HOUSE OF ASSEMBLY.

Thursday, October 31, 1957.

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

ASSENT TO ACTS.

His Excellency the Governor intimated by message his assent to the following Acts:—Appropriation No. 2, Marriage Act Amendment, Associations Incorporation Act Amendment, Acts Interpretation Act Amendment, Scaffolding Inspection Act Amendment, Metropolitan Taxicab Act Amendment, Land Settlement Act Amendment, Crown Lands Act Amendment, Agricultural Seeds Act Amendment, and Brands Act Amendment.

QUESTIONS.

SEALING OF ROADS.

Mr. O'HALLORAN—Has the Minister of Works a reply from the Minister of Roads to the question I asked recently about the sealing of the Broken Hill road where it passes through Mingary and Cockburn?

The Hon. Sir MALCOLM McINTOSH—I have received the following reply from the Highways Commissioner, through the Minister of Roads:—

Difficulty has been experienced in the procurement of suitable materials for the reconstruction and sealing of the streets of Mingary and Cockburn. Recently a deposit has been discovered and is being tested. If suitable as a pavement material, it is expected that the reconstruction of the Mingary street in preparation for sealing will be commenced in the near future, after the completion of which, the reconstruction of the street at Cockburn can be undertaken. Because of the continued dry spell it is understood that the railway dams are low, and difficulty may be experienced in persuading the Railways Department to provide water necessary for the compaction of the pavement. The commencement of this work is therefore somewhat dependent on the availability of water at the time.

COUNTRY AMBULANCE SERVICES.

Mr. HAMBOUR—Yesterday I asked the Treasurer whether he had received a report on country ambulance services from the St. John Council, and he read a report to the House and made some comments. When Government policy on this question has been determined will he acquaint country members who are interested in the subsidizing of country ambulances with the decision?

The Hon. Sir THOMAS PLAYFORD—When a member asks a question on Government policy the usual procedure is that a reply is forwarded to him when a decision has been made. Two or three members have asked questions on country ambulance services, but probably every country member is interested. Under those circumstances I think the best procedure would be for me to make a public statement so that every member and all persons concerned will have the information, and I will do that.

WORKMEN'S COMPENSATION IN TRAVELLING TIME.

Mr. LAWN—Last Friday afternoon a boy of 18 was killed on his way home from work. He knocked off at 4.35 p.m., and at 4.55 he was dead at the Royal Adelaide Hospital. Most States, and the Commonwealth, provide workmen's compensation cover for employees travelling to and from work, but this State does not. Will the Government, during the recess, consider including a provision in the Act to cover such cases as I have mentioned?

The Hon. Sir THOMAS PLAYFORD—The Government has considered this matter on a number of occasions and it has been debated in this House frequently. The Government does not believe that an employer is responsible for the safety of his employee at a time when he has not any control whatever over the actions of the employee, and the employee is not engaged in his service. There is no more reason for the employer to effect an insurance under those circumstances than for the State or anyone else. Therefore, I cannot give the honourable member any reply which would not be evasive if it pretended that the matter would be re-opened.

KOONIBBA MISSION WATER SUPPLY.

Mr. BOCKELBERG—Can the Minister of Works supply any further information concerning an improved water scheme for the Koonibba Mission?

The Hon. Sir MALCOLM McINTOSH—Not at present. Some years ago a line was included in the Estimates for an improved supply for that station but the mission at that time rejected the Government's proposals and insisted that the only possible supply was from the Tod River system. That was economically out of the question. Since then further negotiations have taken place. When I secure additional information I will let the honourable member know.

LEARN-TO-SWIM CAMPAIGN.

Mr. TAPPING—Can the Minister of Education outline his department's plans for teaching children to swim this summer?

The Hon. B. PATTINSON—I appreciate the honourable member's interest in the learn-to-swim campaign in his own right and on behalf of the South Australian Swimming Association. The Education Department's Learn-to-Swim Campaign for this season will commence this week-end. Instruction will be given both during term time and in special classes to be conducted during the Christmas vacation under the direction of the Supervisor of Physical Education in the Education Department, Mr. E. Butler. Children receiving instruction during term will attend classes for one hour per week throughout the season.

The vacation schools will extend over a period of two weeks from January 6 to January 17. Children will receive instruction for one hour per day for ten days. Vacation schools will be organized at about 71 centres. Fifteen of these will be in the metropolitan area and 56 in country districts. These vacation classes will be available to students in private as well as departmental schools. Last year over 25,000 children received swimming instruction. They came from 530 different schools, including more than 100 independent schools. With the continued full assistance of the S.A. Amateur Swimming Association, the Royal Life Saving Society, and the Surf Life Saving Association, and with the larger number of pools expected to be in use, it is anticipated that the number of children who will receive swimming instruction during the coming season will be nearly 30,000.

ILLUMINATION OF RAILWAY ROLLING STOCK.

Mr. KING—Has the Minister of Works a reply to the question I asked yesterday concerning the use of reflecting material on railway rolling stock?

The Hon. Sir MALCOLM McINTOSH—Through my colleague the Minister of Railways I have obtained the following reply from the Railways Commissioner:—

The use of "Scotchlite" tape or similar material, was actually tried out to a limited extent on the Victorian railways, when it was found that the reflectorized material resulted in confusion and hazards to the shunting staff in the Victorian railway yards. The material was therefore removed from the rolling stock. Subsequently, the suggestion was discussed at the conference of the Australian Railways Commissioners, about 12 months ago, when it was decided that the use of reflectorized materials on goods trains was not desirable.

SOUTH-EASTERN DRAINAGE.

Mr. QUIRKE—Has the Minister of Lands a reply to the two questions I asked yesterday concerning drainage in the South-East?

The Hon. C. S. HINCKS—Mr. Johnson, the executive officer of the South-Eastern Drainage Board, has replied as follows:—

In respect of amounts collected on drainage system:—

1. The only charges being collected at present are from landholders receiving benefit from the old drainage system.
2. The board is precluded from making assessments of the benefits accruing from the new drainage system until the new scheme has been completed.
3. It is anticipated that the new scheme, south of drain K-L, will be completed during 1958-59, subject of course to the necessary funds being available, and in that event the objective of the board is to complete and issue the new assessments so that they can form the basis of rating from July 1, 1961.

In respect of the possibility of land sales including drainage increment:—

The Act provides that the new drainage charges, when determined, shall be endorsed on the various land titles. However, this action cannot be taken until the drains have been completed and the new assessments issued, and it is likely to be July 1, 1961, before the drainage charges can be notified to the Registrar General of Deeds. In the meantime, frequent inquiries are being received at the board's office from agents and landholders negotiating land transactions, regarding future drainage commitments, and although they cannot be informed at this stage of the amounts of liabilities, they are always told of the possibility of the levy for drainage.

MOUNT MEREDITH ESTATE.

Mr. HARDING—In yesterday's *Advertiser* considerable publicity was given to the possibility of further land on Kangaroo Island becoming available for war service land settlement and for private development, and to other large areas becoming available for settlement on Eyre Peninsula and in the South-East. Can the Minister of Lands indicate whether Mount Meredith Estate, which is situated in the Mingbool area, will be gazetted for application and, if not, what is the Government's policy with regard to the estate?

The Hon. C. S. HINCKS—Details are being prepared in respect of this estate to enable it to be gazetted within the next two weeks.

IRON KNOB SCHOOL RESIDENCE.

Mr. LOVEDAY—Has the Minister of Education a reply to my recent question concerning the provision of a residence at the Iron Knob school?

The Hon. B. PATTINSON—I regret that I have not. The particular inspector whose duty it is to inquire and report on this matter has been on leave and I have not been able to obtain the necessary information. As soon as I do I will communicate with the honourable member.

RESERVOIR ROAD BRIDGE.

Mr. LAUCKE—Recently I asked whether consideration would be given to rebuilding and widening a bridge on the Reservoir Road between Modbury and Hope Valley. Has the Minister of Works a reply?

The Hon. Sir MALCOLM McINTOSH—The Commissioner of Highways reports as follows:—

The bridge in question is on a district road and is a council responsibility. It is a dry rubble arch structure, approximately 14ft. span, carry a 12ft. wide roadway between stone parapet walls. It has carried traffic for many years, and with a few pounds expense on patching and pointing up could continue to be traffickable until another bridge is built. The volume of traffic is not large on this road and a two-lane bridge is not essential at present. It is so obvious that two vehicles cannot pass on the bridge and if warning signs were erected on each approach it could not be described as a death trap. Many such bridges are in existence throughout the State and it is still the policy in all States, on the score of economy, to construct single lane bridges on lightly trafficked roads. With so many other more urgent bridge works to be carried out, the department could not undertake the design or construction of a new bridge. Although the work is somewhat beyond the council's capability, it could take steps to have temporary repairs carried out as soon as possible by patching and pointing the stonework in the existing structure.

DOG NUISANCE AT FLINDERS PARK SCHOOL.

Mr. HUTCHENS—Has the Minister of Education a further reply to my recent question concerning the dog nuisance at Flinders Park school?

The Hon. B. PATTINSON—I regret that I have been unable to obtain satisfaction for the honourable member. I have been informed that the Police Department is not able to assist in destroying the offensive stray and uncared for dogs that trespass on school property. Section 23 of the Registration of Dogs Act provides that the occupier of any land, after giving public notice in three successive issues of any two newspapers circulating in the district where the land is situate, of his intention to destroy dogs trespassing on the land, may destroy them.

Mr. Hutchens—Have you power to do that?

The Hon. B. PATTINSON—Yes, because the property is registered in the name of the Minister of Education. As the Education Department has had a number of complaints regarding this nuisance at the Flinders Park school, in addition to that of the honourable member, I have approved of the necessary notices being placed in newspapers and prominent places on school premises. The matter will then be placed in the hands of the local council officers in the hope that someone can then be made available from the council or the R.S.P.C.A. to carry out the destruction of any dogs that may be caught. I am prepared to adopt the same procedure in other schools where complaints are received. Inquiries at Flinders Park school show that six dogs were recently caught on the premises, but they were all found to be registered. It seems they were not strays, but dogs that had followed their youthful owners to school, liked the company of the young people, and decided to make it their home. The difficulty arises because, whereas they are docile with their young master or mistress, some of these dogs become savage with other children at the school. It is a real problem and I would like to help solve it, but unfortunately under the existing law I cannot call on the services of the police or the local council. Short of that I am willing to do everything I can to help eradicate what, in many cases, is a dangerous menace to the children.

HUNGRY HILL WATER SUPPLY.

Mr. BYWATERS—Has the Minister of Works a further reply to my question concerning the water supply for Hungry Hill?

The Hon. Sir MALCOLM McINTOSH—The Engineer for Water Supply reports:—

I conferred with the District Engineer as to the distribution of the last two shipments of 6in. cast iron pipes from Port Kembla. There are at present 1,000 6in. cast iron pipes on hand which are nowhere near sufficient to meet the requirements for mains already approved in both the metropolitan and country areas. However, after considering the relative urgency of some of these 6in. mains, it was decided to allocate a further 200 6in. cast iron pipes to the Hungry Hill main and arrangements have been made for these to be delivered immediately. This allocation, together with the 200 pipes previously delivered, will make a length of 4,800ft. and I have made arrangements with the Southern District Engineer to commence laying the 6in. main in about a fortnight's time in the hope that at least some of the remaining 680 pipes can be supplied in the next few weeks. Even if no more pipes are available before the laying of the 4,800ft. is completed, and the remaining work has to be

deferred, the laying of this length should give a considerable improvement in the supply to the Hungry Hill area.

TRANQUILLIZING DRUGS.

Mr. COUMBE—Has the Treasurer, as Acting Minister of Health, the report he promised on the sale and use of tranquillizing drugs?

The Hon. Sir THOMAS PLAYFORD—The Director General of Public Health reports:—

The Advisory Committee under the Food and Drugs Act at its meeting held on September 25, 1957, decided to recommend that three classes of tranquillizing drugs, chlorpramazine, methylpentynol and rauwolfia preparations, should be restricted to retail sale upon prescription. These recommendations are contained in proposed amendments to the Food and Drugs Regulations which are at present with the Crown Solicitor for settlement. Several other classes of this type of drug are to be considered by the Advisory Committee at its next meeting to determine whether or not they should be similarly restricted.

ROBBERY UNDER ARMS FILM PREMIERE.

Mr. RICHES—Has the Treasurer a report on the negotiations that have been taking place for the premiere screening of the film *Robbery Under Arms* at Port Augusta simultaneously with other world premieres of the film?

The Hon. Sir THOMAS PLAYFORD—When the honourable member raised this matter some time ago I promised to take it up with the company to see whether a premiere could be arranged as near as possible to the country where the picture was made. I believe that these negotiations will be successful. They are not yet finalized, but the company has taken up the matter very seriously and at present is exploring arrangements that would, in fact, be a big advertisement to the northern country because they involve bringing many influential press representatives and other persons to see the magnificent scenery of the country where the film was produced. I believe it will be possible for this premiere to be arranged. Tremendous preparation will obviously be involved for such a big function and I am sure that the company is doing everything in its power to make the necessary arrangements. I will advise the Mayor of Port Augusta on the matter as soon as possible.

AFFORESTATION IN MOUNT LOFTY RANGES.

Mr. SHANNON—My question concerns the policy of the Government on setting aside afforestation reserves throughout the Mount Lofty ranges. Small areas sometimes used in this way would be uneconomic as afforestation projects, but they keep that land out of other production. Secondly, it may prevent adjoining owners from having an economic holding for continuing their avocation on the land. Will the Government make certain of these areas available to settlers so that they might have economic areas to carry on their occupations? Would such a policy affect the afforestation policy of the State?

The Hon. G. G. PEARSON—This question has been carefully investigated by both the Woods and Forests and the Agriculture Departments to ascertain the facts relating to land usage. Strong representations have been made by you, Mr. Speaker, and the member for Barossa in addition to that now made by the member for Onkaparinga and they seem to fall into two sections. Certain land is dedicated for forest reserves and that will be retained by the Forests Department for that purpose. Other land has been leased temporarily to adjoining settlers to work with their holdings for the purpose of assisting the department's revenue, and they are the lands to which the member particularly referred. The Forestry Board is careful to meet the wishes of the lessees of this land in every way. Where land has been resumed the resumption has been in accordance with the terms of the lease. Care will be taken in future resumptions as far as possible not to cause undue hardship to the persons concerned. It is basic to the arrangements that the land is forest land and has been let to the landholders on the clear understanding that the leases will be resumed as and when required, and in practically every case that I am aware of very early notice of resumption has been given so that a minimum of disturbance is caused to the landholder concerned. There appears to be a misconception as to the value of land used for afforestation and that seems to be basic in the representations made by the landholders concerned and other bodies. It is an established fact that afforestation does return in value per acre a return equivalent to that from the highest form of land usage, namely, agriculture and dairying. Pines are not necessarily planted on land which is useless for anything else. In terms of return and employment forest land is equal to other land. Moreover, it is claimed that timber is material we have to import at very great cost whereas some forms of agriculture have to be subsidized to enable them to continue. Those are the salient factors which emerge.

DISCOVERER OF RADIUM.

Mr. DUNSTAN—Some time ago I asked the Premier as Acting Minister of Mines whether any recognition was being given to the widow of the person who discovered radium deposits at Radium Hill and I was told that a shaft was to be named after Mr. Smith and a plaque would be erected. So far as his widow is aware the plaque has not been erected and as she is getting on in years she is desirous of seeing something done before she dies. I ask the Premier when it may be expected that this plaque will be erected and whether the widow will be notified.

The Hon. Sir THOMAS PLAYFORD—I will take these two matters up straight away and advise the member on each of them.

KINGSTON WATER SUPPLY.

Mr. CORCORAN—Some time ago I asked the Minister of Works how long it would be before something was known about the cost involved in a water supply for Kingston. Is it likely that the information will be available shortly?

The Hon. Sir MALCOLM McINTOSH—The Engineering and Water Supply Department has been working on the project. There are two factors involved, (1) the cost of the project and whether it is better to have more bores and fewer elevated tanks, or *vice versa*, and, (2) the revenue to be derived therefrom. The department has been working on that along with other work. I will ask it to expedite it and will reply to the member as soon as possible. The matter has not been overlooked. There is nothing on this year's Estimates because it was not until late in this year that we heard of the development that has taken place there to enable us to make an estimate. It will be taken into consideration as soon as we get the data from the department and I will refer it to Cabinet and reply to the member.

RESIDENT DOCTOR AT LEIGH CREEK.

Mr. O'HALLORAN—Can the Premier tell me what arrangements are made for the provision of a resident doctor at the Leigh Creek coalfield? Does the Government provide a subsidy to encourage the doctor to remain on the field, does he receive a subsidy from any other organization and is he entitled to carry on private practice in the surrounding district?

The Hon. Sir THOMAS PLAYFORD—Certainly no Government subsidy is provided. At the commencement of operations at the field an arrangement was made with a doctor stationed at Hawker for him to make a weekly visit up the line as far as Leigh Creek. I believe the arrangement provided a guarantee that if the fees he received did not reach a certain level he would get a subsidy so that he did not get less than that level. As far as I know the guarantee was never called upon, but since the Electricity Trust has taken over the field the Government has ceased to be directly interested in those services, which have been carried on with the support, if any support is given, of the trust.

As far as I know, no direct subsidy is made to the doctor by the trust. I am not sure whether there is any guarantee, and I think that the doctor is at liberty to treat all patients needing treatment in the surrounding district. I do not think there is any limitation upon accepting any person in the hospital for treatment, but I will find out the precise nature of the present arrangements and advise the honourable member accordingly. I have no doubt that this question is one of those that the Leader of the Opposition so frequently puts up: it is a two-prong question, and no doubt we will hear from him that similar arrangements should apply at other parts of his district, but we shall deal with that when it arises.

MANSFIELD PARK SEWERAGE.

Mr. JENNINGS—There are no sewers in Mansfield Park, but it is now a thickly populated district with several large industries. Will the Minister of Works, during the recess, consider an extension of sewers to that district?

The Hon. Sir MALCOLM McINTOSH—Yes.

NEW ERA PRISON FARM.

Mr. HAMBOUR—Has the Premier received a report from the committee investigating a plan for the New Era prison farm at Cadell? If Cabinet has not come to a decision on this matter will he inform me of any decision made in the future?

The Hon. Sir THOMAS PLAYFORD—A decision to provide the farm was made some time ago. The details are being worked out, and they involve the question of a building and an organization to maintain the institution. I will get the honourable member a report setting out the present position and telling him when he may expect the farm to be equipped and ready.

