forced marriages. I support the second reading in the hope that there will be further opportunities to amend the Bill in Committee.

Mr. JENKINS (Stirling)—I support the Bill. I agree with the Leader of the Opposition that there is a wide divergence of opinion on the matter, but I hope the Bill will pass through this House on this occasion in its present form. The Premier said in his second reading speech that this is a highly desirable reform, and this was borne out by the majority of social workers who, because of their experience and study of these matters, should be in a position to know quite a lot about them. It is proposed to raise the marriage age of girls from 12 to 16 and of boys from 14 to 18. The Premier gave particulars of marriages contracted by people under these ages in the last seven years. Social workers have stated that most of these marriages were of expediency, which I believe is the case in many instances. I am not sure that a marriage contracted just because a girl is pregnant is the answer, but much consideration should be given to the aspect put forward by the member for Light (Mr. Hambour).

I support this Bill because I believe children born of parents so young cannot receive the care and attention they would receive from older parents. Another contribution towards unhappiness is the lack of suitable education. They are too young to marry; indeed, some of them are only of the ages at which they could be expected to be leaving school. They do not earn enough to maintain a home and provide for a child. In some cases, if their parents are in the right circumstances, they might be prepared to assist, but some parents are not because they have their own problems and cannot afford to help raise another family. Marriage under those circumstances is a great

disability, because of the tender age and the lack of knowledge of responsibilities and economc conditions that contribute towards unhappiness.

Mr. Hambour mentioned that the means test should not be brought into the matter, but I believe it has a big bearing on the happiness of any child. When the Chief Secretary has to consider these matters, he should take such things into account; I believe it was mentioned that he should take into account means, maturity and character, and I agree with this. He may not even see the people, but it may be left to a welfare officer, or a police officer in the country. If a police officer investigates the matter I am sure he would obtain good evidence, because it would be impartial and in most cases very accurate.

Mr. Hambour—Have you ever been a J.P.?

Mr. JENKINS—Yes, I have been a justice of the peace since 1941, and my wife is also a justice of the peace, and I have been on the bench on many adoption cases.

Mr. Hambour—Do you think this should be judged by a police officer?

Mr. JENKINS—It would not be. The Chief Secretary, before making a decision on the three things mentioned, would sift the evidence, and probably talk to the parents and the children if in doubt. I believe he would come to a reasonable decision that would be in the interests of the young people who wish to be married.

Mr. Hambour—Do you remember that last year the Government claimed that the children would be a charge on the State?

Mr. JENKINS—I do not remember that. In any case, I think there is an outlet in adoption. Last year I said that many people are unable to have children of their own but are in good circumstances and willing to adopt a child.

Mr. Hambour—In good times.

Mr. JENKINS—That has been the case for a number of years. I have been on the bench on many occasions, but have never known of one occasion in which the adoption of a child has been a failure. The evidence brought before the court is full, and the investigation is thorough. The proposed parents are investigated thoroughly, and undergo a probationary period when the child is with them.

Mr. Hambour—These babies are almost vetted like animals.

Mr. JENKINS—The investigation is a good idea, as it gives the young parents an opportunity to have a healthy child taken away from them before they become too fond of it, and they can then carry on their single lives and marry whom they please when they please, not, as the member for Light advocated that they be married at any age. That is one of the greatest contributing factors of marriage that there could be. If young people of 15 and 16 get married, because of their inexperience and because of the economic conditions the number of unhappy marriages is likely to be increased. The member for Light said one marriage in seven ended in divorce and one in four in separation, but if very young people are allowed to marry as he would allow them that number will be increased. The provisions for investigation by the Chief Secretary are rather elastic and provide a good opportunity for the Bill to be tried out. Therefore, I hope that honourable members will give it a trial.

Mr. Hambour—The honourable member said that I advocated early marriages. What I advocated was non-interference.

Mr. JENKINS—I accept that.

Mr. HUTCHENS secured the adjournment of the debate.

ADJOURNMENT.

At 9.34 p.m. the House adjourned until Thursday, October 17, at 2 p.m.