HOUSE OF ASSEMBLY.

Tuesday, October 7, 1958.

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

APPROPRIATION BILL (No. 2).

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

QUESTIONS.

ROAD ACCIDENT DEATHS.

Mr. O'HALLORAN—Last Tuesday I asked the Premier whether, in view of the alarming increase in serious road accidents, consideration would be given to having additional precautionary measures which could be insisted on under our traffic laws, and he said he would refer the question to the State Traffic Committee. Has he obtained a report from that committee?

The Hon. Sir THOMAS PLAYFORD—The committee's report is not yet to hand, but when it comes, if it recommends alterations of the law they will be certainly placed before Parliament for consideration. In the meantime the Police Commissioner, of his own volition, has taken certain action, which I am informed is having a beneficial effect. He has in operation a number of motor cars, not conspicuously police cars, driven by plain clothes officers, who I understand are picking up a considerable number of the more discourteous drivers and those most flagrantly breaking traffic laws, particularly in regard to speeding.

FORESTRY WORKERS STRIKE.

Mr. HARDING—I am deeply concerned about the strike by 300 tree fellers in the South-East. It did not originate at the State forests, where contractors are employed. I am informed that if it continues the State mill at Nangwarry will be out of logs by Thursday. Will the Minister of Forests obtain a report and use every endeavour to have the strike settled?

The Hon. G. G. PEARSON—The Minister of Forests is absent today because of illness and I have not had an opportunity to discuss the matter with him. I am surprised at the statement that the State mill at Nangwarry will be out of logs by Thursday, because usually State mills have good supplies in their log yards. It may be because of wet weather that supplies have run down. I do not know that this is a matter in which the Minister can take direct action; I think it is outside his immediate jurisdiction. However, I will bring the question under his notice and if there is anything further to place before the House he will do it on his return, possibly tomorrow.

REFUND OF MOTOR REGISTRATION FEES.

Mr. FRANK WALSH—Has the Premier obtained a reply to the question I asked recently regarding a refund of motor registration fees where vehicles have been out of action through accident, illness, or theft?

The Hon. Sir THOMAS PLAYFORD—I have received a report from the Registrar of Motor Vehicles, which will go before Cabinet for consideration because some points of policy are involved. I hope Cabinet will have a chance to consider it on Monday and that I shall have a full report for the honourable member on Tuesday.

CLERICAL ASSISTANCE IN SCHOOLS.

Mr. COUMBE—Some time ago I made representations to the Minister of Education and to the Public Service Commissioner regarding clerical assistance for the Nailsworth Technical High School and other schools. Is the Minister in a position to report on this matter?

The Hon. B. PATTINSON—Last week, in response to representations by the honourable member and the Acting Director of Education, I received a comprehensive report from the Public Service Board containing recommendations on the employment of clerical assistance, not only in the schools referred to by the honourable member but in secondary schools generally. I also received a supplementary report and recommendation from the Acting Director of Education. I submitted both reports and recommendations to Cabinet yesterday, and they are receiving consideration.

GLANDORE REMAND HOME.

Mr. DUNSTAN—Has the Premier a reply to my recent question about the Glandore remand home?

The Hon. Sir THOMAS PLAYFORD—The Chairman of the Children's Welfare and Public Relief Board has furnished the following:—

The remand home proposed to be erected on the northern end of the Glandore Boys' Home property will be an entirely separate and complete institution. The site was selected

in view of the short distance from the city and the added convenience of being in close proximity to public transport facilities.

RAILWAY REFRESHMENT ROOMS.

Mr. HAMBOUR—Is the Government prepared to consider leasing the refreshment rooms at the Adelaide railway station and at country stations in view of the losses they have made in the last two years?

The Hon. Sir THOMAS PLAYFORD—This, of course, involves a question of policy. Railway refreshment rooms have always been regarded more as an adjunct to the railways to facilitate travel than as a direct source of revenue, although the Government would naturally be concerned about losses. I will submit the question to the Railways Commissioner. I would not favour handing refreshment rooms over merely to make them profitable if the travelling public would be adversely affected, but to the greatest extent possible the cost of the service should be refunded to the department, and I will see whether that can be done.

HENLEY BEACH AND GRANGE RAILWAY REVENUE.

Mr. FRED WALSH—Will the Minister of Works ask the Minister of Railways to obtain a report from the Railways Commissioner on the amount of revenue derived from the Woodville-Henley Beach railway service between June 1, 1956, and June 30, 1957, and from the Woodville-Grange service between July 1, 1957, and June 30, 1958?