RAILWAY CONCESSION PASSES.

Mr. TAPPING—I understand that retired railway employees and their wives receive a privilege railway pass, but that after an employee dies his widow does not get this concession. An employee may die soon after he retires, and I think that in those circumstances his widow should get some recognition. Will the Minister take up this question with his colleague, the Minister of Railways, to see whether widows can be provided with privilege passes?

The Hon. Sir MALCOLM McINTOSH—I will take up the question with my colleague and let the honourable member have a reply as soon as possible.

TAYLORVILLE-WAIKERIE ROAD.

Mr. KING—Has the Minister representing the Minister of Roads a reply to my recent question about the sealing of the road between Taylorville and Waikerie?

The Hon. Sir MALCOLM McINTOSH—My colleague has supplied me with the following report:—

The Commissioner of Highways reports that the completion of the road involves the raising of portions of the existing pavement, the construction of a bank across the lagoon, with a bridge, the size of which has been determined by the River Murray Commission. The construction of the bank across the lagoon involves the acquisition of land and at present neither the survey nor the negotiations for the land have been completed. It is expected, however, that during the current year some of the earthworks will be carried out, funds for this purpose having been provided.

FLOOD RELIEF PAYMENTS.

Mr. BYWATERS—On August 29 I asked the Minister of Lands whether he would bring down a balance-sheet or a statement of payments from the Lord Mayor's Relief Fund. He promised to do so, and as the fund has now been wound up, I ask him whether he has that statement?

The Hon. C. S. HINCKS—I have a statement, but, unfortunately, it is not with me today, but statements of the payments in the various districts have been made available for honourable members.

LAND SETTLEMENT SCHEMES.

Mr. STOTT—Has the Minister of Lands had any further discussions or negotiations with the Commonwealth Government regarding the proposed further settlement scheme at Lyrup, either for ex-servicemen or civilians? Has the Minister's attention been drawn to the fact that a recent R.S.L. conference considered that it was desirable that this area should be developed? If he has had no further communications from the Commonwealth Government will he place this matter before Cabinet with a view to re-opening negotiations to have this area opened up for settlement?

The Hon. C. S. HINCKS—I saw in the press recently that the Federal R.S.L. Conference held in Tasmania considered the matter raised by the honourable member, and also the question of single unit farms. We have taken up the question of single unit farms with the Commonwealth, with the result that more have been purchased over the last two years than in the previous eight years. I took up the question of the Lyrup scheme with settlers at Loxton when the Federal Minister was there about two months ago, and he promised that, although he could do nothing this year, he would give serious consideration to opening up the question with his colleagues at Canberra next year.

FACILITIES AT FISHING PORTS.

Mr. CORCORAN—An amount of £40,000 was provided in the Loan Estimates for the establishment of slipways at the various fishing ports throughout the State. Can the Minister of Agriculture indicate whether consideration has been given to the distribution of this amount, and if so, whether any of the fishing ports in my area will benefit?

The Hon. G. G. PEARSON—Plans are well advanced for projects at two South Australian coastal ports, one of which is in the honourable member's district. These will require all of the money available this year. I hope to be able to convey something to the member officially within the next few weeks.

FRUIT FLY ERADICATION.

Mr. STOTT—Has the Minister of Agriculture further considered a question I asked recently concerning detection of fruit fly infested fruit carried by a traveller near Renmark? Will proceedings be taken against the people concerned who did not co-operate very well when approached by officers on the border? As everyone is well aware of the immense damage that could be caused if we had a major outbreak in South Australia, will the Minister consider imposing a total prohibition on the introduction of boxed fruits such as custard apples, to this State?

The Hon. G. G. PEARSON—The Government is fully aware of the potential danger of a major outbreak of fruit fly in our commercial fruitgrowing districts, and as a result the road block at Yamba has been maintained. Very strict provisions operate concerning the type and condition of fruit coming here in commercial quantities. For instance, tomatoes cannot come in unless they are too green for the fruit fly to live in. The same applies to other fruit of a similar nature. The Government has not decided what action, if any, should be taken against the persons concerned in the incident referred to. We must consider whether it is desirable, in the interests of maintaining the co-operation and goodwill of people—which is the major factor in the success of our campaign—to take any action. Prosecutions with harsh penalties could engender a feeling of ill will and some people might, as a result, deliberately attempt to disobey the law. We rely a great deal on the natural honesty of people and we do not want to alienate that feeling.

Mr. BYWATERS—Can the Minister of Agriculture indicate the department's attitude on the carriage of empty fruit cases from the metropolitan area into the river districts and other districts?

The Hon. G. G. PEARSON—The attitude of the department is to conform to the law.

RADIUM HILL COMMUNITY CLUB PROFITS.

Mr. O'HALLORAN—Can the Premier indicate whether the profits made by the community club at Radium Hill are devoted to activities benefiting the community and, particularly, whether any assistance has been granted to the local hospital or to the Flying Doctor Service which serves that centre?

The Hon. Sir THOMAS PLAYFORD—I think the Leader will remember that special legislation was provided to enable a co-operative club to be established at Radium Hill on the same basis as the club at Leigh Creek. I would like to verify the figures, but from memory I believe the profit from the club at Radium Hill last year was between £4,500 and £4,700. A list of community activities was recommended for support and I believe the grant to the Inland Mission Hospital was £500 and a larger sum was proposed for the Flying Doctor Service. I will supply the Leader with a complete list of the amounts recommended, together with a statement concerning the club's profit.

BEACHPORT-MILLICENT TRANSPORT.

Mr. CORCORAN—Has the Minister of Works a reply to the question I asked on October 17 concerning an inquiry into the need for supplying some means of transport between Millicent and Beachport now that the railway has been closed?

The Hon. Sir MALCOLM McINTOSH—The Minister of Roads has furnished the following reply:—

The Chairman of the Transport Control Board has reported that Mr. C. A. Bond holds a licence from the Board to operate a road service between Adelaide and Mount Gambier, *via* Beachport. Passengers could travel on this service between Beachport and Millicent but there probably are passengers for whom this service is not always suitable. The Board has not controlled the roads between Beachport and Millicent, and any person or firm may commence a passenger service between these towns. When the rail service was operating, passenger traffic was very light and it is problematical whether a road service introduced to operate regularly between these towns would be an economic proposition. The Board has no power to operate or subsidize a road passenger service.

JOINT COMMITTEE ON TOWN PLANNING ACT APPEALS.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) moved—

That the members of this House appointed to the Joint Committee on Town Planning Act Appeals have power to act on that Committee during the recess.

Motion carried.

TOWN PLANNING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 30. Page 1444.)

Mr. O'HALLORAN (Leader of the Opposition)—Most of the provisions contained in this Bill are desirable or necessary. Some of them should have been included in the legislation originally. Clause 3 proposes to re-invest the Town Planner with the duty of approving plans for subdivision. The 1955 amendment placed this duty on the Committee, which, however, is more concerned with planning in general than with individual subdivisions.

I agree entirely with that proposal. It was a mistake originally to provide that plans should be submitted to the committee. The provision now to be inserted, that the plans be

submitted to the Town Planner and appeals made to the committee, is sound.

Clause 4 proposes to extend the operation of the Act to district council areas by proclamation. If the intention is to enable the Council to hold up applications pending its request for a proclamation, the proposed provision is not satisfactory. There does not seem to be any good reason why the Act should not apply throughout the State. All parties would then know where they stood. The Act would not be invoked in any such area unless subdivision was proposed.

I am not quite clear on what will happen if this Bill becomes law. At present the land in district council areas may not be subject to the Act, and if a landowner desires to subdivide, the local council can apply for a proclamation to be made bringing a certain portion of its area under the Act. What will happen, however, to the proposed subdivision in the meantime? As the area will not be under the control of the Act it seems to me that the subdivision can go on, and, as it would take some time to have the necessary proclamation issued, probably by the time that is done and the area brought under the Act the subdivision will have been completed and the land sold; therefore it will be a case of closing the stable door after the horse has escaped. It would be better if we provided that the Act apply to the whole State and then provided, if necessary, in order to provide for parts of the State where it is never likely to be invoked, that those areas should be exempted by proclamation.

Clause 4 also provides for the preliminary approval of the siting of roads and minimum construction specifications for roads in cases when the subdivider constructs the roads himself instead of arranging with the council to construct them. Clause 7 re-drafts section 31 (1) providing for the approval of plans of subdivision of agricultural lands. The clause provides that no approval is to be required unless allotments are twenty acres or less (a measure of agricultural use) and unless new roads are involved. The simple, *bona fide* subdivision of one farm into two, for example, will be exempt. I offer no objection to the second reading.

Mr. JOHN CLARK (Gawler)—I support the Bill and am particularly pleased to see the provisions of clause 4. Recently the member for Barossa (Mr. Laucke) introduced to the Attorney-General a deputation comprising other members of Parliament and representatives of district councils. Certain suggestions made to the Minister may have modified the ideas he already had. Clause 4 (3) provides that areas may be proclaimed as coming within the scope of the Act. This will be welcomed by the Salisbury District Council in whose district much land has been subdivided with the result that the council has found the construction of roads and footpaths a burden. Under the Act this responsibility will devolve on the subdivider.

Between Gawler and Smithfield more land is being subdivided and district councils will benefit considerably from the opportunity presented to them to have their areas proclaimed. I am pleased that district councils are to be helped in this direction.

Mr. LAUCKE (Barossa)—I, too, am happy to see this Bill introduced and I commend the Government for the expedition with which it has been introduced because this is a matter of great importance to country councils in whose areas subdivision is proceeding apace. I agree with the member for Gawler that in council areas like Salisbury and adjoining areas adjacent to the metropolitan area a situation has arisen where, if councils are to provide roads, they are faced with almost impossible costs. The scattering of subdivisions costs the Goverment much in the supply of water and power. This Act will provide a standard for surrounding country subdivisions which is desirable for householders to have. I feel that the onus on subdividing organizations will not be unduly harmful to them because the roads will enhance the value of the blocks. I commend the Government for introducing this legislation having in mind that each passing week councils incur heavy costs which could be crippling if left for too long ahead. I support the second reading.

Mr. GEOFFREY CLARKE (Burnside)—I support the Bill. Most of its provisions are machinery clauses. Some provision should be made for cases of subdivision which are in progress and which have almost reached finality at the date of passing of this Act. I recommend to the Government that clause 11 be examined. It remains to be seen what effect it will have.

Mr. JENKINS (Stirling)—District councils may apply to bring further areas under the Town Planning Act. Councils within my district such as Noarlunga, Willunga, Encounter Bay, Port Elliot and Goolwa have had quite a number of subdivisions opening up in the past year or two and a very great burden would be imposed on those towns if they had

to provide roads for them without the protection afforded by this Act. Already since the Town Planning Act has been in operation my corporation has been very thankful because we have had several subdivisions and have been able to have the roads in these areas made according to the Act. In some cases people wishing to subdivide have been restrained from doing so when confronted with the necessity of building roads. Vendors of subdivisions have to consider the cost of roads as against the return to be derived from the sale of the blocks. I support the Bill.

Bill read a second time and passed.

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

Clause 3, add the following paragraph:—

(*c*) By adding at the end thereof the following subsection:—

(3) Where, after the passing of the Town Planning Act Amendment Act, 1955, and before the passing of the Town Planning Act Amendment Act, 1957, a plan of subdivision of any land has been approved by the council of the area in which the land is situated, and also by the committee either by letter in the form known as letter form "A" or otherwise, that plan may be deposited in the Lands Titles Office or the General Registry Office without approval by the Town Planner.

This subsection shall have effect notwithstanding subsections (1) and (2) of this section.

Consideration in Committee.

The Hon. Sir THOMAS PLAYFORD—(Premier and Treasurer)—This is a transitional provision and provides that, if a plan of subdivision complies with the procedure laid down in the amendment, it may be deposited in the Lands Titles Office or the General Registry Office without approval by the Town Planner. There is no reason why a subdivision which has already had approval under the existing law should not now have that approval exercised.

Mr. FRANK WALSH—Would many subdivisions be affected by this amendment?

The Hon. Sir THOMAS PLAYFORD—No. On a previous occasion when we amended the Town Planning Act we inserted a similar provision. I move that the amendment be agreed to.

Amendment agreed to.

PAYMENT OF MEMBERS OF PARLIAMENT ACT AMENDMENT BILL.

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

The Hon. Sir THOMAS PLAYFORD moved—

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution:—That it is desirable to introduce a Bill for an Act to amend the Payment of Members of Parliament Act, 1948-1953.

Motion carried.

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

The Hon. Sir THOMAS PLAYFORD—I move—

That this Bill be now read a second time.

This Bill comprises one clause only and it deals with one specific matter and that is in clause 3 of the Bill which is as follows:—"Section 5 of the principal Act is amended by adding at the end thereof the following line:—'Deputy Leader of the Opposition House of Assembly £250.'" The purpose of the Bill is to provide recognition of the Deputy Leader of the Opposition for the additional work which has fallen upon him and which I feel in the development of this State will increasingly fall upon him in the future. In addition to providing some recognition for the additional work required of him it will also show that that work is appreciated. In time and the sittings of the House where there are on this side of the House five Ministers all introducing legislation it becomes impossible for the Leader of the Opposition to undertake the supervision and examination of all the Bills and it is obvious he must rely upon other members of his Party to assist him and he must have available to him some additional assistance as far as the deputy is concerned. There is no ulterior motive in this Bill except to show that that fact is recognized. I know of no other Parliament in Australia where the Deputy Leader of the Opposition is not recognized and, indeed, the amounts provided by other Parliaments are substantially more than in this Bill. I commend the Bill to the House and hope it will have a speedy passage.

Mr. O'HALLORAN (Frome)—I support the second reading of the Bill. I am pleased that the Government has seen fit to recognize the responsible duties of the Deputy Leader of the Opposition. As the honourable the Premier has pointed out, the work of Parliament is increasing rapidly. I can speak from personal experience over the eight years I have been Leader of the Opposition. The work of my office has increased tremendously in that period and as the Premier has pointed

out the work in Parliament increases at a somewhat corresponding ratio. It is true, as the Premier says, that the office of Deputy Leader of the Opposition is recognized in all other Parliaments of Australia and much more generously than is proposed in the Bill we are now discussing. I would point out that it is a recognition of a principle which has been recognized in other States, and the present Deputy Leader of the Opposition has given such service to this Parliament that he well merits the recognition now being afforded in this Bill. I take this opportunity of thanking the deputy for the very great assistance he has given me over a considerable period. In saying that I am not making any invidious comparisons between the deputy and other members of the Opposition. I have received loyal, competent and co-operative assistance from them all, but the Deputy Leader, because of his peculiar position, has to take more responsibility than other members. The Bill provides some recognition of the responsibilities associated with the office and I have pleasure in supporting the Bill.

Bill read a second time and passed.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL.

In Committee.

(Continued from October 30. Page 1435.)

New clause 10a—"Council may waive rates payable by pensioners and others."

Mr. FRANK WALSH—I had just moved for the insertion of new clause 10a when progress was reported. As far as I can ascertain, there is no power in the Act to give relief to pensioners and others if they find it difficult to pay their rates. Rates in many districts have been increased by three times or more in the last 10 years or so. Some people bought properties 20 or 30 years ago when they were receiving wages sufficient to enable them to meet their rates fairly comfortably, but they have now retired and find great difficulty in paying their rates because they are not members of any superannuation fund. They may be old age pensioners getting £4 7s. 6d. a week, or married couples getting £8 15s.

The Hon. Sir Malcolm McIntosh—They may have additional incomes, too.

Mr. FRANK WALSH—I am speaking of people who are not in any superannuation scheme and who do not get any additional income. Surely councils should have power to help these people. Perhaps a man put all his savings into purchasing a home and when he died he left his widow on an age pension of £4 7s. 6d. a week. Such a woman would find great difficulty in paying rates. Are we to say to her, "You can sell your property and get another one in some other area?" Councils should have a discretionary power so they can sympathetically consider such cases.

The Hon. Sir MALCOLM McINTOSH (Minister of Works)—Last year a somewhat similar provision, but with a much wider application, regarding recreational parks was proposed, but the House rejected it. New clause 10a seeks to cover old age and invalid pensioners and others in straitened circumstances. At first sight this provision may seem to have some merit, but it does not deal with the subject adequately because 44 per cent of pensioners do not live in their own homes, but in rented rooms or other places. The new clause will not give any relief to them. If a council desires to help a widow it can defer the payment of rates and let them become a charge on the ratable property. When the person dies, or when she sells the property, the council can then recoup itself. Councils would be placed in an invidious position under this clause because they would have to obtain and consider the financial position of each person concerned.

Does the honourable member think that the acceptance of the new clause will be the last move to help the people he has in mind? I am sure that the next thing would be a move for the waiving of water and sewerage rates for these people. Many pensioners have incomes apart from their pensions. Again, a pensioner may have a valuable home, but not much ready cash, but he can raise money on the house, or sell the house and buy one of lower value, thereby relieving himself of the payment of high rates and at the same time putting cash in his pocket. This is a local government Bill, but local government bodies have not asked for this new clause, and I am sure they would hate to have to administer it. It is not the function of councils to act as a sort of subsidiary to the old age pension scheme. Any increased benefits for pensioners should not accrue by passing provisions such as this, but by direct contributions by taxpayers as a whole. The new clause is quite unfair to the general ratepayer and to the community as a whole.

There are other ways of meeting the situation and the council can defer payment of rates if it so desires. I oppose the new clause.

Mr. LAWN—I support the new clause. The Minister's view of this matter is entirely wrong. He suggested that the House rejected a similar proposal last year, but that is not so. Last year we were considering differential rating and I am opposed to that proposal. This new clause provides that in respect of aged and invalid pensioners a council can, if it desires, remit payment of the rates. Pensioners will be rated the same as other residents, but may receive remissions thereof. A pensioner can apply to the council and after considering all the circumstances the council can accede to the request for a remission of rates. As a result of personal approaches and countless letters I am well aware of the circumstances in which pensioners are living. In many instances they are unable to meet their council rates, water rates and land taxes for the last two years.

I believe the feeling generally in this House is that it is a good policy to encourage home ownership. Earlier this session, when discussing another measure, by interjection the member for Burra suggested that it did not cost more by way of weekly payments to purchase a house than to rent one. Whilst that may be so, when the purchaser of a home becomes a pensioner he can experience difficulty in meeting his taxes. He may be able to afford the payments for purchasing his home, but his other commitments are additional. The Minister said that because only 56 per cent of the pensioners in this State would be concerned with this new clause we should not accept it. It is the duty of every member to consider the interests of every person. I am as interested in 5 per cent of the population as I am in 60 per cent of it.

It will not be many years before I am a pensioner and receiving either £8 15s. a week for myself and wife from the Commonwealth or £9 10s. a week from the Parliamentary superannuation fund. My council rates, water rates and land tax represent an expense of 13s. a week. How could I on such a small income afford that amount, particularly when I must provide for the maintenance of my home?

Mr. Jennings—You do not meet your commitments by weekly payments of 13s. but in lump sums.

Mr. LAWN—That is so. My council rates are about £16, water rates about £16 and land tax £2 a year. How could any pensioner meet an account for £16? Mine is an ordinary State Bank home and not a mansion and I do not think many pensioners would have to pay less than 13s. a week for rates and taxes. A pensioner is entitled to live and not merely exist and this clause could be of inestimable benefit to him. This is not the thin end of the wedge into seeking similar provisions for water rates and land tax.

Mr. Jennings—Some councils have asked for this new clause.

Mr. LAWN—I do not know whether that is a fact, but I do know that some councils would favourably use such powers. I commend the amendment to members.

Mr. DAVIS—I support the amendment. The Minister said councils did not want it, but the Municipal Association was requested to ask the Government to introduce it. Some councils believed that under section 214 they could strike a differential rate for pensioners. They got legal advice, but that advice was conflicting and controversy took place between certain councils. The Port Pirie Council favoured the granting of this power to councils. Surely a council should have the right to help pensioners, for the pension today does not allow a pensioner to live in comfort and pay normal rates. Rates have risen considerably and some pensioners now pay three or four times what they paid a few years ago.

The Minister said the amendment would impose a burden on councils, but every case would be dealt with on its merits and this concession would not automatically be granted to all pensioners. A couple may be penniless when they reach old age and, if the Federal Government is not prepared to give them a decent pension, surely this Government will not deprive the council of the right to help them by relieving them of the obligation to pay full rates. A pensioner couple who have paid rates over the years to improve their street have done a yeoman service to the community and should be considered now.

The Minister said the Act had been amended to enable pensioners to be relieved, but that amendment merely tried to remove an anomaly by amplifying section 214. The Government should relieve councils of their financial difficulties. Only yesterday when I asked a responsible member of the Government to remove the anomaly in respect of section 214, I was told that a court case might clarify the position, but surely that is a wrong attitude to adopt. The Minister said difficulties would occur if this new clause were enacted, but the British local government legislation gives councils this right, so why should we not do

the same in this country? The Government should do something for the old people who have rendered such sterling service in years gone by.

Mr. TAPPING—I, too, support the new clause, which relates to both age and invalid pensioners. The person who buys a second home and is thereby debarred from pension benefits is assisted by this clause in his old age. The Minister said councils could defer payment of pensioners' rates and, although that is true (for some pensioners pay their rates by instalments), the liability still remains. The councils should have the power implicit in the amendment, under which a pensioner would have to supply details of his livelihood.

The Minister said that if a pensioner did not pay his rates for some years they would be a charge on his estate, but I point out that a similar scheme adopted by the Federal Government some years ago was abandoned. Over the last few years the Councils Association has discussed this matter and when last it was discussed they were divided equally, the councils from industrial areas like Port Adelaide and Semaphore being behind the idea because they deal with so many people in necessitous circumstances. Other councils like Unley have not had the same cases to deal with. Port Adelaide has asked its members of Parliament to press for powers to be given to the council enabling it to remit rates because of hardship caused to pensioners.

Mr. Hambour—Did you know they have the power to use differential rating?

Mr. TAPPING—Differential rating is applied in Port Adelaide, but in different zones. I pay less in my ward, because it is rated lower than Semaphore, and the same would apply to pensioners living in various zones. Differential rating would not help pensioners. I know the New South Wales Government grants concessions on trams and railways to pensioners, but this State does not attempt to ease their burden. This clause will provide a means of doing that. I think councils generally desire this power so it can be used if necessary.

The Committee divided—

Ayes (16).—Messrs. Bywaters, John Clark, Corcoran, Davis, Dunstan, Hughes, Hutchens, Jennings, Lawn, Loveday, O'Halloran, Riches, Stephens, Tapping, Frank Walsh (teller), and Fred Walsh.

Noes (21).—Messrs. Bockelberg, Brookman, Geoffrey Clarke, Coumbe, Fletcher, Goldney, Hambour, Harding, Heaslip, Hincks, Jenkins, King, Laucke, Sir Malcolm McIntosh, Messrs. Millhouse, Pattinson, Pearson, Sir Thomas Playford (teller), Messrs. Quirke, Shannon, and Stott.

Majority of 5 for the Noes.

New clause 10a thus negatived.

New clause 13a—"Amendment of principal Act."

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

13a. Section 319 of the principal Act is amended by striking out subsection (9) thereof.

This subsection was introduced in 1954 and reads as follows:—

If any roadway is formed, levelled or paved to a part of its width and is subsequently formed, levelled or paved to a greater width, then, if the subsequent forming, levelling or paving, as the case may be, has not been previously carried out, the cost of so doing or of such part thereof as the council thinks fit may be recovered in manner provided by this section.

This matter needs no explanation. I know of cases where people paid for roads 20 or 30 years ago. The widening of roads was included in this Act to provide for bus and other transport, and ratepayers have to pay the difference between the amount previously paid and the 10s., but they do not get any extra service.

The Hon. Sir MALCOLM McINTOSH—Following a discussion yesterday the Premier agreed with the argument put forward by the member for Edwardstown, and if he does not intend to proceed with his subsequent section the Government has no objection.

New clause 13a inserted.

New clause 23a—"Council may require survey of building block."

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

23a. The following section is enacted and inserted in the principal Act after section 600:—

600a. (1) If any council has reason to believe that the block of land upon which a person is building, or is about to build is incorrectly surveyed, it may require the owner of such block to cause a survey to be made.

(2) After notice of a request by a council under subsection (1) hereof, no person shall build or alter any building on the block unless by permission of the council.

(3) In addition to the powers conferred on it by subsection (1) hereof a council may cause a survey of any number of blocks of land to be made, and may recover the cost of such survey from the owners.

Penalty: Fifty pounds.

In the metropolitan area many difficulties can be overcome more cheaply than in the country if the survey proves to be incorrect. The purpose of this further clause is to permit the council to give notice if it is of opinion that a survey is wrong, and thereupon the person who intends to build is charged with the responsibility of causing a survey to be made. In order to lessen the cost which may be incurred by a person required to obtain a survey, the council may, if it thinks other allotments are out of alignment, have them included in the survey, which would lessen the cost to each owner and be in the interests of the town generally. Some country towns, such as Port Augusta and Whyalla, are growing, and I have been told that some old surveys that were not carried out correctly are causing trouble.

The Hon. Sir MALCOLM McINTOSH—The provision only tries to resolve difficulties that may occur between different ratepayers, and that is all it can do. Surely that is their responsibility, and not the responsibility of the council. The Act provides that if a council causes a survey to be made it shall be made at the expense of the council, but the new clause puts the onus on ratepayers rather than on the council. If a council suspects a series of mistakes have been made in surveying the alignment of a street it should take the necessary action and meet the expense. It is entirely wrong that the burden should be thrown on ratepayers, and I ask the Committee not to agree to this provision.

Mr. STOTT—I oppose the new clause. A person may have bought a block and be unaware that the original survey was wrong, therefore he should not have to meet the cost of another survey.

New clause 23a negatived.

New clause 28a—"Validity of certain by-laws."

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

28a. Section 676 of the principal Act is repealed.

Section 676 provides that once a certificate of validity has been given by the Crown Solicitor to a by-law the validity of that by-law cannot be questioned by any court. In other words, that section substitutes the opinion of the Crown Solicitor for the opinion of the court. It makes it an administrative rather than a judicial decision, and that is undesirable. We are proud that our liberties have been safeguarded over the centuries by the courts, but this section, to the extent it applies, takes away protection of the courts. In 1954 the Supreme Court gave a judgment in the case of Ross Chenoweth Ltd. v. Hayes. In 1946 a man called Chenoweth built a workshop at Eden Hills with the permission of the Mitcham council. In 1950 the council passed a by-law which brought the workshop within the definition of a manufacturing building, and at the same time zoned him in a residential area. The by-law prohibited the use of buildings for manufacturing purposes, if they were in residential areas, even if they had been used for those purposes before. In 1953 he was prosecuted for a breach of the by-law and fined £7. He appealed to the Supreme Court, which decided that the power under which the by-law had been made was not sufficient to support the by-law. The report of the case states:—

Held, that the word "land" in section 82 (1) (*f*) of the Building Act meant "vacant land," and that this section did not authorize the making of a by-law prohibiting the use of a building which was already erected at the time of the making of the by-law.

Having decided that the by-law was *ultra vires* the powers of the council the court also decided that as the by-law had been certified by the Crown Solicitor it could not, by reason of section 676 of the Act, declare it invalid. Three judges decided unanimously that the by-law was invalid, and that they could not do anything about it because the Crown Solicitor had given his opinion before the by-law had come before the court that it was a valid one.

Mr. Stott—The Crown Solicitor has to declare a proposed by-law to be valid?

Mr. MILLHOUSE—Yes, but he does not know how it will work in practice or what circumstances will arise. This is what the judges said:—

The difficulty that remains is under section 676, which purports to fortify these by-laws in another way, namely, by withdrawing from the courts of the State the power to say what is and what is not the law of the State. This interference with the due process of law means that the subject is deprived of what should be the basic right in a British community, namely, the right to invoke the aid of an impartial tribunal for his protection against an unwarranted, and, in that sense, an unlawful interference with the rights given to him by the law under which he lives.

The court found in favour of Chenoweth, but could do nothing about it because of section 676. I am a member of the Joint Committee on Subordinate Legislation, and in the last few weeks we have had before us a by-law

from the West Torrens council. It was disallowed in another place yesterday. That by-law had been given a certificate of validity by the Crown Solicitor. In evidence given before the committee an opinion was proffered by a prominent Adelaide solicitor that the by-law was completely invalid. There you have two conflicting opinions.

Mr. Stott—We cannot legislate against that.

Mr. MILLHOUSE—We can by allowing for a final decision to be given by the body which should give it, namely, the court, but if we leave section 676 in the Act final decisions cannot be given by a court because it cannot go behind the certificate of the Crown Solicitor. The section was inserted originally to give some protection to councils against attacks on their by-laws in the courts, but the evil which it sought to remedy is not nearly as great as the danger to the liberty of the subject. If the section is repealed it will not affect the manner in which by-laws are made, and they will still have to be tabled in Parliament and be subject to disallowance. The only thing we shall do by repealing the section is to allow a right of appeal to the courts against the opinion of the Crown Solicitor.

Mr. Hambour—If a by-law is not disallowed by Parliament will there still be right of appeal to the court?

Mr. MILLHOUSE—No-one can appeal to any court now.

Mr. Stott—They can appeal to Parliament.

Mr. MILLHOUSE—Yes, but it is an appeal on a matter of law, and members know how complicated the local government law is. We are not the appropriate body to decide legal questions. These are matters for the courts and I hope the Committee agrees to the amendment.

The Hon. Sir MALCOLM McINTOSH—I have conferred with some members of the Opposition and of my own Party and have ascertained that a strong majority favours the amendment. That being so it is not much use kicking against the pricks. Although the Government is prepared to permit the repeal of section 676 for the time being, it does not agree that that provision has been a failure. For over 20 years there have been very few instances of injustice resulting therefrom. Indeed, the provision has saved the councils much controversy and litigation. The Government reserves the right to have this matter reconsidered at any future date if the position is abused as a result of the repeal of this section. The section was introduced about 20 years ago as a matter of law reform by the Attorney-General at the instigation of the solicitor for the local governing authorities. Certificates of validity have not been granted loosely. After a by-law had been found invalid by the High Court, on Crown Law advice it was put into shape.

Mr. Millhouse—After three years.

The Hon. Sir MALCOLM McINTOSH—Yes, but it was done. The Government is prepared to accept the majority decision of the Committee in respect of this amendment.

Mr. STOTT—I am not prepared to accept the amendment which has been light-heartedly discussed by the Minister. I would prefer to have the benefit of a full and comprehensive report on what is involved. The repeal of the section will create a harvest for solicitors and could involve councils in much legal expense. It has been in our legislation for many years and has been of benefit to councils. If it is repealed a litigious individual who does not like the clerk of a district council could test the council's by-laws in a court. Where would the matter end? At present I am opposed to the amendment.

New clause 28a inserted.

New clause 30a—"Advertising in streets."

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

30a. Section 781a of the principal Act is amended by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof):—

(2) An application for consent under paragraph (*d*) of subsection (1) hereof shall not be refused if the applicant satisfies the council that—

(*a*) the amplification or reproduction is of a speech by a member of a political party speaking in connection with a pending Federal or State Parliamentary election; and

(*b*) the amplification or reproduction will be regulated so that it will not involve inconvenience or nuisance to persons living nearby.

If we believe in the four freedoms—and particularly freedom of speech—we should accept this new clause which will give councils discretionary power over the amplification of political speeches. Some councils are opposed to mobile amplification of speeches, but in many instances will permit amplifiers to be used on private property to broacast speeches provided the noise is not so loud as to create a nuisance. When an amplifier is used on private property people are able to congregate outside that property and listen to what a person has to say. I think the clause is desirable and will be of value.

The Hon. Sir MALCOLM McINTOSH—I hope the Committee rejects the new clause which provides that consent shall not be refused if the council is satisfied that the amplification or reproduction is of a speech by a member of a political Party speaking in connection with a pending Federal or State Parliamentary election. That part of the clause alone would automatically debar Independents. There is no definition of "a political party" and to enjoy this provision a Party could be formed overnight. The latter part of the new clause states that "the amplification or reproduction will be regulated so that it will not involve inconvenience or nuisance to persons living nearby." Who is to determine whether it involves inconvenience or nuisance? The object of the amendment is to make the voice loud enough to be heard, and this practice causes inconvenience and nuisance. Further the amendment refers only to political parties.

Mr. Dunstan—That is not the original form of the amendment.

The Hon. Sir MALCOLM McINTOSH—I would not accept it in any form, for it makes it mandatory on the council. The amplification and broadcasting of the Federal Parliament has not enhanced the reputation of Parliament and the blaring out of political beliefs on a footpath does not necessarily enhance the prestige of a political Party.

Mr. HAMBOUR—I do not believe the mover of the amendment deliberately sought to exclude Independent candidates, but why should political Parties be stipulated at all? Why not include religious and charitable organizations? I oppose the amendment.

Mr. COUMBE—I am concerned only with the mandatory nature of the provision, irrespective of whom is the applicant. Mr. Walsh referred to freedom, but if this amendment became law we would take away from councils their freedom to decide each application. The power is far too wide and I oppose the amendment.

Mr. DUNSTAN—Unfortunately, the wording of the clause has been altered and certain words making it clear that any candidate at a Parliamentary election was to have this right have been left out. It was never intended to exclude any *bona fide* candidate. This amendment is the result of the action of certain councils. In these days the average citizen does not attend a meeting in a hall, but in summer many citizens like to sit on their front verandah and listen to a short speech delivered from the verandah of a neighbouring house. This practice is not pursued in such a way as to prevent people from getting away from the amplified voice and many councils are happy about it. Some, however, withhold permission, not because of any concern for the ratepayers' interests, but merely because of their political animus against a candidate. I have been refused permission by a council in my district, although all the other councils agreed to allow me to deliver a speech with the aid of an amplifier. This amendment provides that, if a council is satisfied that the speaker is a *bona fide* candidate and that the amplification will be regulated so that it does not cause inconvenience or nuisance, a permit shall be granted.

Mr. Heaslip—Why give permission only to political candidates?

Mr. DUNSTAN—Because they are the only ones refused, and the refusal is on a political basis. A candidate would be an idiot to create a nuisance to the electors. I normally conduct about 30 or 40 of these meetings in my district and, except for the council mentioned, nobody has been upset about it. It was never intended by the framers of the amendment to restrict the operation of this clause to members of a political Party.

Mr. FRANK WALSH—Mr. Chairman, I ask leave to withdraw my new clause.

Leave granted.

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

30a. Section 781a of the principal Act is amended by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof):—

(2) An application for consent under paragraph (*d*) of subsection (1) hereof shall not be refused if the applicant satisfies the council that—

(*a*) the amplification or reproduction is of a speech in connection with a pending Federal or State Parliamentary election; and

(*b*) the amplification or reproduction will be regulated so that it will not involve inconvenience or nuisance to persons living nearby.

Mr. SHANNON—Paragraph (*b*) refers to inconvenience and nuisance to persons living nearby, but I remind members that a citizen can take action against the owner of a crowing rooster, yet we are to take away his rights if we carry this amendment. As the listener will have no switch to turn off the amplifier if he desires, I oppose the amendment.

Mr. STOTT—The clause is too mandatory and, although I know councils that allow amplified speeches so long as they do not cause

a nuisance, I know others that take a different view so we should not give an instruction to councils which, after all, have powers of local government. I shall vote against this amendment.

Mr. LAWN—I support the amendment because I believe in the four freedoms, one of which is the freedom of speech. The member for Norwood (Mr. Dunstan) clearly set out the reason for the amendment. Councils have power to grant this permission. Members opposite have asked why this permission should be given to members of political parties. Only last week an amplifier moved around near my home advertising a function to be held next month at Thebarton for charity. Councils do not restrict this sort of thing, and they do not restrict religious bodies from using amplifiers. Most councils will not prohibit political meetings, although some do, but they only prohibit one section of political opinion. The member for Onkaparinga (Mr. Shannon) said he would not want someone to give political speeches near his home, and obviously he would not, because the person who would make such an address would not be a member of the Liberal Party, but would be an Independent or Labor candidate. The Liberal Party invites people to go to spacious homes with large grounds where they are introduced to candidates. Liberal candidates do not hold meetings in streets or factories. I have been reminded that they did in Kingston in the last campaign, but I do not think that will be repeated because it did not do the candidate any good. Members opposite are not as experienced in this matter as as members of other parties. The opposition to this comes because members opposite fear these addresses, as they have not the ability to hold such meetings. The member for Mitcham (Mr. Millhouse) always knows in advance the people he will debate against, but hasn't the ability to address a crowd. He would not avail himself, nor would other members of his Party, of the provision sought by this amendment

If councils applied the powers they now have, this matter would not be before us, but some councils discriminate against certain candidates, and I do not mean only members of my Party. If members opposite believe in the rights of Magna Charta and in the democracy they claim we have, they would allow candidates to address people in the open.