The Hon. G. G. PEARSON—I will ask my colleague to submit the question to the Commissioner.

WOODWORK INSTRUCTION.

Mr. BOCKELBERG—Will the Minister of Education consider giving courses in woodwork to the headmasters of some country schools so that scholars who wish to learn woodwork may have the opportunity to get the same instruction as those in the larger schools?

The Hon. B. PATTINSON—I shall be very pleased to discuss the matter with the Acting Deputy Director of Education and inform the honourable member of the result.

PORT AUGUSTA CRAFT CENTRES.

Mr. RICHES—Has the Minister of Education a reply to a question I asked last week concerning the availability of craft centres at Port Augusta?

The Hon. B. PATTINSON—I have a very lengthy reply that I was hoping to place before the honourable member for him to read. If I let him have all the correspondence he could perhaps ask another question tomorrow.

MYPOLONGA WATER SUPPLY.

Mr. BYWATERS—Has the Minister a reply to my recent question about the proposed water supply at Mypolonga?

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

Revised estimates of cost are being prepared by the Engineer for Irrigation and are expected to be available by October 10, 1958. An assessment of probable income by departmental officers will then be necessary, and it is anticipated that a recommendation will be submitted by October 24, 1958.

REPORTS OF SUBMARINE SIGHTINGS.

Mr. QUIRKE—I have been concerned about reports of submarine sightings that have appeared in the daily papers recently. Whether they are whales or other objects we do not know, but I am concerned about the time between the reported sightings and the taking of any action. If these objects are only whales they are no danger to us, but should they be something else, what protective mediums are there around the coast in the way of surface or other vessels that can at once get into action following these reports? It appears to me that the delay is such that it could, in a time of emergency, present great danger.

The Hon. Sir THOMAS PLAYFORD—These matters, of course, fall directly within the scope of the Federal Government, which is responsible for defence, and more particularly would come under the control of the naval authorities. I point out, however, that once a report is issued in any part of Australia about a mysterious object being sighted at sea it seems to be possible for a similar mysterious object to be seen in the course of the next few days over an area of 10,000 miles by 50 different people. If the navy were to have regard to all the reports of this nature that come in and about which publicity is given we should need a very large navy. The naval authorities no doubt enquire into reports made and the possibility of their requiring further investigations. In this instance a mysterious object was sighted by people in Victoria and almost simultaneously there were similar sightings in South Australia. It would have been physically impossible for even the fastest vessel to be in both places at the time mentioned, yet the sightings were reported and given

publicity. We must look at these matters in a balanced way, and in my opinion it would be futile to try to chase down every Loch Ness monster that is reported for some reason or another.

ELIZABETH SOUTH SCHOOL.

Mr. JOHN CLARK—On Saturday last I had the honour to propose a vote of thanks to the General Manager of the Housing Trust, who officially opened the school at Elizabeth South. No happier choice of opener could have been made in that area, but I was disturbed to find that the Elizabeth South school now has over 1,500 children. I had the opportunity of going through the rooms and considered that the work being done was excellent, but I feel that such numbers are too large, and I think the Minister will agree with me. I know the difficulties in that area, but I ask the Minister whether the department has any considered policy for the future regarding the size of schools.

The Hon. B. PATTINSON—I agree with the honourable member that 1,500 is too large for a school, although the Forbes school has over 1,600. However, we cannot do much about it until we are able to build and open more schools and relieve the pressure in the larger schools. The honourable member is probably aware that we have a large and ambitious building programme for Elizabeth, but I do not think we can do anything to reduce the numbers at Elizabeth South school at present.

DRIVING LICENCES.

Mr. HUTCHENS—Has the Premier a reply to the question that my colleague, Mr. Tapping, asked on September 16 about the minimum age for obtaining driving licences?