Mr. QUIRKE—The member for Adelaide (Mr. Lawn) supported the four freedoms, but he also wants another freedom—a freedom to inflict his views in a loud voice through an amplifier on people who might not want to hear him but who cannot turn him off. Mahomet had an experience like this when told that he was such a great man that he could call the mountain. He called it, but it did not come, so he went to the mountain. The same thing happens here; people do not attend meetings, so it is proposed to take meetings to them by means of amplifiers. I have been a member of this House for 16 or 17 years, and in the last few elections I have contested I have spoken at 13 different places in my electorate, but I have not averaged 100 people at the meetings. They just do not come to them. Under this provision, all we would be doing is making nuisances of ourselves. We have enough noise now, and we should be legislating to quieten the atmosphere. Mr. Lawn said he wanted a democracy, but under this amendment there would be bedlam.

Some councils consent to these things, but in the main they do not because most people object to them. The Labor Party has a policy of taking things to the people and to use every means at its disposal, but please, not over an amplifier in this way. I realize that paragraph (*b*) provides that the amplification will be regulated so that it will not involve inconvenience or nuisance to persons living nearby, but I cannot imagine the member for Adelaide getting warmed up and then regulating his voice so that he will not cause inconvenience to others. I cannot blame him, because he is an enthusiast, but who would police him? I hope the House will not pass this new clause.

New clause negatived.

New clause 32a—"Application for postal vote."

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

32a. Section 833 of the principal Act is amended by striking out the words "an authorized witness" in the second line of paragraph (*c*) of subsection (2) and inserting in lieu thereof the words "a ratepayer within the area:"

Section 833 provides that applications for postal votes shall be signed by the applicant in his own handwriting in the presence of an authorized witness. Authorized witnesses are described in a schedule, and they include Justices of the Peace, town clerks and police officers. I ask that this should be agreed to because I think there is room for more freedom. A ratepayer who makes application for a postal vote should be able to have the application signed by the ratepayer in the same

way as in respect of Commonwealth and State elections any voter can sign any other voter's application. For that reason I think I may not have gone far enough at this stage because, if a ratepayer from Marion went to Port Augusta I do not know how he would get on. I know, from submissions made years ago, that strange happenings did occur in connection with postal voting, and to obviate irregularities the conditions were tightened up, but I think we tightened them too much. We have all heard of the recent events at Port Noarlunga. I formally move to insert "a ratepayer within the area."

The Hon. Sir MALCOLM McINTOSH—I see no objection to the clause. It is very much in line with the Electoral Act and it is not opposed.

New clause 32a inserted.

New clause 32b "Duty of witnesses."

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

32b. Section 834 of the principal Act is amended by striking out paragraph (*aa*) of subsection (1) and inserting in lieu thereof the following paragraph:—

(*aa*) he is a ratepayer within the area, or in the case of an application by a person who is outside the State, by an authorized witness as provided by section 840.

This amendment is consequential to the one we have just inserted and is a drafting amendment.

New clause inserted.

New clause 35a:—"Drive-in theatres."

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

35a. The principal Act is amended by the addition of the following words after section 888:—

889. (1) No drive-in picture theatre shall be erected within any area unless permission for such erection shall have been granted by the council pursuant to this section.

(2) On receipt of an application for permission to erect a drive-in picture theatre, the council shall not grant the said application unless it is satisfied that the erection and management of the proposed theatre will not be an inconvenience to ratepayers within the said local government area.

(3) The council shall, if it proposes to grant the application, give public notice that it so proposes.

(4) The said notice shall be published in the *Gazette*, and twice in some newspaper circulating in the neighbourhood, not less than one month nor more than three months before the adoption of the motion for granting the said permission, and shall state:—

(*a*) The name of the applicant.

(*b*) The site of the proposed drive-in theatre.

(5) (*a*) Within one month after the last publication of the notice under this section, the requisite number of ratepayers may, by writing under their hands delivered to its mayor or chairman or clerk, demand that the question whether or not the said permission shall be granted be submitted to poll of ratepayers in accordance with this section.

(*b*) If no such demand is made the consent of ratepayers shall be deemed to be obtained and the council may grant the application.

(*c*) If any such demand is made the question shall be submitted to poll of ratepayers in respect of property situated within a radius of one quarter of a mile from the site of the proposed theatre, to be held as provided by Part XLIII.

(*d*) The requisite number of ratepayers for the purposes of subsection (5) (*a*) shall be twenty-one ratepayers who are ratepayers in respect of property situated within a radius of one quarter of a mile from the site of the proposed theatre.

(6) Where the consent of the ratepayers has been obtained at a poll, the council may grant permission, and where consent of the ratepayers has been refused, the council shall not grant permission.

To paragraph (*b*) of subsection (5) of the proposed new section as it appears on members' files I have added the words "and the council may grant the application." This is a slight drafting amendment which carries out the intention of the new section. I think members know the purpose of the new clause.

The Hon. Sir MALCOLM McINTOSH—The Government has considered this clause and I support it.

New clause inserted.

"The Schedule."

Mr. FRANK WALSH—I move—

The Schedule, page 13—Strike out the paragraph commencing with the words "The signature of" and ending with the words "any district clerk" and insert in lieu thereof:—

The signature of a ratepayer to an application must be witnessed by a ratepayer within the area, unless the person making the application is outside the State when his signature may be witnessed by a justice of the peace of any State, a legally qualified medical practitioner of any State, a postmaster of any State, a member of the police force of any State, a bank manager of any State, the returning officer for the election or poll, any town clerk or any district clerk, or any Minister of Religion of any State.

New paragraph inserted; schedule as amended passed.

Clause 25 reconsidered—"Unsightly chattels."

The Hon. Sir MALCOLM McINTOSH moved—

To insert the words "or structure" after the word "chattel" where occurring in subsections (1) (4) and (7).

Amendments agreed to.

The Hon. Sir MALCOLM McINTOSH moved—

To add a new clauses (9) as follows:—

"(9) In this section 'structure' includes a fence, wall, erection, building, or other structure which is unfit for use, but does not include any building of historical significance which is kept in a reasonable state of repair."

Mr. JOHN CLARK—The Minister's amendment pleases me because when I prepared an amendment on similar lines in almost the same words I was under the impression that the Minister and the Premier did not like it. I said last night that I thought unsightly buildings could be dealt with under the Buildings Act but after consulting five solicitors on the matter and hearing their varied opinions there might be some difficulty there. All that is done by the Minister's amendment is to bring "structure" into line with "chattels" in each case where the word "chattel" is used. If any one thinks it is too wide in its application there is an opportunity for appeal but I think the words "which is unfit for use" would allay any fears.

New subclause inserted; clause as amended passed.

Title passed. Bill read a third time and passed.

Later the Legislative Council intimated it had agreed to amendments Nos. 11, 15 and 31 without amendment and to amendment No. 14 with the following amendment:—

To delete the words "which is kept in a reasonable state of repair."

Consideration in Committee.

The Hon. Sir MALCOLM McINTOSH (Minister of Works)—When this Bill left this House a structure was considered to mean fence, wall, erection, building, or other structure which is unfit for use, but does not include any building of historical significance which is kept in a reasonable state of repair. The Legislative Council moved that the words "which is kept in a reasonable state of repair" should be deleted. I think the reasons given by that Chamber are quite sound. The National Trust has, or may have in the future, some property that is quite historical but not in a good state of repair. This is quite a worthy amendment and I move that it be accepted.

Amendment agreed to.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 30. Page 1422.)

Mr. O'HALLORAN (Leader of the Opposition)—Since the last adjustment under the Act—and incidentally it is the only adjustment—there has been a very substantial increase in other types of pensions in South Australia. With the exception of Queensland, the pensions provided under similar legislation in other States are higher than the pensions provided under this legislation. There is the erroneous impression abroad that the Parliamentary Superannuation Fund is mainly built up from State revenue, but a member who desires to secure the present maximum pension of £420 a year must contribute £72 a year and to qualify must be more than 50 years of age and have contributed to the fund for 18 years. The proposal in the Bill is that the maximum contribution should be raised from £72 to £100. A contribution of £100 a year out of the salary of £1,900 paid to members is a very substantial one.

The scheme was established towards the end of 1948, and therefore has been in existence for nearly nine years. With the contributions of members, plus Government contributions in that period, a balance of £82,644 has been created. If we look at the Auditor-General's report dealing with the fund for the year ended June 30, 1957, we shall find disclosed an extraordinary set of circumstances. The ordinary contributions of members that year amounted to £4,194 and the interest earned on investments and the cash balance at the Treasury was £3,134, making a total of £7,328. The expenditure incurred was £3,048 in annuity payments to ex-members of Parliament and £2,108 to widows of ex-members. Administration expenses amounted to £75, making a total expenditure of £5,663; so the income in that year from contributions by members, plus interest on the balance in hand, met all the expenses and left a balance of £1,665. Although a 50 per cent increase in pensions is provided under the Bill, in view of the increased contributions and the present state of funds, the result of last year indicates that there is no doubt about the future solvency of the fund.

I am pleased with this legislation in two respects. Some of the widows of members who gave exceptional service to this Parliament are on a low pension rate, and that also applies to some of the former members. In fact, we have

one previous Premier who gave almost a lifetime of service to Parliament who is on the pension. They are to participate in the increased benefits provided under the Bill. That is proper. Where a member's wife has predeceased him and he dies before he becomes a pensioner, the amount he has paid into the fund will be returned to his estate. Previously it reverted to the Treasury. That is a very just provision and should commend itself to the House. I know that some people think members of Parliament receive all kinds of emoluments, but I can assure the House that in accepting this Bill we are doing something which confers justice on the present pensioners and makes it possible for a just pension to those who become pensioners in future. We are rapidly reaching the stage where no Government contributions will be required to maintain the solvency of the fund and when all commitments will be met from members' contributions and the interest earned on the balance in the fund. I support the second reading.

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

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

[*Sitting suspended from* 6.03 *until* 7.30 *p.m.*]

EVIDENCE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 16. Page 1117.)

Mr. DUNSTAN (Norwood)—The Bill is an unexceptionable piece of legislation, and I support the second reading. Its main provisions provide some more convenient method of proving certain matters and of getting *prima facie* proof that certain places are in certain areas, something that has already been done under certain special Acts.

Bill read a second time.

Mr. DUNSTAN moved—

That it be an instruction to the Committee of the Whole House that it has power to consider amendments relating to the police questioning of accused persons.

Motion carried.

In Committee.

Clauses 1 to 5 passed.

New clause 2a—"Evidence of confessions of accused persons."

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

2a. The following section is enacted and inserted in Part III of the principal Act after section 34d thereof:—

34e. In every prosecution for any offence where evidence is tendered on behalf of the prosecution of any statement by the accused to a police officer the court shall satisfy itself before admitting any such evidence that the provisions of the following rules have been complied with:—

(i) A police officer shall administer a caution in these words "You are not obliged to say anything unless you wish to do so, but whatever you say will be taken down in writing and may be given in evidence" in the following circumstances:—

(*a*) Whenever the police officer has made up his mind to charge a person, before asking him any questions, or any further questions, as the case may be;

(*b*) Where a person is in custody, before he is questioned, and before he volunteers any statement, provided that where a voluntary statement is made by a person in custody before there is time to administer the caution, the statement shall not be inadmissible, if a caution was administered as soon as possible.

(ii) Where a person in custody makes a voluntary statement, he shall not be cross-examined, and no questions shall be put to him about it except for the purpose of removing ambiguity in what he has said:

(iii) Where two or more persons are charged with the same offence and statements are taken separately from the persons charged, the statement of one person charged shall not be read or related to the other person or persons charged for the purpose of obtaining the comments of the latter upon it.

(iv) Whenever a statement has been made in accordance with the foregoing rules it shall be taken down in writing in the presence of the person making it as soon as possible and he shall be invited to make any corrections he may wish and to sign it. A copy of the statement in writing shall be made available to the defendant upon his request.

I moved a similar amendment in 1955, but it was defeated. I hope it will have a better fate on this occasion. The law relating to the questioning of accused persons is fairly vague. Basically, it is that when a policeman questions someone whom he intends to charge and who later is charged, the court must see whether the questioning, if it is tendered in evidence, has been fair. No particular standard is adopted in this matter. In England, after experience of what happened when there were no precise rules as to the standard required of police questioning, the judges came together and set forth certain rules. They are not rules of law in England, but they have been adopted as rules of

practice, and any statements obtained in contravention of those rules are not admitted in the courts. Although they are rules of practice they have the same effect as rules of law.

Unfortunately, those rules do not apply in South Australia. This is all the more unfortunate, because, with the greatest respect to our present judges, whose standard is very high, some of them have not practised to any extent at the criminal bar. They have had the experience of the judging of cases coming before them, but in practice they allow far more evidence consisting of police questioning than would be allowed in England or other parts of the Commonwealth where these rules apply. The new clause sets forth in the form of a code the contents of the judges' rules in England, and it provides that statements or confessions by accused persons that would be prejudicial to them shall not be admitted unless this method of questioning has been complied with.

The point about paragraph (i) is that many people are taken to police stations and do not realize that they do not have to answer questions. Indeed, many think that they have to answer whatever is put to them, and they are sometimes led into answering provocative questions put by a policeman. Policemen have even asked such questions when I have been present, and I have protested. This questioning is not fair, especially as a person questioned in a police station would probably be upset and liable to say something that he would not say in ordinary circumstances. Cautions are normally administered when a policeman is about to charge a person, but there are occasions when a policeman, without saying he is going to arrest a man, says to him, "You come along to the police station with me." The person does not realize he does not have to go to the police station, but when he gets there he is questioned by the police. In the view of judges in England that is not fair, and it is not fair unless the policeman says before he starts questioning, "You are not obliged to answer anything I ask you unless you wish to do so." That practice is usually followed, but it is not followed in all cases as strictly as it should be.

Paragraph (ii) is designed to prevent badgering questions being put to the accused. Sometimes a policeman gets a man not only to make a voluntary statement, but puts provocative questions to him and even expressions of the policeman's own opinion. For instance, the policeman might say, "I do not believe what you said, but I think you did so and so." That then goes down in the statement and later, by permission of the judges, it is used in evidence against the man. A policeman's own expression of opinion must prejudice a man's chances before a jury. Another practice sometimes followed is that if the person refuses to answer a series of questions put to him, the policeman carefully writes down, "Refuses to answer." The judges in England said that voluntary statements were the only ones that should be admissible, and that any answers induced by fear, threats, intimidation or improper questioning should not be allowed.

Paragraph (iii) is designed to cover a case where two people are charged with an offence. Sometimes the police go to one man and get a statement from him. They then go to the other man and say that the first one said so and so, though he may not have said it, and the second man is asked, "What have you to say about that?" That is not fair, and in England the judges considered it was not proper. I know of a case where a judge ruled out that sort of evidence, but it should be definitely provided that it is not to be admitted.

Mr. Millhouse—Surely it is ruled out in 99 cases out of a hundred.

Mr. DUNSTAN—I think it is in a fair number of cases, but it is admitted sometimes by magistrates. Paragraph (iv) is the most important of all. At present what happens is that a policeman proceeds to question a man sometimes for two or three hours, but does not record anything during the questioning. The man is returned to the cells and the policeman goes away and hours afterwards—and I have known of a statement made two days afterwards being admitted in evidence—types a brief which purports to be a verbatim account of the questioning. The accused has no opportunity of checking it and does not hear or see it until he appears in court some time later and the policeman enters the box and says, in effect, "I questioned the accused on such a day, but I cannot remember the details of the conversation without referring to my notes." The magistrate queries whether at the time of making the notes the facts were fresh in his mind and if satisfied grants permission to refer to notes. If the magistrate is not satisfied defending counsel may question the policeman's memory. I might add that a number of policemen memorize their briefs and if denied access to them can recite the alleged conversation. It is fantastic that judges permit them to refer to notes made some time after an interview which may have lasted two or three hours. An accused has no means of checking his

statement and that is wrong according to the English judges. A man who is questioned and makes a voluntary statement to the police should be in a position to check what it is suggested he has said there and then.

Mr. Coumbe—When does he sign it?

Mr. DUNSTAN—Under my proposal he will be asked to sign it immediately it is produced in writing. That is the practice under the Judges' Rules.

Mr. Coumbe—Does he have a chance to check it then?

Mr. DUNSTAN—It must be read over to him as soon as possible after the statement has been made and he is asked to sign it. If he disagrees with any of it he can refuse to sign, but if he agrees and signs he is bound by the statement. At present he has no means of checking the statement. It is most difficult for lawyers to protect their clients when the present method of questioning is permitted with no opportunity of checking statements. The whole question of a man's innocence or guilt may turn upon one single word. How can it be said that two hours after an interview a policeman can accurately record every word that was said? He can't, and that is why it is necessary to have the statement checked immediately it is made in fairness to the accused. There is nothing unfair to the police in doing this. It means that they cannot put in any slight colouring of the incident at a later stage without a check by the accused. When I previously brought this amendment before the House two of my professional colleagues—the then member for Torrens (Mr. Travers) and the member for Mitcham (Mr. Millhouse)—agreed that the abuses of which I complained did occur.

Mr. Millhouse—This is not the way to cure the position.

Mr. DUNSTAN—They admitted the abuses but all they suggested as a means of getting around them was that it should be left to the discretion of the judges. It has been left to the discretion of the judges since this colony was founded, but the judges have not exercised their discretion. If they had, I would not be bringing this amendment forward and the abuses they admit exist would not exist. Many men practising at the criminal bar have said it is time something was done.

Mr. Millhouse—Has the Law Society ever asked for it?

Mr. DUNSTAN—Not specifically, because there are some members at the criminal bar who believe that if a man signs a statement he has "had his chips." They have no means of contesting that statement later. I do not think that is a fair objection to this proposal. If a man is prepared to sign his statement when read over to him he should have to stand by it. Some lawyers believe they can get around questioning more easily under the present system, but I do not think they can. The only questioning they can get around is where the man is guilty and they are able to knock out something. Where the man is innocent this would afford him protection and it is only the innocent man we are seeking to protect.

Mr. Hambour—Don't you think it would be a good idea to refer this to the Law Society for endorsement or rejection?

Mr. Lawn—What about referring our industrial legislation to the Trades Hall?

Mr. DUNSTAN—There are many barristers who do not agree with my proposal and I am not asking members to accept my word alone. Let me read what the then member for Torrens (Mr. Travers) said in 1955, and he is probably the most prominent barrister at the criminal bar in South Australia.