The Hon. Sir THOMAS PLAYFORD—I have received the following reply from the Registrar of Motor Vehicles:—

As far as I am aware, no recommendation has been received during the last few years from any responsible body, including the State Traffic Committee, in favour of fixing the age limit for the issue of driving licences at 17 years. Nor has any evidence been submitted that the incidence of vehicular accidents is higher in the 16-year age group than in the other teenage groups. However, the following information is submitted for your consideration:—

1. The South Australian minimum age for the issue of driving licences is the lowest in the Commonwealth. Details of the other States are:—

State.	Minimum Age.
New South Wales	17
(Motor lorries over 2 tons and passenger carrying vehicles, 21)	
Victoria	18
(Tractors, 16)	
Queensland	17
Western Australia	17
(Motor lorries over 2 tons, 20; conductor's licence, 21)	
Tasmania	17
Northern Territory	17

2. This would indicate a strong case for increasing the South Australian age to 17 years on the ground of uniformity. This is the age recommended by the Australian Road Traffic Code Committee. However, as there has been no action taken in this State to achieve uniformity with the other States with respect to classification of driving licences, driving tests, and conditions of issue, the Government may not be interested in raising the age limit on this ground alone.

3. Last year representations were made to this department by insurance companies that the age limit was too low. Although the companies stated that 16-year olds were involved in a large number of accidents, the information available did not indicate that there was a higher percentage of accidents in this group than in the other teenage groups.

Age.	Percentage of licences held to total licences.	Percentage of accidents to total accidents.
16	1.07	.75
17	1.78	1.6
18	1.97	2.0
19	2.07	2.4

In view of this I was not prepared to make any submission to the Minister.

The lowest percentage of accidents in the teenage group relates to drivers aged 16, and the percentage increases as they get older. Therefore no case is made out for altering the law. The report continues:—

4. It is suggested that the Gallup poll does not indicate public opinion, at least in the mature age groups, and that there would be public support in the mature age groups for an increase in the age limit. I consider that the question of raising the age limit for the issue of driving licences is a matter of opinion. There is a case for the increase on the ground of uniformity with the other States, but if the Government does not desire to make any alteration then the statements made by the Treasurer are correct, *viz.*, that no recommendation for an increased age limit has been made by any responsible body, and there is no evidence that the incidence of vehicular accidents is higher in the 16-year age group than in the other teenage groups.

PROSECUTION OF TRUCK DRIVER.

Mr. JENNINGS—Has the Premier a reply to my question asking him to investigate a case regarding a constituent of mine who had been convicted and fined for being the

employed driver of a vehicle which did not have painted on its side the owner's name and the unladen weight of the vehicle?

The Hon. Sir THOMAS PLAYFORD—The Chief Secretary has furnished me with the following report from the Commissioner of Police:—

Subsection (3) of section 177 of the Road Traffic Act provides that either the driver or the owner can be prosecuted, but not both. In assessing culpability the following tests are applied by the Adjudicating Panel. Where a vehicle is driven by an employee and it is faulty as regards some article of equipment (and for the purpose of adjudicating the Panel considers that name, etc., is equipment) the Panel considers whether or not the driver knew the vehicle was faulty. If he is unaware that the vehicle is offending then the owner is prosecuted. If the driver does know that the vehicle is faulty and he has pointed out the fact to the owner who declines to do anything about it the owner is prosecuted. If the driver is aware of the fault and the owner is ignorant of the fact then the driver is charged. The general tendency is to hold the owner responsible. In view of the manner in which these provisions of the Act are applied it is not considered that any amendment is warranted.

Mr. Jennings—Will you have this particular case investigated?

The Hon. Sir THOMAS PLAYFORD—If the honourable member will let me have details of the case I will get him a report.

MILLICENT HIGH SCHOOL.

Mr. CORCORAN—Can the Minister of Education say whether any finality has been reached regarding the purchase of land for a high school at Millicent? When I asked a question on this subject previously he said it might be necessary to use powers under the Compulsory Acquisition of Land Act, though he hoped that would not be necessary.

The Hon. B. PATTINSON—I cannot announce any finality, but notice to treat was served on the owners and they, through their solicitors, have been negotiating with the Crown Solicitor. I hope finality will soon be reached.

GAWLER RACE PROTEST.

Mr. FRED WALSH—I understand the Premier has a further report from the Betting Control Board regarding a recent incident at the Gawler racecourse.

The Hon. Sir THOMAS PLAYFORD—The honourable member previously asked a question, on which I secured a report. He subsequently commented on it and as a result I have now obtained the following information from the chairman of the board himself:—

In Mr. Alexander's memorandum of September 29 he said that the statements of Mr. Walsh, M.P., and of the *News* writer, Kevin Sattler, that the backers of Coremaker in the protest had no chance of collecting were doubtful. In using the word "doubtful" Mr. Alexander was unnecessarily courteous. The Rules of Racing state clearly that if the interference of a placed horse has affected the chance of any other placed horse, the stewards may place the interfering horse immediately after the horse interfered with.