Mr. Hambour—Defending criminals?

Mr. DUNSTAN—That interjection is hardly of a level of intelligence I would have expected even from the honourable member.

The CHAIRMAN—Order!

Mr. DUNSTAN—Mr Travers said this:—

> It seems to me . . . —and I am bound to say that I partially agree with the member for Norwood—that in this State there is not the same readiness on the part of the courts to administer that branch of the law as strictly as elsewhere . . .

That is perfectly clear. It does not happen here as elsewhere and the man who is accused has no chance of checking his statement until he comes to court. This is not a Party matter and I hope members will treat it as non-political in an endeavour to see that justice is done to people who are accused. These rules do nothing to protect the guilty, but they can protect the innocent—the innocent who should not be convicted because of a confession wrongly alleged against them.

The Hon. B. PATTINSON (Minister of Education)—I commend the honourable member for the pertinacity with which he has pursued this amendment over the years. He introduced it in 1954, again in 1955 and now for a third time in 1957. He does so whenever there is any amendment of the Evidence Act, whether or not it is in any way relevant to his hobby horse. I do not blame him for it. I also appreciate the persuasive plea he

advances on each occasion in support of his proposals.

The Hon. Sir Malcolm McIntosh—But we are not convinced.

The Hon. B. PATTINSON—No. If his argument is critically analysed it amounts to a criticism of the administration of the law by the Judges of the Supreme Court and the magistrates rather than of any inadequacy of the law itself. He made that abundantly clear today, as on previous occasions, by rather belittling magistrates and implying that Her Majesty's Judges of the Supreme Court have little or no experience of criminal law. I hasten to add that I do not pose in any way as having had any experience of the criminal law. My experience has been in respect of company, conveyancy and commercial practice generally. I would not set up my own opinion regarding this proposed amendment, but I will put to the Committee the opinion of a man for whom I have the highest possible regard; the Parliamentary Draftsman, Sir Edgar Bean. He has an encyclopaedic knowledge of the law, both statute and case law. I know of no person upon whose opinion and judgment I would prefer to rely. Sir Edgar Bean reports:—

This new clause is similar to a new clause which Mr. Dunstan has previously proposed on two occasions.

In my opinion the clause ought to be opposed. It deals with the circumstances in which, in criminal cases, statements by the accused to a police officer shall be admissible in evidence.

As you are aware, there are, at present, two main rules dealing with the admissibility of such statements.

(*a*) The first is that a statement obtained by inducement, *i.e.*, a promise or a threat, is inadmissible and the Crown has to show that there was no inducement.

(*b*) The second rule is that a judge may, in his discretion, exclude a statement which the judge considers to have been obtained by unfair means or if it is unfair to receive it in evidence.

In addition to these rules of law there are certain rules which were approved by the judges in England for the guidance of police officers in questioning persons who were likely to be charged with a crime or were in custody. These rules were merely rules for the guidance of the police and it has never been held that failure to observe any of the rules necessarily means that a statement of the accused is inadmissible. The effect of Mr. Dunstan's new clause would be that a failure on the part of the police to observe any of these rules would render the statement of the accused inadmissible in evidence, irrespective of the question whether or not the statement would be inadmissible in accordance with the ordinary rules of law to which I have previously referred.

In my view the acceptance of this clause would introduce an unnecessary complication into criminal trials and would operate against the administration of justice. In suggesting that the clause should be opposed I do not rely on my own experience but I accept the views of the Crown Solicitor which have previously been reported to the Government in 1954 and in 1955. I attach hereto copies of the minutes previously prepared by the Crown Solicitor who, I am informed, still adheres to the views which he then expressed.

The following is the shorter of the two opinions secured from the Crown Law Department. Mr. Chamberlain, Q.C. (Crown Solicitor), states:—

In my opinion this amendment should be strongly opposed. Apparently the intention in the mind of the draftsman is to require the prosecution to prove strict compliance with portions of what are known in England as the "Judges' Rules" plus some original departures therefrom designed to hinder the investigation of crime and the successful prosecution of criminals.

I refer to my memorandum of 25/10/54 in respect to the new clause 5 then brought forward by Mr. Dunstan, in which I dealt with similar suggestions from the same source, and a copy of the relevant portion of which is attached, and I desire again to bring to notice the opinions therein expressed, and to reiterate that—

(*a*) Even in England the "Rules" are in no sense part of the law of the land.

(*b*) The South Australian Supreme Court Judges have never found it necessary to insist upon the strict observance of these "Rules" or "to make a general practice of rejecting or discountenancing evidence of answers obtained by interrogation of persons in custody."

The Privy Council has stated that a statement of the accused to a police constable without threat or inducement is admissible. "There is no rule of law excluding statements made in such circumstances."

The High Court, when invited in 1948, has declined to lay it down that the "practice now obtaining in England must be followed and in particular that the Judges Rules must be accepted as a standard of propriety, and stated 'no rule of law has yet been established' either here or in England imposing either upon the judge at a criminal trial or upon the Court of Criminal Appeal the duty of rejecting confessional statements if they have been obtained in breach of the 'Judges Rules' or if they have been obtained by questioning the accused after he has been taken into custody or while he is 'held' though held unlawfully."

The protection afforded an accused person always rests upon the very secure foundation of the discretion exercised by the Judges to exclude any evidence which they think might operate unfairly against an accused either from its intrinsic nature or from the circumstances under which it was obtained.

The proposed clause is designed to substitute for this careful discretion an arbitrary and artificial obstruction to the administration of justice, not by way of a guide, but by way of direct legislative enactment.

Such legislation, apart from its reversal of the law of evidence as it is known and accepted in both England and Australia, would set up, in South Australia alone, a legal procedure which, designedly or otherwise, would seriously obstruct the proper functions of the police in their investigation of crimes and detection of their authors.

The Assistant Crown Solicitor (Mr. Kearnan) concurs in those opinions, and the Committee should consider the weight of those three opinions against that of Mr. Dunstan's. The present Crown Solicitor and the Assistant Crown Solicitor have both been Crown Prosecutors for long periods. Indeed, the Crown Solicitor has probably had a longer and more direct experience at the Criminal Bar than any other man in legal practice in South Australia. He has been promoted to a higher office and, if he had a bias in favour of the prosecution, he has long since lost it.

Mr. Dunstan drew my attention to the statement by the former member for Torrens (Mr. Travers, Q.C.). Mr. Dunstan said that Mr. Travers was probably the most prominent member of the Criminal Bar in practice today. I point out that his experience has been on the other side from that of Mr. Chamberlain, as Mr. Travers is one of the most successful criminal defenders in South Australia. He has had outstanding experience and has been extraordinarily successful. He has never laboured under any difficulty or sense of difficulty in practising the law as it stands at present. I believe that Mr. Dunstan inadvertently did Mr. Travers an injustice in invoking his statement; he quoted the statement out of its context and overlooked the first sentence in Mr. Travers' speech—"I oppose this proposal." Mr. Travers is a master of the exposition of direct English and in his first sentence he said he opposed the proposal. He continued:—

It is necessary for us to look behind the scenes to some extent to ascertain what these judges' rules were designed for. If one gets that in true perspective the matter becomes easier. The rules were originally laid down in 1912 and were expressed to be for the guidance of the police and not for the control of the police.

Mr. Dunstan seems to fall into error on every occasion when he refers to the judges' rules in England, because he seems to think they were designed to control the police. Mr. Dunstan desires that those rules be incorporated in the statute law of South Australia with some innovations.

Mr. Dunstan—There is only one slight innovation.

The Hon. B. PATTINSON—Mr. Travers said:—

These rules have never been the law in England. The situation is set forth in Archbold's *Criminal Law* as follows:—

> In as much as judges' rules are not rules of law, but only rules for the guidance of the police, the fact that a prisoner's statement is made by him in reply to a question put to him by a police constable after he had been taken into custody without the usual caution being first administered does not of itself render the statement inadmissible in evidence.

Although it has been called a rule of practice in England for the courts to follow, the judges' rules are far from being a universal rule. In one of the recent volumes of the Court of Criminal Appeal Reports I read of two cases in which the court refused to interfere and said that judges' rules were merely rules for guidance and not to control the police: they were not rules of law in any sense and unless there was any element of unfairness about the matter the court would not interfere.

Mr. Travers continued:—

No one should ask for anything other than fairness in these matters. There should not be any special rules appertaining to one side that do not appertain to the other, providing that the existing rules are applied in full force. In the case of *Rex v. Lynch*, reported in the 1919 South Australian State Reports, the late Chief Justice, Sir George Murray, said:—

> After a long period of uncertainty, the law may now, I think, be regarded as settled. There are two rules. The first is that "no statement by an accused is admissible in evidence against him unless it is shown by the prosecution to have been a voluntary statement in the sense that it has not been obtained from him either by fear of prejudice or hope of advantage exercised or held out by a person in authority.

If a person under fear, by bribery, or pressure is induced to make a statement, obviously that inducement may render it subject to the risk of being false. The judgment continues:—

> And the second is that statements made by a prisoner, whether at the time in custody or not, in reply to questions put by such a person in authority as a police constable, provided no fear of prejudice or hope of advantage has been exercised over or held out to him, are legally admissible, but may in the discretion of the judge be excluded at the trial if he thinks they were unguarded answers made under circumstances that rendered them unreliable or unfair, for some reason, to be allowed in evidence against the prisoner.

That seems to me to cover fully and adequately the whole of the necessary field of law on this subject.

I have reiterated the case which the honourable member for Norwood quoted. I have quoted four eminent authorities, Sir Edgar Bean, Mr. Chamberlain, Q.C., Mr. Kearnan, the Crown Prosecutor, and Mr. Travers, Q.C., and that is still the leading case on the subject which was decided by the late Chief Justice Murray. I strongly oppose, on behalf of the Attorney-General and the Government, this proposed amendment and ask the Committee to reject it.

Mr. STOTT (Ridley)—The House is indebted to the member for Norwood for the great interest he has taken in this matter. He has brought a young mind to bear on this matter as he sees it. I was previously impressed by his argument, and I remember the speech by Mr. Travers, from which excerpts have been quoted by the Minister of Education. I find myself at a loss to argue on this matter very forcefully because I am a layman without the legal knowledge of the member for Norwood or of the Minister. We have, as has been said already, these four eminent authorities. I do not know if Sir Edgar Bean ever appeared as an advocate in the courts but I think his opinion would be much more valuable than that of Mr. Chamberlain or the Crown Prosecutor, both of whom would have the idea of winning a case for the Crown and may be biased that way and anxious to assist the police to get a conviction. On the other hand, we have the prominent advocate, the former member for Torrens, and that is the case which has been presented to us tonight. If we accept the new clause we make it a little more difficult for the police to present a case and get a conviction. We must assume that the police are out to administer the law in a proper and efficient manner without trying to push innocent persons into convictions. What is the position if a person makes a statement to a police officer when apprehended and subsequently refuses to sign the document? Would that be admissible evidence?

Mr. Dunstan—It is still admissible evidence but whether or not it is satisfactory is up to the court to decide.

Mr. STOTT—That being so I have to come down in between the two points of view. A person of the character and ability of the member for Norwood may be anxious to obtain an acquittal whilst the prosecution is anxious to get a conviction. What would the judge do in that position? That is what we have to decide here and it is not an easy question. The former member for Torrens, Mr. Travers, when debating on this matter, said:—

I want to distinguish clearly in this discussion the type of case where a man is disputing the evidence of a policeman on the one hand, and on the other hand the type of case where judges may consider the evidence in some way as being unreliable. This matter was dealt with in the High Court of Australia in 1950 in King v. Lee, and reported in Volume 82, Commonwealth Law Reports. Five judges sat and unanimously upheld a statement in the judgment of the Chief Justice of New South Wales, part of which reads:—The obligation resting upon police officers is to put all questions fairly and to refrain from anything in the nature of a threat, or any attempt to extort an admission. But it is in the interests of the community that all crimes should be fully investigated with the object of bringing malefactors to justice, and such an investigation should not be unduly hampered. Their object is to clear the innocent, as well as establish the guilt of the offender.

There we have the persons best able to judge this question, the judges who are not biased one way or the other. That is what helps me make up my mind on this question. I think the law should be left as it is.

Mr. DUNSTAN—I have listened with interest to the Minister's remarks, but I do not think he attempted to answer my case, nor did he answer my quotations from the speech of the former member for Torrens, Mr. Travers. During the debate on this matter in 1955 both the former member for Torrens and the member for Mitcham agreed that the abuses of which I complained did take place. They opposed my amendment because they said it was not the proper way to remedy the position, though neither of them were able to adduce any way by which it could be remedied. I shall read another passage from the speech of the former member for Torrens, which was ignored by the Minister:—

Indeed, I have had occasion to do so (to object to unfairness) and what the member for Norwood has said about some police statements is in no way exaggerated, but that does not seem to me to be quite the point at issue here. At times one cannot help feeling exasperated when a policeman goes into the witness box and, in connection with a matter that occurred a day or two previously, asks the magistrate, as he hauls a sheaf of typewritten statements from his pockets, "I want to refer to my notes. I cannot remember the sequence, details and course of events." If a policeman cannot remember those things in substance in such circumstances, if I were the magistrate I would be inclined to say, "I am not going to be much impressed with your evidence in any event." The remedy rests with the court, but I must subscribe to what the member for Norwood has said that the courts do not face up to

the full responsibility which is upon them in the matter of administering what is undoubtedly the law—and I am not talking about the judges' rules—upon the question of confessional statements.

Then Mr. Travers said that the position should not be remedied in the manner suggested by me, though he did not suggest any other remedy. I think his implication was that the only remedy was to appoint to the bench some one who will enforce the law as it stands in relation to confessional statements, but we cannot be sure of doing that. All that has been put forward so far in opposition to my amendment is a series of statements that do not answer my submissions. Firstly we had a statement from the Crown Solicitor. With great respect to him, I cannot consider him to be unbiased because I remember what happened when I moved an amendment to the Act previously to prevent the conviction of a person on the uncorroborated evidence of a child of tender years. That amendment was recommended to Parliament by the Full Court of the Supreme Court, yet the Crown Solicitor had the audacity to suggest to Parliament that the amendment was not necessary and that the Full Court had merely mentioned that it was not the law elsewhere and that Parliament did not have to do anything about it. When I reported on that report to the President of the Full Court on that occasion he nearly had an epileptic fit. Later the Government saw the light and, on his recommendation, wrote in my amendment over the recommendation of the Crown Solicitor. The Crown Solicitor's recommendation is just as coloured on this occasion. How do any of these rules hinder the police in their duties? How does the failure to badger a man hinder them in their duties? How does it hinder the police by saying to them, "You must make up your record as soon as possible and ask the man to sign it." Under my proposal it is still admissible as evidence even though not signed.

We have been told that the judges' rules are not rules of law in England, and I admitted that, but none of the three men who reported to the Minister on this subject has practised in any country where those rules are enforced. On the other hand, I have, and in that country my practice was almost entirely at the Criminal Bar. Because I saw the fairness of the rules to accused persons I am keen to see them go into the law here.

Mr. Stott said he found himself in the position between the prosecutor and the advocate for the defence and asked what the judge would do in those circumstances, but in those circumstances the English law required the judge to incline to the defence. If he does so, he will see that protection is afforded. Nothing in this code will stop the police from carrying out their duties or make them more difficult. I ask members to support the amendment.

The Committee divided on new clause 2a:—

Ayes (17).—Messrs. Bywaters, John Clark, Corcoran, Davis, Dunstan (teller), Fletcher, Hughes, Hutchens, Jennings, Lawn, Loveday, O'Halloran, Riches, Stephens, Tapping, Frank Walsh, and Fred Walsh.

Noes (20).—Messrs. Bockelberg, Brookman, Geoffrey Clarke, Coumbe, Goldney, Hambour, Harding, Heaslip, Hincks, Jenkins, King, Laucke, Sir Malcolm McIntosh, Messrs. Millhouse, Pattinson (teller), Pearson, Sir Thomas Playford, Messrs. Quirke, Shannon, and Stott.

Majority of 3 for the Noes.

New clause thus negatived.

Title passed.

Bill read a third time and passed.

POLICE PENSIONS ACT AMENDMENT BILL.

Returned from Legislative Council with the following amendments:—

No. 1. Page 2—After clause 5 insert new clause 5a as follows:—

5a. Enactment of section 18a of principal Act—Election to contribute after previous election not to contribute.—The following section is enacted and inserted in the principal Act after section 18:—

18a. (1) This section shall have effect notwithstanding sections 13 and 18 of this Act.

(2) A person who before the commencement of the Police Pensions Act Amendment Act, 1957, had elected not to contribute to the fund may by notice given to the Public Actuary not later than two months after the said commencement apply to become a contributor.

(3) If the Public Actuary is satisfied that the applicant is of sound bodily health he shall accept him as a contributor, in which case the applicant shall pay—

(*a*) arrears of contribution calculated at the rates from time to time in force for the period beginning on the day when he elected not to contribute and ending on the day when he becomes a contributor, in such instalments and at such times as the Public Actuary directs;

(*b*) contributions thereafter in accordance with this Act.

(4) A person who is accepted as a contributor under this section and the wife and children of such person shall be

entitled to pension and other benefits in accordance with this Act.

No. 2. Page 5, line 37 (clause 11)—After the word "dies" insert "after attaining the age of sixty and"

No. 3. Page 6, line 2 (clause 11)—After the word "Commissioner" (second occurring) insert "and had retired after attaining the age of sixty."

Consideration in Committee.

Amendment No. 1.

The Hon. Sir THOMAS PLAYFORD—This amendment was inserted in another place on the instructions of the Government. Under the Police Pensions Act a member of the force who is over the age of thirtyfive at the time of joining may elect not to contribute to the Police Pensions Fund. In the past about ten members have elected not to contribute. One reason why they remained out of the fund was that at the time when they joined the force the rates of contribution for persons joining at ages in excess of 35 were relatively high. In the 1954 Act, however, a limit was put on the maximum contribution and it appears that some of the members who previously elected not to contribute now desire to become contributors and have made application. There is no reason why they should not now be permitted to contribute provided they are of sound health and willing to pay the arrears of contributions. The present amendment, which inserts a new clause in the principal Act, will enable persons who have previously elected not to contribute to now become contributors. The Government is advised that the same problem will not arise in the future and the clause is therefore limited to those who made elections not to contribute before the commencement of the Bill. It will be seen that the amendment is a satisfactory one which ought to be accepted.

Amendment agreed to.

Amendments Nos. 2 and 3—

The Hon. Sir THOMAS PLAYFORD—These amendments were recommended by the Public Actuary in the interests of greater clarity in this Bill. They deal with the rate of pension payable to a Commissioner or Deputy Commissioner who remains in the force after attaining the age of 60. Contributions to the Police Pensions Fund cease at age 60 and if a contributor continues in the force after that day the cost to the fund of his pension rights are reduced because his pension commences later and his accumulated contributions continue to earn interest for the fund. As compensation for this it is provided that in these cases the rate of pension will be a little higher. There are several provisions which deal with this matter but at present it is not clear that all of them only apply to cases where the Commissioner or the Deputy Commissioner retires after the age of 60. The amendment proposes to insert some words to settle this point.

Amendments agreed to.

UNDERGROUND WATERS BILL.

Read and discharged.

VERMIN ACT AMENDMENT BILL.

Consideration in Committee of Legislative Council's amendment—

Page 2, lines 15 to 20 (clause 3)—Leave out proviso.

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

That the amendment of the Legislative Council be disagreed to.

The proviso gives owners and occupiers a means of defence against demands which are not practicable of performance. Possibly this has been overlooked by another place because the proviso was inserted in the 1945 Act and has operated successfully. Therefore, I ask the Committee to disagree to the Legislative Council's amendment.

Mr. O'HALLORAN (Leader of the Opposition)—I support the Minister's remarks. The proviso which has been removed from clause 3 in another place is essential for the smooth working of the legislation. If the proviso is not re-inserted injustice could follow.

Mr. Shannon—The law could not be complied with by many people.

Mr. O'HALLORAN—Of course it could not, especially by those who have steep mountain sides on their land and by people with dense mallee scrub. In those places it is not possible to deal with burrows effectively, and those people have to rely on trapping and fumigation to eradicate rabbits.

Mr. STOTT—We should reject the Legislative Council's amendment. On some councils there are several landowners, and if they have friendly neighbours, even though their properties are infested with rabbits, they are loath to take action against them. Modern implements, such as diggers or rippers, can deal with rabbit burrows effectively if the land is easily accessible, but these implements can't be taken into certain areas. The proviso gives a means of defence to a prosecution, and it should be re-inserted.

Amendment disagreed to.

The following reason for disagreement was adopted:—

Because the proviso gives owners and occupiers a means of defence against demands which are not practicable of performance.

Later the Legislative Council intimated that it did not insist on its amendment.

LONG SERVICE LEAVE BILL.

Consideration in Committee of the Legislative Council's amendments—

No. 1. Page 1, line 12 (clause 3)—Before "Industrial" first occurring insert "office of the."

No. 2. Page 1, line 12 (clause 3)—Leave out "Court" and insert in lieu thereof "Registrar."

No. 3. Page 3, line 16 (clause 4)—After "(*b*)" insert "or (*c*)."

No. 4. Page 3, line 19 (clause 4)—Leave out "(*c*) or."

No. 5. Page 4, line 43 (clause 7)—Add the following subclauses:—

(1*a*) If at the time when this Act is assented to, or at any time before the first day of July, 1958, negotiations are being conducted with the object of making an industrial award or industrial agreement relating to long service leave for any class or group of workers, any employer employing workers of that class or group may postpone any long service leave which becomes due under this Act to any such worker before the first day of July, 1958. But no such leave shall be postponed to a day later than the thirtieth day of June, 1959, unless the worker consents.

(1*b*) An employer may, from time to time, postpone any long service leave becoming due to a worker if the reasonable needs of the employer's business make such postponement necessary. But no leave shall be postponed under this subsection for more than one year at any one postponement or beyond the end of the fourth year after the year in which it first became due.

No. 6. Page 6—After clause 12 insert new clauses 12a, 12b, 12c, and 12d as follows:—

12a. Exemptions.—(1) An employer who is bound by an industrial award or industrial agreement which provides for long service leave for any workers employed by him shall be exempt from this Act in relation to every worker to whom the award or agreement applies.

(2) Where an industrial award, industrial agreement, or any number or combination of such awards or agreements provide for long service leave for the majority of the workers employed by an employer, that employer (in addition to being exempt from this Act as provided in subsection (1) of this section) shall be exempt from this Act in relation to all the other workers employed by him, provided that he grants to each such other worker long service leave in accordance with such award or agreement, or if there are two or more of such awards or agreements, in accordance with the award or agreement the provisions of which as to long service leave are the most beneficial to such worker.

(3) If any workers are entitled to long service leave, superannuation benefits or any other similar benefits, or a combination of any such benefits under a scheme paid for wholly or partly by the employer, and such scheme is not less favourable to those workers as a whole than the scheme of long service leave prescribed by this Act, the employer shall be exempt from this Act in relation to every worker to whom the scheme applies.

12b. Effect of industrial award or agreement in certain cases.—Where a worker has become entitled to long service leave under this Act and before he takes such leave or receives payment in lieu thereof, he becomes subject to an industrial award or industrial agreement providing for long service leave, the employer shall not be required to grant him such leave or payment under this Act unless it was earned by a period of service not taken into account for the purpose of determining the worker's right to leave under the said award or agreement.

12c. Application of money paid into funds of employers.—Where an employer—

(*a*) has contributed money to a fund for the purpose of providing retiring allowances, superannuation benefits or other similar benefits for any of his workers; and

(*b*) becomes bound by this Act or by an industrial award or industrial agreement prescribing long service leave for such workers,

he shall notwithstanding the provisions of any instrument be entitled to use any of the money contributed by him into such fund, for the purpose of paying or reimbursing himself for the cost of complying with the obligations imposed by this Act or such awards or agreements.

12d. Prevention of double benefits.—(1) In this section the expression "employer's scheme" means a scheme which at the expense of an employer provides long service leave for workers of the employer but is not such as to render the employer exempt from the provisions of this Act.

(2) If before the commencement of this Act a worker has taken long service leave under an employer's scheme or has received a payment in lieu of such leave or at the time of the commencement of this Act is on long service leave under an employer's scheme or has a present vested right to such leave, and the period of service by which such leave or payment or right was earned is more than seven years, then no service before the first day of July, nineteen hundred and fifty-seven, shall be taken into account in determining the rights of the worker under this Act.

(3) Where an employer who has established an employer's scheme grants long service leave to a worker under this Act, the employer may make such adjustments

of the rights of the worker under the scheme as are reasonably required for the purpose of setting off the leave so granted under this Act against leave due or becoming due to the worker under the scheme.

No. 7. Page 6—Leave out clause 13.

No. 8. Page 8—Leave out clause 22.

Amendments Nos. 1 and 2.

The Hon. Sir THOMAS PLAYFORD—These amendments substitute a reference to the Registrar of the Industrial Court instead of to the court itself. The amendments are for greater accuracy of expression, and I move that they be agreed to.

Amendments Nos. 1 and 2 agreed to.

Amendments Nos. 3 and 4.

The Hon. Sir THOMAS PLAYFORD—The effect of these amendments is that absence of a worker from work because of an injury for which compensation is payable under the Workmen's Compensation Act will only count as service up to a limit of 15 days in any year. This amendment was accepted by the Government in another place because of the fact that the same principle was recognized in the long service leave agreement recently concluded by negotiation between the unions and employers. In point of fact, this is one of the provisions recommended by the A.C.T.U. for the agreement which at present is being considered by employers and employees in respect of many industrial awards, and ought to be accepted.

Mr. O'HALLORAN—I oppose the amendments. I said originally that this was a bad Bill, but these amendments make it a little worse. If the Government is anxious to accept the opinions of the A.C.T.U., why doesn't it amend this Bill to provide for the long service leave conditions which are included in the Code and which have been accepted by the trade unions and employers' associations of South Australia?

The Committee divided on the amendments.

Ayes (21).—Messrs. Bockelberg, Brookman, Geoffrey Clarke, Coumbe, Fletcher, Goldney, Hambour, Harding, Heaslip, Hincks, Jenkins, King, Laucke, Sir Malcolm McIntosh, Messrs. Millhouse, Pattinson, Pearson, Sir Thomas Playford (teller), Messrs. Quirke, Shannon, and Stott.

Noes (16).—Messrs. Bywaters, John Clark, Corcoran, Davis, Dunstan, Hughes, Hutchens, Jennings, Lawn, Loveday, O'Halloran (teller), Riches, Stephens, Tapping, Frank Walsh, and Fred Walsh.

Majority of 5 for the Ayes.

Amendments Nos. 3 and 4 thus agreed to.

Amendment No. 5.

The Hon. Sir THOMAS PLAYFORD—This deals with the right of employers to postpone the long service leave becoming due to a worker under the Bill. It provides for postponement in two cases—(*a*) If at any time before July 1, 1958, negotiations are in progress in order to make an industrial award or industrial agreement for long service leave for any workers, the employer is empowered to postpone the granting of leave under the Bill to those workers until any day not later than June 30, 1959. The idea is to avoid the duplication of benefits which would occur if a worker were granted leave under the Bill and then subsequently became entitled to leave under an agreement or award in respect of the same period of service. (*b*) The second type of case in which the amendments provide that leave may be postponed is where the reasonable needs of the employer's business render postponement necessary. Under this provision no leave can be postponed for more than a year at a time nor beyond the end of the fourth year after it becomes due. The first part is designed to enable negotiations, which are at present taking place in many unions for industrial awards, to be effected. Where negotiations are not effective accumulated leave is to be provided. The worker does not lose his leave. It only means a postponement during the period of negotiation. The second part has been provided in two other States, and is a reasonable amendment when a new system is being adopted. It provides for the postponement of leave where the reasonable needs of the employer's business render postponement necessary. Leave may be postponed for a year.

Mr. LAWN—I oppose the amendment. The position is not as the Premier suggested. I agree with his arguments in support of the first part, but I am rather concerned that the second part may lead to permanent postponements of leave. An employer will be able to delay granting the leave to his employee for 12 months. The Premier said this was desirable when a new system is being introduced. At the moment agreements have been signed between employers and employees and the largest employers outside the Government have adopted agreements regarding long service leave and have filed them in the State Industrial Court. They were published in the *Government Gazette* of October 17. Tomorrow afternoon 40 employers will sign these agreements with the unions

and file them in the court. The employers are not seeking 12 months' delay. Let me refer to the provision they are including in what is now known as the Code. The agreement sponsored by the Australian Council of Trades Unions, known as the long service leave code, provides that leave must be taken as soon as practicable after it becomes due or it may be deferred to a mutually accepted date. By agreement with the employer the employee may take his leave in two periods, otherwise it will be taken in one period. Except where the time for taking leave is agreed to the employer shall give to the employee at least one month's notice of the date from which leave is to be taken. The employers are not asking for the provision in this amendment to be included in that code. Government members have said all employers are not bad, and I agree. The good employers are sponsoring the code and the Government is pandering to the bad ones by accepting this amendment.

Mr. Coumbe—Rubbish!

Mr. LAWN—Yes, that is all it is, and that is all the other House would have in it.

The CHAIRMAN—Order! The Committee is dealing with the clause.

Mr. LAWN—The worst type of employer wants to postpone the granting of any benefits for as long as possible and the amendment postpones this leave for 12 months. Bad as the Bill is, the amendment makes it worse still. Many employers are showing the Premier and the Government what they think of the Bill by making agreements as fast as they can to get outside the scope of the legislation. It was pointed out by the employers in the other Chamber that many employees want to get outside the scope of this Bill because they consider it is rubbish. This legislation was introduced by a man who confessed he had been forced into a cleft stick by the introduction of long service leave in other States. It is the type of legislation that can be expected from this Government.

Amendment No. 5 agreed to.

Amendment No. 6.

The Hon. Sir THOMAS PLAYFORD—This amendment contains several new clauses, all dealing with the exemptions or prevention of double benefits. They need separate explanations. Clause 12a sets out three cases in which the employer is exempt from the Act. The first is where an employer is bound by an industrial award or industrial agreement providing for long service leave. The second is where the employer has a private scheme of long service leave which is not less favourable to the workers as a whole than the scheme provided by the Bill. The third provision says that if a majority of the workers employed by a person are covered by awards or agreements the employer can grant leave to the balance of his workers under the most favourable of the awards or agreements and in that case he will be exempt from the Bill. These provisions will at the same time prevent duplication of benefits and ensure that every worker to whom they apply gets long service leave either under this Bill or an award or a registered industrial agreement. The provision covers an industry where some workers are not under an award. The employer may apply to those workers the most favourable award covering the majority of workers. It is somewhat important to a fairly large industrial concern to see that only one system works. The amendment will probably lead to smooth working and I move that it be agreed to.

Mr. LAWN—I oppose the amendment. An employee may be entitled to a retiring allowance or superannuation benefits and in some cases may find that the value of any long service leave he has received will be deducted from that allowance or those benefits. The code to which I referred does not mention money paid into funds by the employer on account of retiring allowances or superannuation benefits.

The Hon. Sir THOMAS PLAYFORD—True, superannuation was not included in the Government's Bill because it was regarded as separate from long service leave. The honourable member for Adelaide (Mr. Lawn) opposed both the Bill and that clause. The reason this particular provision is in the Bill is that the A.C.T.U. negotiated an agreement which provides for this very thing. That agreement says payments shall be part of the long service leave and that is the reason for this amendment. This is in accordance with the proposals that have been put up and under those circumstances what grounds had the Government for opposing it when the amendment went through the Legislative Council? It was not in the Bill as introduced and if the Government had had the support of members opposite the position may have been somewhat different. That clears up that point.

Mr. FRED WALSH—I, too, oppose the amendment from the Legislative Council. Like other members on this side I have persistently opposed the provisions in the Bill because they did not conform to what we thought was

reasonable in a measure of this kind. The Government and the Premier have persistently said that members on this side of the House pick out the best features of other Acts and try to have them inserted in South Australian Acts. We naturally do the best we can for the workers of our State, but the Government has not done the same thing as far as this is concerned. It was not prepared to provide for 13 weeks after 20 years' service and for *pro rata* leave after 10 years' service, but accepted the dictates of certain big employers in another place who are parties to the code referred to and the agreement with the A.C.T.U. They were prepared to put the worst features into this legislation. Admittedly, what the Premier suggested was inserted in the code is there, but it was inserted as a bargaining point and not because the workers wanted it. They were against it as much as we were but they had to concede something, as the Premier did last night. The Premier was adamant, with one or two exceptions, that this Bill should be forced through the Chamber as introduced, and he should be consistent now because he has not altered the main principles of it. The Government cannot take out the worst features from its point of view, put them in the Bill and ask us to accept them. As to the unions making certain agreements which may be binding on all other employees it is quite possible for a number of different agreements to be made, but it is not likely that any agreement will be made unless it is accepted by the A.C.T.U., and as one who will be negotiating agreements with employers soon I intend to get far better conditions than those applying in the code. We will not concede anything less than the agreement we made eight to nine years ago, which was the first agreement on long service leave in South Australia. The benefits of any new long service leave scheme will be in addition to the benefits already in existence. In each of the three agreements I will be concerned with, retiring allowances are provided for employees and there will be no breaking down, particularly so far as it affects their long service leave. No doubt it will be 13 weeks after 20 years and *pro rata* leave after 10, but I desire to go further if possible. I desire *pro rata* leave for a shorter period than that. The Government should not take away anything that has already been given to the employees by way of retiring scheme or superannuation scheme. I ask the Committee to reject the amendment of the Legislative Council.

Mr. Lawn—This provision is contained in the Bill under the heading "Application of money paid into funds of employers." That is the title of clause 12c. The Premier said it was included because it is in the A.C.T.U. agreement which is not the case. The member for West Torrens explained the position and the Premier is experienced enough to know that when two parties get together there is a certain amount of give and take. We are not in the same position as a union which has gone to an employer to ask for long service leave. We are here to legislate fairly and justly in the interests of our people, and the fact that the employer could make demands on the union before he decided to make an agreement should not induce the Government to adopt it. I wish to mention the clauses contained in the original agreement signed between the industry representing the employer who is the largest employer of labour outside the Government and there is no mention of this provision or for the upsetting of any retirement or superanuation benefits. They appear numbered 1 to 19 on page 888 of the *Government Gazette*, dated October 17, 1957. When we proposed 13 weeks for 20 years similar to that provided under the code the Premier described it as the worst type of legislation introduced into this House, and yet industries are making that agreement. This type of legislation from the Legislative Council is the worst type of legislation in my experience.

The Committee divided on the amendment.

Ayes (21).—Messrs. Bockelberg, Brookman, Geoffrey Clarke, Coumbe, Fletcher, Goldney, Hambour, Harding, Heaslip, Hincks, Jenkins, King, Laucke, Sir Malcolm McIntosh, Messrs. Millhouse, Pattinson, Pearson, Sir Thomas Playford (teller), Messrs. Quirke, Shannon and Stott.

Noes (16)—Messrs. Bywaters, John Clark, Corcoran, Davis, Dunstan, Hughes, Hutchens, Jennings, Lawn, Loveday, O'Halloran (teller), Riches, Stephens, Tapping, Frank Walsh and Fred Walsh.

Majority of 5 for the Ayes.

Amendment thus agreed to.

Amendment No. 7—

The Hon. Sir THOMAS PLAYFORD—This amendment repeals clause 13 of the Bill. It is consequential on the new clauses included in Amendment No. 6. These clauses deal with the problem of double benefits in a more detailed way than clause 13 and this clause is therefore no longer required, and I move that the amendment be agreed to.

Amendment agreed to.

Amendment No. 8—

The Hon. Sir THOMAS PLAYFORD—This amendment leaves out the clause in the Bill enabling regulations to be made to provide long service leave benefits for casual workers. The view was taken in another place, I think, that long service leave was not in its nature applicable to casual workers. Again, this amendment of another place is in accordance with the standard provision that has been recommended by the A.C.T.U., under which long service leave is only given after 20 years' service. I move that the amendment be agreed to.

Mr. O'HALLORAN—I hope the Committee will not accept the amendment. After mature consideration and much argument the Government introduced a Bill, which was passed by this House, providing for long service leave for casual workers to be made possible by regulation. Now it has suddenly turned tail and run for cover when someone in another place said "Boo!" It may be more difficult to provide long service leave for a casual worker, but he is entitled to every consideration. At the moment there may not be any provision for casual workers in any agreement made by the A.C.T.U., but I think that is so because that code so far applies only in respect of certain industries. I think that the ultimate aim of the trade union movement will be to establish some form of long service leave for casual workers.