In the race in question the judge placed Peppone, Coremaker and Rehaboam in that order. The rider of No. 3 protested against both Nos. 1 and 2. What then, might the stewards' decision have been? They could have upheld the protests against both Nos. 1 and 2 and placed them immediately after No. 3, or they could have upheld the protest against No. 1 (Peppone) and dismissed the protest against No. 2 and placed No. 2 (Coremaker) first.

The assertions of Mr. Walsh and Kevin Sattler that Coremaker had no chance of winning are therefore clearly wrong. This should not need further demonstration, but it is recalled that in the Mitcham Welter run at Victoria Park on August 22, 1925, the stewards, on protest by the third horse (Pistolano) placed the second horse (Paroodus) first, Pistolano second and relegated the first horse (Biskra) to the third place.

Mr. Fred Walsh—I remember that: I was on the third horse.

The Hon. Sir THOMAS PLAYFORD—The report continues:—

Again in the first division of the Brighton Welter at Morphettville on October 9, 1926, the third horse protested against the first horse past the post, and the stewards placed the second horse first, the third horse second, and the first horse third. There were two cases in 1944 when the rider of the third horse protested against the first and second horses. In each case the protests were dismissed. Some backers claimed, like Messrs. Walsh and Sattler, that they had no chance of winning, but it was ruled by the Betting Control Board that, as the stewards had power to place the second horse first, the bets stood. Those events were on November 4, 1944, at Morphettville and on November 25, 1944, at Caulfield.

In view of the doubts about this matter, I seriously advise honourable members not to make bets in such circumstances.

FLINDERS RANGES COLOUR FILM.

Mr. RICHES—Has the Premier a reply to the question I asked last week about the Tourist Bureau making a colour film of the Flinders Ranges?

The Hon. Sir THOMAS PLAYFORD—I have a report, dated today, as follows:—

A still photographer from the Government Photolithographer's branch is leaving tomorrow and the Bureau's cinematographer is leaving

on Monday next to take pictures of the excellent displays of wild flowers in the Flinders Ranges this year.

NARACOORTE POLICE RESIDENCE AND COURTHOUSE.

Mr. HARDING—At present the old police residence, courthouse and outbuildings at Naracoorte are being demolished. Can the Minister representing the Chief Secretary say whether tenders were called and whether this work was let under contract? Has Cabinet reached a decision as to whether another building will be erected on this site and, if so, which department will occupy it?

The Hon. Sir THOMAS PLAYFORD—I will get a report.

LOXTON SOUTHERN IRRIGATION MAIN.

Mr. STOTT—I have received a letter from the President of the Loxton Land Settlement Association concerning a question I asked last week about the southern irrigation main in that settlement. He writes as follows:—

The present situation is this. When a rubber sealing ring (which I suspect were the wrong size when fitted) blows out and a leak occurs, the Department of Lands construction gang digs out the offending pipe and lead caulks the joint. This means a stoppage in the flow of irrigation water to the southern portion of the settlement for 24 hours or more, the subsequent loss of hundreds of man hours of work to the settler and the overwatering of hundreds of acres of land by re-running water down furrows that had not been completely watered at the time of the stoppage. We have been told that this method of caulking leaks is quite satisfactory and will eventually solve the problem, but if this is so why do not the department dig out and caulk all joints on the offending section of the line and so save these continual stoppages during irrigations? I suspect the reason for not doing this is the fact that when all joints are caulked, the line will become rigid and pipes will start cracking, necessitating the relaying of the main—something that we settlers have been advocating for the past four or five years.

Apparently there is no-one willing to take the responsibility of recommending that this line be relaid and in the meantime we settlers face, in addition to the frustration of the hold-ups and the loss of man hours of work involved, the ever present possibility of heavy crop losses through cessation of irrigations during the crucial mid-summer months. This is not a remote possibility as two irrigations ago the water was held up for over a week while 14 leaks were mended. A stoppage of irrigating water for this length of time during a heat wave in late December, January or February could mean the loss of thousands of pounds to the settlement.

Will the Minister of Lands get an exhaustive report on the matter, investigate the position from the engineer's point of view to see whether lead caulking answers the problem, and ascertain what steps can be taken to overcome the danger of water not being available during the crucial months?

The Hon. C. S. HINCKS—I think the question bears out the answer I gave last week on this matter. With the engineers I have inspected the area and this is one of the difficult problems to be overcome. I will take up the matter with the engineers, but I feel sure their reply will be similar to the one already given.