Mr. FRED WALSH—I oppose the amendment. If there was any redeeming feature in the Government's original Bill it was the clause to provide long service leave for casual workers. The code that has been frequently referred to was only accepted by the A.C.T.U. in order to get some sort of agreement with employers' organizations so that there would be some degree of uniformity on a national basis. Therefore, it cannot fairly be related to this Bill. Provision has been made in the Acts of some other States, and negotiations are being carried out with the New South Wales Government, for long service leave for casual workers. I am not altogether happy about industrial agreements because there is no law for their enforcement, though some of them have existed for 40 years. An employer could give notice to cancel an agreement if he thought he was not in a position to honour it, and there would be nothing to prevent him doing so, even though it was registered in the court. Only an Act of Parliament can deal with this matter adequately.

Let us consider the building industry, where many men may be employed on a casual basis if there is some recession in the industry. The clause we are now considering was inserted in the Bill to give these employees the benefit of long service leave. Other employees, such as those in hotels and on catering staffs, have been regularly employed for years on a casual basis, say three days a week. They do not get annual leave, but long service leave is entirely different from annual leave. The Committee should not be guided by its master's voice—the Legislative Council.

Mr. LAWN—I oppose the amendment, which the Premier found hard to justify. He said the A.C.T.U. had not included long service leave for casual workers in its code, but Mr. Walsh answered him on that point. The Premier knows that other Parliaments will amend their legislation to provide for long service leave for casual workers. Mr. Walsh referred to workers in the building and hotel trades, and I remind members of the South Australian waterside workers who have the best turn-around record in the Commonwealth. If this legislation is to apply only to employees having long service leave with one firm, how will waterside workers be able to enjoy long service leave unless it is given to casual workers, because they are regularly employed on casual work and do not work continuously with one employer for a number of years. I agree with Mr. Walsh that this clause as originally introduced may have had some merit, but now members are asked to agree to its deletion.

The Hon. Sir THOMAS PLAYFORD—I am amazed at the trend of the debate on this amendment. When the Bill was introduced, some members complained that it provided for leave not on a long-term, but on a short-term basis. Now honourable members opposite are saying, in effect, that their criticism was mistaken and that the clause providing for long service leave for casual workers was a good clause. I understand that members opposite were connected in some way with the Australian Labor Party and that the president of that Party was asked to give an important ruling on this legislation.

Mr. Lawn—That's not correct.

The Hon. Sir THOMAS PLAYFORD—There is good reason for Labor members not to oppose my motion to accept this amendment. The President of the Australian Labor Party said that because the Bill did not provide for 13 weeks' leave at the end of 10 years it was contrary to the Party's policy and that honourable members opposite should vote against it

and against every clause and should not seek to amend it. By a strange coincidence, the other place, which does not usually carry out the dictates of the Labor Party, has deleted a clause of the Bill that has been publicly declared noxious. The Legislative Council has deleted a clause that the President of the A.L.P. said should be deleted. The other place seems to be in league with members opposite, yet members opposite will not respond. I hope members will see the reasonableness of my contentions.

Mr. O'HALLORAN—I would not have risen again but for the complete misrepresentation of the position by the Premier. What he said about the policy of the Australian Labor Party is correct: it provides for 13 weeks' long service leave after 10 years. Labor members are proud of that policy and will stick to it; but the same policy provides for long service leave for casual employees, therefore members on this side will vote against the amendment. The Premier tried to make this matter a joke and indulge in misrepresentation.

Mr. Hambour—He did not.

Mr. LAWN—He did. He said Mr. Bannister said we had to oppose all of this Bill. The delegates were responsible for the decision at the A.L.P. conference. The President merely gave a ruling when asked for it. The Premier had no justification for excluding casual workers, and had he been honest he would have told the House that Mr. Bannister told us we must not accept less than our policy, and provision for casual workers is part of our policy. It was decided unanimously to adopt a policy of 13 weeks for 10 years' service for casual workers. The Premier's policy was for long service leave but not for casual workers. The Premier does not understand the policy of the Australian Labor Party. The Liberal Party has no policy or principle. If the waterside workers or other casual workers apply for long service leave it is our policy they should have it.

Mr. SHANNON—The member for Adelaide has forgotten certain things were said and done in this House. Members of his Party not only opposed this clause, but they opposed every clause, and that is on record. To tell us that this is a good clause after having opposed the whole Bill on principle is rather strange. They now find there were some good features in it. They had an opportunity to agree to those desirable features, and there was no need for them to put up a sham fight. Their own organizations outside spoke with too many voices and we find almost as many voices in this Chamber. The member for Adelaide must realize now that he stuck his neck out.

Mr. FRED WALSH—The Premier, as usual when in a hopeless position, has fallen back on ridicule but has not impressed anybody on this side of the House and I doubt if he has impressed any unbiased persons who may be listening. In debate we opposed every aspect of the Bill because of the basic principle of 13 weeks after 10 years' service plus *pro rata* leave after a certain period. If what we desired could have been included in the Bill there were many aspects of it which were good, and this was one we did not regard as a bad clause because it did provide for a certain group of persons we thought should be covered. There was an amendment for deduction for board and lodgings. When that was moved as an amendment I believed it quite all right because it covered a situation not otherwise met. Why does the Premier try to create the impression that we are a lot of numskulls? I suggest that remarks about the A.L.P. Conference were out of place and not fitting in a debate of this nature. I was not here when the member for Mitcham made reference to myself. If anyone knows anything about the A.L.P. Conference I do because I asked the question so that we would be clear. If I had been required to make a decision I would have given the same ruling as the president because it was the reasonable thing to do, so there is no need to ridicule the president or anyone else. I ask the Committee to reject the amendment.

The Committee divided on the amendment.

Ayes (21).—Messrs. Bockelberg, Brookman, Geoffrey Clarke, Coumbe, Fletcher, Goldney, Hambour, Harding, Heaslip, Hincks, Jenkins, King, Laucke, Sir Malcolm McIntosh, Messrs. Millhouse, Pattinson, Pearson, Sir Thomas Playford (teller), Messrs. Quirke, Shannon, and Stott.

Noes (16).—Messrs. Bywaters, John Clark, Corcoran, Davis, Dunstan, Hughes, Hutchens, Jennings, Lawn, Loveday, O'Halloran, Riches, Stephens, Tapping, Frank Walsh, and Fred Walsh.

Majority of 5 for the Ayes.

Amendment thus agreed to.

BUSH FIRES ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

POLICE OFFENCES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 24. Page 1309.)

Mr. DUNSTAN (Norwood)—This Bill provides for blood tests in cases of accusations of driving under the influence of alcohol, for a change in the law relating to people who are unlawfully on premises, and also in regard to the regulation of traffic. I cannot see anything in the Bill to which anyone could take exception, and I support it.

Bill read a second time and passed.

SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 30. Page 1425.)

Mr. O'HALLORAN (Leader of the Opposition)—I hope members will subject this Bill to careful scrutiny and not be misled into passing it simply because it comes from another place. I am absolutely opposed to the Bill. In expressing that opposition I have no lack of confidence in the present Railways Commissioner or his investigating staff. I do not know much about the latter but I do know the Commissioner and he is a very estimable and competent gentleman, but despite that I am not prepared to give him the power to make a by-law like this. Section 133 of the principal Act gives the Commissioner the power to make by-laws on many subjects, some of them very closely related to the points mentioned in subsclause 3. I believe that a tightening up of the by-law which could be done under that clause, together with the co-operation of the police force, would be sufficient to prevent any pilfering which this may be designed to prevent. The Minister produced no evidence that there was very considerable pilfering from the grounds, stations and premises of the Railways Department, and yet we are called upon to pass this drastic legislation. For instance, the new subclause says:—

> (*pa*) For the prevention of pilfering of parcels and goods from railway property, and in particular for the purpose of authorizing railway detectives:—
>
> (i) to stop and detain any vehicle or person upon any land or buildings vested in or under the control of the Commissioner where or near where any parcels or goods are received, despatched or delivered; and
>
> (ii) to inspect and search any such vehicle, or container, parcel or article in the possession of any such person; and

This type of power in the hands of a power-drunk individual could be a menace to law-abiding citizens going about their lawful occupations. My experience has been that the best of people who are granted extraordinary powers can become power-drunk. The new subclause continues:—

> (iii) to demand the production by any such person of consignment notes or other documents relating to any parcels or goods found as a result of any such inspection or search; and

This means that any man who makes a purchase in any shop or any town, who subsequently goes in or near railway premises will have to be careful to take documentary evidence with him in case one of the persons authorized by this measure holds him up for the purpose of searching his vehicle. If he cannot produce documentary evidence the officer is authorized:—

> (iv) to seize and retain any parcels or goods found upon such inspection or search which the detective making the inspection or search reasonably suspects of having been stolen or illegally obtained.

This is one of those occasions when we import into legislation something which seems to suit the particular kind of person who is being appointed under the proposal. He has to be a reasonable person so that he can reasonably suspect. What evidence have we that any investigation or training is provided for railway detectives to make them competent to carry out these important duties which can have such an impact on the public? I do not know where they receive their training. That is an important point on which the Minister was completely silent. All he did was to explain the clauses briefly in the way I have explained them.

There is another aspect to which I hope the House will give serious consideration. If we establish this practice in the Railways Department there will be a demand to establish it in other departments or in large organizations where many people are coming and going during the day, and before we know where we are we will have two sets of police—the private police force employed by various organizations and the police force employed by the Government. The latter has done a reasonably good job in maintaining law and order.

Mr. Hutchens—These are detectives and they will not be in uniform.

Mr. O'HALLORAN—That is one of the dangers of this.

The Hon. Sir Malcolm McIntosh—A detective is not in uniform.

Mr. O'HALLORAN—No, but he is a trained man. We may have some individuals prepared to pose as detectives in order to rob unsuspecting persons of the very things they are accusing them of stealing. That is a great danger and one which should be avoided by defeating the Bill. We already have a competent police force with its competent detectives. If the Commissioner has not the necessary power I believe some of the by-laws made under section 133 could be amended to enable the Police Force of trained men whose duty it is to administer law and order, and who I believe should always be entrusted with maintaining law and order to carry out the functions of these people it is proposed to employ under this measure. I oppose the Bill.

Mr. HUTCHENS (Hindmarsh)—I support the Leader in opposing this Bill but do not wish to reiterate the reasons he gave for his opposition. I join with him in expressing my utmost confidence and respect for the Railways Commissioner. My remarks must not be taken as a reflection upon him. For some reason he has been ill-advised in this matter. The Government has not fully considered what will be the effects of this legislation. I have the greatest respect for the Police Force but this Bill is a vote of no-confidence in the force by the Government.

Surely our Police Force, which is equal to any in the Commonwealth, has not fallen into such disrepute and uselessness that it is not able to police and take action against law breakers. We are now being asked to pass legislation to create a by-law which will result in men walking around in plain clothes detaining people when they reasonably suspect them of having something in their possession that has been stolen. This is one of the most retrograde steps we could take and it would be a definite step towards the establishment of a police State. I say in all sincerity that if we create a precedent by giving powers to railway detectives to go out into the highways and by-ways of railway property and detain and question people, and probably take their property from them, we must give this right to many other bodies in private enterprise.

Mr. Jenkins—The Postmaster-General's Department has these powers now.

Mr. HUTCHENS—I do not know if the P.M.G. Department has them or not but one wrong does not justify another. It is wrong for an untrained person to do the work and have the powers of a police officer when we have policemen for that purpose. As the Leader said, this would encourage bogus policemen.

The Hon. Sir Malcolm McIntosh—Similar powers have been in operation for years in other States that have Labor Governments.

Mr. HUTCHENS—I have no evidence to say that that statement is wrong, but if it is correct, nothing was mentioned about it in the second reading speech. While there is any doubt it is always good to say "No," and I believe there are good reasons to have doubt and to be suspicious about the advisability of passing this Bill, so I urge its rejection until we get satisfactory evidence that it would be good. It is not good, and is unnecessary and unwise.

Mr. QUIRKE (Burra)—I do not think there is any need for these hysterical outbursts we have heard about this Bill. It is not only necessary, but is urgently needed, and I can talk from experience. The Railways Commissioner, who has been justly praised by previous speakers, has tremendous responsibilities because he is handling customers' goods worth millions of pounds. The men and women employed in his department, like all Australian men and women, are mostly good and honest, but there is always a minority that cannot resist an opportunity to take something they see under their noses. The very reason why pilfering cannot be stamped out is because we have not the power prescribed by this Bill.

Mr. Davis—What happens when the police detectives catch the thieves? They report to the police, who take action.

Mr. QUIRKE—Isn't that correct? The principle in this Bill applies in big city stores, whose officers have all these powers. If anyone is caught in those stores with something for which a docket cannot be produced, that person is conducted to the manager's office.

Mr. Davis—But the manager does not have to be a policeman.

Mr. QUIRKE—No, but he employs the equivalent of a policeman to do the job. These big stores have shop detectives.

Mr. Hutchens—What about opening a mother's handbag?

Mr. QUIRKE—Where is that provided in the Bill?

Mr. Hutchens—In clause 3.

Mr. QUIRKE—Read clause 3 and tell me where it has a provision for a mother's handbag to be searched. It is not there, and it was never intended that it should be there. The powers in this measure exist in big stores, and if they were not there, everyone knows what would happen, and what does happen despite those powers. I have sent goods worth many thousands of pounds over the railways, and like articles sent by post, the vast majority arrive at their destination, but there is always a proportion that does not. When that happens the Railways Commissioner accepts the responsibility and pays for the goods so why should not those goods be safeguarded. There is nothing like this anywhere else, because when a parcel is handed in and a receipt obtained, there is an insurance policy that it will arrive. If it does not arrive, the sender can claim for the loss and be paid. This builds up public confidence. The same thing applies with the general post office. Of all the thousands of men and women employed by the Postmaster-General, how many do we hear have been found guilty of interfering with the mail? They are mainly honest citizens, like employees of the Railways Department, but there is always a minority that is not honest. I see nothing wrong with this measure, and what is more, the Commissioner of Railways, who has been praised here tonight, has asked for it. Why members praise him on the one hand and then attempt to write him down by saying he has been ill advised on the other hand is beyond me.

Mr. Hutchens—Isn't a mother's handbag a container?

Mr. QUIRKE—No, it is not. However, the honourable member can have a mother's handbag in it if he likes, but if it contains anything she has taken from the railways, it should be searched. We cannot support the thief by legislation. We must use every possible endeavour to prevent this pilfering. The member for Hindmarsh (Mr. Hutchens) seemed to have been supporting the thief.

Mr. HUTCHENS (Hindmarsh)—On a point of order, Mr. Speaker, that remark is offensive to me and I ask the honourable member to withdraw it.

The SPEAKER—The member for Burra must withdraw that remark.

Mr. QUIRKE—Knowing that the member for Hindmarsh objects, I cheerfully withdraw that remark. There is not the slightest doubt that the member for Hindmarsh has spoken in support of the man that pilfers from the railways.

Mr. HUTCHENS—I take exception to that statement and I ask that it be withdrawn.

The SPEAKER—The member for Hindmarsh has objected to the remark and the member for Burra must withdraw it.

Mr. QUIRKE—I cheerfully withdraw that remark, because if the honourable member did not say that he did not say anything. I am speaking on behalf of thousands of people who consign their goods on the railways, because these goods must be safeguarded. The railways department undertakes to safeguard them and also undertakes the responsibility of paying for them if they are lost. That department is a public instrumentality presided over by a man who has been praised and at various times in his experience must have been driven to desperation by the activities of some of the people under his command. He has sought this power and if he is the man he is said by the member for Hindmarsh and the Leader of the Opposition to be it is good enough for me to accept his request for his duties and his responsibilities to be safeguarded by this legislation. I support the Bill.

Mr. JENKINS (Stirling)—I support the Bill. I noted the remarks of the Leader of the Opposition and the member for Hindmarsh in which they eulogized the Railways Commissioner. They built him up, but then proceeded to knock him down by opposing what he sought under this legislation. The Leader of the Opposition said that there was nothing in the second reading speech of the Minister which would indicate that this legislation was warranted. I would like to read the last paragraph of the Minister's second reading speech in another place.

The SPEAKER—The honourable member cannot refer to the debate in another place.

Mr. JENKINS—Very well, Mr. Speaker. The reason why the Railways Commissioner has asked for legislation to give him the power to appoint police to deal with pilfering is that there has been a tremendous amount of pilfering and it is increasing. The Commissioner has sought this legislation in order to protect the people who consign their goods on the railways. If members would read the second reading speeches in another place and here they would know why the legislation has been brought down. Storekeepers in the country town which I represent receive their goods by rail, and I know from my personal experience that it is rarely that a consignment of goods

of any quantity arrives that they do not have to lodge a claim in respect of portion of those consignments. The member for Hindmarsh said that this would lead to people in private organizations demanding some sort of protection by private detectives. I remind him that they are already in the big stores in Adelaide and in the post office, and they have been there for many years.

Mr. Davis—They haven't got the same power as these people would have under this Bill.

Mr. JENKINS—They can take people to the manager's office and question them. This legislation only provides that a detective can detain and search somebody he suspects of being in possession of stolen goods or in the vicinity of railway premises for that purpose. I do not think this Bill is asking for too much, and it is necessary to protect the goods of the community. The Railways Commissioner has to pay compensation to people to whom goods have been consigned and stolen. That compensation has to be paid by the taxpayers and must amount to a tremendous sum over the years. I support the Bill because I believe the Railways Commissioner, who is a very fine gentleman and good administrator, would not ask for legislation of this nature unless he had a very good reason for doing so.

Mr. DAVIS (Port Pirie)—I join with the two previous speakers from this side of the House in opposing the Bill. I am not supporting the member for Burra (Mr. Quirke) who stated that the member for Hindmarsh became hysterical in opposing the Bill. I have never heard anything more hysterical than the member for Burra. I admit that a lot of stealing is going on in the railways, but I am not prepared to support this Bill because it will put men in the position where they will have a right to search people.

Mr. Jenkins—You want to give the thief a bit of protection, do you?

Mr. DAVIS—If the honourable member would keep quiet for a moment I might be able to convey some wisdom to him. If the Commissioner of Railways is desirous of protecting the public he could engage our own police officers. Surely some arrangements could be made whereby the Government could have uniformed police on the job. Members referred to the private detectives in the big stores, but these men are not known as private detectives at all and are merely shopwalkers who are there to see that nothing is stolen from the premises. In the event of their discovering that something has been stolen their duties are to take a suspected person to the manager and the manager can then lay a complaint to the police. I know that goods have been stolen from railway stations, but I do not think we are getting over the difficulty by allowing the Commissioner to have this great power. Like other members who have spoken on the Bill, I have a good deal of respect for the Railways Commissioner, but I am not going to give him power to appoint men as provided under this Bill. It is too much power to give one man. If a detective suspects that the person has stolen something, under the Bill he will have the right to search him. At present if, after questioning, the officer is not satisfied, he can refer the matter to a police officer for examination. That set-up is quite satisfactory and I therefore oppose the Bill.

Mr. STOTT (Ridley)—I was rather concerned with the powers provided under this Bill and apprehensive of giving too much power to officials without the sanction of Parliament, and therefore made inquiries about the application of such legislation. The Railways Commissioner has power to make by-laws dealing with such matters and they must go to the Crown Solicitor for his certificate of validity and lay on the Table of the House for 14 sitting days. If members thought that too much power was being given to the Commissioner, they could move that the by-law be disallowed. Much pilfering was being experienced in New South Wales, and notwithstanding the power of the Police Commissioner and the fact that he has an excellent force, the New South Wales Government found it necessary to introduce the Government Railways (Amendment) Act, section 134b of which provides:—

Any officer authorized in that behalf under the seal of the Commissioner (in this section referred to as an authorized officer) may—

(*a*) stop and detain any vehicle or person being upon any of the piers, wharfs, jetties, stations, yards and buildings vested in or under the control of the Commissioner where any luggage, parcels or goods are received, dispatched or delivered;

(*b*) inspect, search and examine any such vehicle or any container, bag, case, parcel or other article in or upon any such vehicle or in the possession of any such person as aforesaid;

(*c*) demand the production by any person whomsoever of consignment notes, delivery dockets, or other documents appertaining to the receipt, dispatch, delivery, or ownership of any luggage, parcels or goods found upon such inspection, search or examination;

Under section 3 of this Bill the following is provided:—

For the prevention of pilfering of parcels and goods from railway property, and in particular for the purpose of authorizing railway detectives—to demand the production by any such person of consignment notes or other documents relating to any parcels or goods found as a result of any such inspection or search.

And then the New South Wales law provides:—

(*d*) seize, take and retain any luggage, parcels or goods found upon such inspection, search or examination which the authorized officer reasonably suspects of having been stolen.

Our Bill provides:—

To seize and retain any parcels or goods found upon such inspection or search which the detective making the inspection or search reasonably suspects of having been stolen or illegally obtained.

For all intents and purposes our Parliamentary Draftsman has copied the New South Wales Act entirely. This question has been discussed on the lines that we have no right to follow what has been done in New South Wales. I was told by a railway officer that the Railways Commissioner needs the powers sought because of the increase in pilfering of goods. I am with the Railways Commissioner on this. I am not here to defend the police force or those who pilfer goods or to make it more simple for an increase in pilfering, but the time is ripe to give the power sought by the Railways Commissioner. After the Act in New South Wales had operated for 12 months claims against the Railways Commissioner for pilfering had decreased by 50 per cent. Goods may be pilfered from a railway truck, but some time must elapse before the deficiency is found and the railway officer gets in touch with the police. What hope is there of tracing such goods?

Under this provision the Railways Commissioner will appoint experienced officers. I have been told by an authoritative person that the Commissioner has ex-police officers on his staff who will be appointed as authorized officers and stationed at the goods yard at Mile End. I do not reflect on any railway employee, because they are not involved in pilfering. However, those who are will know immediately that an officer is on the spot and able to inspect the loading and unloading of goods. His presence will act as a deterrent. This is worthy of a trial and I accept the wisdom of the New South Wales Labor Government in introducing this law in the interests of its taxpayers. Our Commissioner seeks similar power and we should provide it. All members should support the Bill.

Mr. HARDING (Victoria)—I support the Bill. I have the greatest admiration for the Railways Commissioner and all his officers. I use the railways as a passenger and also for freighting goods and have a high regard for all employees, particularly those in country goods yards where conditions are most unfavourable. On many occasions I have admired members opposite for their principles in protecting the interests of workers, but am amazed that they oppose this measure.

Mr. STEPHENS (Port Adelaide)—I oppose the Bill because I believe in justice. I have no time for the thief whether he be a worker or an employer. Some members opposite are prepared to gaol workers who steal a few shillings' worth of goods whereas they let the big thief go. I have worked on the Port Adelaide wharves and was at one time secretary of the Drivers' Union. I am fully aware that thieving does take place and gave evidence before a pilfering commission which met here many years ago. I pointed out that thousands of pounds worth of goods that were paid for and were alleged to have been stolen out of cases were never packed in those cases initially. I know of one particular case of a man who came here from England to work. He was employed in a warehouse unpacking cases of tyres consigned from England. One day he noticed that in one case three or four tyres were missing and in their stead were blue cube stones which made up the weight of the tyres and prevented what is known as "rocking" in the case. The man drew the manager's attention to the position and was able to explain that in the English factory where these tyres were packed was a stack of similar stones. Inquiries revealed that the tyres had never been packed. Men on the boats, drivers and others had been blamed for the theft of those tyres. On another occasion when other goods had been stolen at Port Adelaide I was able to give information to the police who discovered the stolen goods at the home of the manager of a big South Australian company.

Mr. Coumbe—Are you going to tell us how to improve the Bill?

Mr. STEPHENS—Members opposite are getting worried. If they challenge me I can supply the names of the people concerned in these incidents. Members opposite do not like to be told the truth. I gave evidence before a commission and it was found that some of the

people who were complaining about what the workers had done were the very people who had stolen goods.

Mr. Jenkins—We want this Bill to pass so that the thief can be caught.

Mr. STEPHENS—I hope he will. Some railway detectives have been good officers, but one detective had a man gaoled and not long after the stolen goods were found in the detective's home. I want to be sure that only the right men are appointed as detectives. One man at Port Adelaide would have got a mate of mine gaoled for the theft of whisky if I had not been able to show the manager of a firm where the whisky was. The manager looked in the bag belonging to the person making the accusation and found the whisky. An innocent man would have been gaoled by a pimp who was paid by results.

Mr. Geoffrey Clarke—This Bill gives the right to search a man's bag if he is suspected of stealing something.

Mr. STEPHENS—That is what I object to, that detectives can examine anyone's bag, yet we cannot be sure that the detectives will be thoroughly qualified and honest. Some of them, to get promotion, may try to besmirch the character of innocent people. One policeman arrested a man for robbing a warehouse, but the stolen goods were found in the home of the policeman. The member for Ridley (Mr. Stott) complained of what some drivers have done. I have represented hundreds of drivers for many years, and I say that if we want to stamp out pilfering we should not try to attach all the blame to the workmen.

The Hon. Sir Malcolm McIntosh—You are making out a strong case in favour of the Bill because all we are asking is for the right to search.

Mr. STEPHENS—No. I am opposing the Bill. Before a policeman is promoted to a position with the right to search he has to prove himself thoroughly honest and competent.

Mr. Hambour—All you want is to make sure that honest men are appointed?

Mr. STEPHENS—I want to make sure that the Railways Commissioner will not appoint detectives who will be paid by results. Some policemen have tried to get convictions in order to get promotion. I am opposed to the right of search being given to men appointed by the Railways Commissioner because it will not be safe for a man to work for anybody. We are going the wrong way about it. I am not a thief and I have never protected a thief, but I will try to protect the innocent man.

The House divided on the second reading:—

Ayes (22).—Messrs. Bockelberg, Brookman, Geoffrey Clarke, Coumbe, Dunnage, Fletcher, Goldney, Hambour, Harding, Heaslip, Hincks, Jenkins, King, Laucke, Sir Malcolm McIntosh (teller), Messrs Millhouse, Pattinson, Pearson, Sir Thomas Playford, Messrs. Quirke, Shannon, and Stott.

Noes (16).—Messrs. Bywaters, John Clark, Corcoran, Davis, Dunstan, Hughes, Hutchens, Jennings, Lawn, Loveday, O'Halloran (teller), Riches, Stephens, Tapping, Frank Walsh, and Fred Walsh.

Majority of 6 for the Ayes.

Second reading thus passed and Bill taken through its remaining stages.

JUSTICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 30. Page 1424.)

Mr. DUNSTAN (Norwood)—I asked for time to examine the Bill in detail. I have done so and I support the Bill.

Bill read a second time and passed.

ROAD AND RAILWAY TRANSPORT ACT AMENDMENT BILL.

Returned from the Legislative Council with the following amendment:—

Clause 3—New section 31a, line 5—After the word "Act" insert "or for any other charges under this Act."

Consideration in Committee.

The Hon. Sir THOMAS PLAYFORD—This is a drafting amendment only and there is no alteration in the policy of the Act as it left this place. I move that the amendment of the Legislative Council be agreed to.

Amendment agreed to.

ROAD TRAFFIC ACT AMENDMENT BILL.

Returned from the Legislative Council with the following amendments:—

No. 1. Page 3, line 11 (clause 10)—After "distance" insert "as near as practicable to but."

No. 2. Page 3, lines 11 and 12 (clause 10)—Leave out "two-fifths" and insert "one-third" in lieu thereof.

No. 3. Page 3, line 15 (clause 10)—After "distance" insert "as near as practicable to but."

No. 4. Page 3, lines 15 and 16 (clause 10)—Leave out "two-fifths" and insert "one-third" in lieu thereof.

No. 5. Page 6, line 16 (clause 19)—Add the following paragraph:—

(b1) Paragraph (*d*) of subsection (1) is amended by inserting after the word "turn" in the last line the words "and complete the turn through the intersection or junction."

Consideration in Committee.

Amendments Nos. 1 to 4.

The Hon. Sir THOMAS PLAYFORD—Five amendments were made by the Legislative Council to the Road Traffic Act Amendment Bill, 1957, but four of them deal with one topic and I think can conveniently be considered by the Committee at the one time. Members will recall that in the Bill before the House provision was made for lights to be two-fifths of the length of the vehicle from the front or back of the vehicle, and amendments 1 to 4 all deal with this. The alteration is so small that I think we can agree to it.

Amendments agreed to.

Amendment No. 5.

The Hon. Sir THOMAS PLAYFORD—Amendment No. 5 is purely a drafting amendment.

Amendment agreed to.

MARINE ACT AMENDMENT BILL.

Returned from the Legislative Council with the following amendment:—

Clause 3—Add at the end of new section 67*f* the following words:—"not being a vessel used solely on the River Murray or on any tributary, anabranch or lake connected therewith."

Consideration in Committee.

The Hon. Sir MALCOLM McINTOSH (Minister of Works)—It was never intended by the sponsor of the Bill that it should refer to the River Murray. There is no harm in making that clear, so I ask that the amendment be agreed to.

Amendment agreed to.

PROROGATION SPEECHES.

The Hon. Sir THOMAS PLAYFORD—(Premier and Treasurer)—I move:—

That the House at its rising do adjourn until December 10.

In doing so, may I say, on behalf of my colleagues in the Government that we greatly appreciate the co-operation we have received from all members of the House during this very strenuous Parliamentary session. On many occasions there has been very vigorous debate on matters involving the interests of various sections of the community, and members have spoken in accordance with what they have believed to be the best policy. This House deservedly enjoys a reputation for the manner in which it conducts its business that extends beyond the boundaries of the State. I believe that arises from one or two aspects that have been developed in this Parliament, and which have been maintained over a long period to a remarkable extent. The first is that if a person holds a belief, he is entitled to advocate it without involving any personalities whatever. The second is that a very high code of ethics of conduct has grown up, and I doubt if members in any other House in Australia can speak their minds more freely with the feeling that confidences will not be broken. That is something of which this Parliament has the right to be very proud. On behalf of my colleagues, I express to the Leader of the Opposition and his colleagues my appreciation for the expeditious way in which they have been prepared to handle business, and for the consideration that has been given to us in connection with the formalities in running the House.

I express to you, Mr. Speaker, on behalf of all members our great appreciation for your high sense of duty in the conduct of the Chair, your impartiality and the distinction with which you carry out the function of your high office. We do not often have points of order or unruly conduct in this House, and I believe that arises largely from the fact that members respect your conduct of the House and the impartiality of your decisions. You, Mr. Speaker, have maintained the very highest traditions of your office. I also express to the Chairman of Committees (Mr. Dunnage) our thanks for the way he has carried out his duties. When the House is in Committee, particularly upon the Estimates, the work of the Chair is long and arduous. In some of the Bills the formalities are somewhat complicated when amendments are moved, and we do, Mr. Dunnage, express to you our thanks for the way you conduct the Committees. I feel that the conduct of members in Committee is so good because they respect your judgment.

To the Parliamentary Draftsman and the two Assistant Parliamentary Draftsmen we owe a great debt. The fact that our laws are intelligible and capable of clear interpretation is largely due to their work. Many of us are not trained in the law; in any event drafting is a complicated business, and, unless the drafting is of high quality, it is easy to impart into a clause a meaning entirely foreign to the intention. South Australian laws for many years have enjoyed the reputation of being clear and concise, and very rarely is there any difficulty or ambiguity attached to them,

and I believe that is largely due to the work of Sir Edgar Bean and his two assistants.

Every member will agree with me that every one of us is deeply indebted to the *Hansard* staff. Members have come to know that *Hansard* reporting is not only accurate but greatly improves the wording and construction of members' remarks. The *Hansard* staff does excellent work in reporting the debates of Parliament. For many years I have never troubled to correct my *Hansard* proofs nor have I ever found it necessary for an officer to correct them, or been embarrassed by the fact that I have not laboriously gone through them, and that I believe shows that we can accept the work of *Hansard* with confidence. We are indeed deeply indebted to those officers.

A high standard of service is rendered to us by the library staff and the messenger staff, and the work in the Chamber is greatly assisted by the services these officers render. We have learned to appreciate with a good deal of affection the service we receive from our catering staff. I have purposely left till last the Clerks at the table. I know that every honourable member is deeply indebted to them. When a question of procedure arises, or there is any question of the rights of members, or they want advice as to the best method of giving effect to their intentions, the Clerks prove very real friends and helpers to members, and we express to them our deep appreciation. They undertake a service to members quite outside the duties they are appointed to perform, purely and simply to implement the intentions of members and further the work of the House.

Mr. Speaker, we are living in momentous times. We have lived through very dangerous times and in a time of very great development as far as Australia is concerned. As a consequence we have many problems which will, I believe, occasion us a good deal of work in the future. On the other hand, I believe that South Australia is making very rapid and, taking everything into consideration, very satisfactory progress. I believe that in many ways the economy of this country is in very much stronger shape than it has ever been in our history. New industries are developing and new enterprises starting, and although new problems arise therefrom, overall we are going rapidly forward. I believe our people have a higher standard of living and a higher standard of contentment than those in most countries. Although Parliament comes in for a great deal of criticism at times, I still feel that the Parliamentry institution is the best that has ever been devised to protect the well-being of the people at large and particularly to look after the rights of minorities. I know of no other institution in any country—and I have been privileged to travel in many—that sets out to meet the conditions and the circumstances of every type of people in a community as our Parliamentary system does.

I thank honourable members for the service they have rendered to the conduct of this Parliament and particularly for the courtesies they have extended to me and my colleagues in the Government. I particularly thank my own colleagues for supporting the Government and for their great friendship and assistance. It is with pride that I say that I believe the Party I have the privilege to represent is probably more unified in its ideals than any other Party in the history of this State. I wish to make it clear that I am not casting any aspersions on members opposite. Before we have an opportunity to meet again as a Parliament the festive season will arrive, and I wish all members the compliments of that season, and a happy and prosperous new year.

Mr. O'HALLORAN (Leader of the Opposition)—In seconding the motion I thank the Premier and his Ministers for the assistance they have given me in dealing with the various matters brought before the House in the way that they have to be dealt with by the Leader of the Opposition. I also thank the members of his Party for their undoubted courtesy. I thank my Deputy Leader, my Whip, and all the members on this side of the House for their loyal, competent and valuable assistance during the session. I join with the Premier in thanking all the officers who have assisted us during the session.

We have reason to be proud of this Parliament and some of the credit must go to the Opposition which has a deep and sincere belief in Parliamentary institutions. We strive at all times to make the Parliament of which we are members work. The Parliamentary institution is a great protection for minorities—particularly in South Australia. Mr. Speaker, I thank you for your unfailing courtesy and for the manner in which you have presided over the affairs of this Parliament during the session. If I have forgotten anyone I ask them to accept my apologies and thanks. I wish all who have been with us during the session and who, we hope, will be here next year, the compliments of the coming festive season.

Mr. STOTT (Ridley)—I join with the Premier and the Leader of the Opposition in their expressions of gratitude to you, Mr. Speaker, the Chairman of the Committees, the officers of the House, the Parliamentary Draftsman, the *Hansard* staff, catering staff, messenger staff and all associated with this Parliamentary institution. This Parliament has done a remarkable job and it was evident that the debates on all measures this evening—notwithstanding the lateness of the hour—were full of merit. Parliament is fully aware of the importance of legislation introduced by the various Ministers. I wish everyone the best for the festive season.

The SPEAKER—I take this opportunity of thanking the Premier, the Leader of the Opposition and the member for Ridley for their kind references to myself and also to express my appreciation of the support given to me during this present session by them and other members —support which was essential for the effective maintenance of the decorum and dignity of this House. I congratulate the Chairman of Committees on the efficient manner in which he has conducted proceedings in Committee and also when he has acted as Deputy Speaker and relieved me from time to time in the Chair.

I endorse the eulogistic references to the Clerks at the table. They are ever ready to provide assistance to members on abstruse questions of procedure and other matters that arise from time to time. Without making any invidious distinctions I wish in particular to refer to the Clerk of the House, Mr. Combe, because in this the centenary year of Parliament he has become identified with our Parliamentary institution in a very profound manner, in as much as he wrote an excellent book—*Responsible Government in South Australia*—cherished by all members. His painstaking research and industry in connection with this historical record are deserving of sincere commendation.

Reference has been made to the *Hansard* staff under Mr. Underwood; the Librarian (Mr. Lanyon) and his staff; the catering staff under Miss Bottomley; the Parliamentary Draftsman and his assistants, the messengers and others associated with this institution. Members will agree that by the conscientious discharge of their respective duties they have, in no small measure, contributed to the effective and smooth running of Parliament. We are about to go into recess and I trust that during the recess and over the festive season members will take the opportunity for rest, relaxation and respite to which they are all entitled. I take this opportunity of wishing all members, officers and staff a blessed Christmas and a prosperous, happy and peaceful New Year.

Motion carried.

PROROGATION.

At 12.40 a.m. on Friday, November 1, the House adjourned until Tuesday, December 10, at 2 p.m.

Honourable members rose in their places and sang the first verse of the National Anthem.