BRAKES ON RAILCARS AND MOTOR VEHICLES.

Mr. QUIRKE—Has the Premier a reply to the question I asked on September 30 regarding exhaust brakes being placed on heavy passenger vehicles operating in the Adelaide Hills and on railcars?

The Hon. Sir THOMAS PLAYFORD—This matter of brakes on railcars was raised also by the Leader of the Opposition. The reply to Mr. Quirke is as follows:—

My colleague, the Minister of Railways, advises that the use of exhaust brakes as suggested by the honourable member on 250 class and 300 class railcars is not practicable for the reason that the exhaust brake relies for its operation on a positive transmission between the engine and the road wheels, the engine being arranged to give a high retarding force. The honourable member further elaborated his suggestion, *vide Hansard* 30/9/58, but the equipment which he describes is applied to heavy road transports, which are provided with direct mechanical transmission. The 250 class and the 300 class railcars, however, use hydraulic transmission, and for technical reasons it is not feasible to use the engine as a retarding braking force. As indicated in the reply to the question by the member for Frome, steps are being taken to reduce the hazard from damage to the braking equipment on our railcars to a negligible minimum.

The reply to Mr. O'Halloran is as follows:—

My colleague, the Minister of Railways, advises that the airbraking system of the 250 class railcars is designed to operate automatically under all conditions, covering disability of the driver, parting of the train, or the operation of emergency valves by passengers. However, should the braking system fail because of mechanical damage to the components in a way critical to the actual operation of the brake, then an alternative means of stopping the railcar is provided by the handbrake. Unfortunately in the case of the accident at Strathalbyn both the air and the handbrake systems were rendered inoperative. The probability of this dual damage to two sets of equipment located in different parts of the car would be very small. However, modifications are being made to the 250 class cars to

improve the protection of these critical components and so reduce the probability of a similar occurrence still further.

Acting upon the suggestions, the Railways Commissioner is taking active steps to eliminate the difficulty.

Mr. QUIRKE—Will the Premier obtain a report regarding the use of exhaust brakes on heavy vehicles operating in the Adelaide Hills?

The Hon. Sir THOMAS PLAYFORD—I understand one or two difficulties are associated with the use of these brakes. There have been one or two serious accidents and it has been suggested that the brakes were faulty. I will get a report from the Police Commissioner.

REDUCED RELIEF PAYMENTS.

Mr. HUTCHENS—Has the Premier a reply to the question I asked on September 25 regarding the reduction in some payments made by the Children's Welfare and Public Relief Department?

The Hon. Sir THOMAS PLAYFORD—The chairman of the board reports as follows:—

Recently the Children's Welfare and Public Relief Board reviewed the method of granting State relief, which was largely at the discretion of the interviewing officers, subject to certain limitations depending upon the size of family, rent, etc. The board decided upon a schedule of ceiling amounts of family income, varying with the size of the family, up to which State relief could be granted. This new scale has caused a reduction of the amount of State relief in some instances and in others an increase. However, the result is that applicants in need are now being assisted on exactly the same basis, according to their circumstances and size of families. A copy of the schedule of current rates is attached.

The schedule is long, and as it may be of interest to members I ask leave to have it included in *Hansard* without being read.

Leave granted.

The schedule was as follows:—

INTERVIEWING OFFICERS.

The necessary Ministerial approval has now been given (in A.O., 9/58) to a scale of State relief recently recommended by the board (*Vide* CWD., 481/58).

The details of this scale of relief are attached.

There are several qualifications, and these are:—

(*a*) Income from all sources is to be taken into account in arriving at total family income shown on the scale, with the exception that any assistance granted by charitable, philanthropic and similar organizations will be excluded.

(*b*) An allowance for actual rent or interest, or rates, etc., paid on the home, up to a maximum of £2 per week, may be allowed above the maximum total family income shown on the scale, but with the proviso that no consideration will be given for rent in regard to applicants seeking relief for unemployment or sickness reasons until one month after the date of cessation of wages.

(*c*) Destitute single persons (without any income) may be granted relief up to 30s. per week (male) and 40s. per week (female); married persons without family responsibility to be classed as single. If single, under 21, living at home—Nil.

(*d*) Wages of working children in the family living at home to be assessed as under:—

Weekly earnings up to.	Board paid.	Assessable as income.
£ s. d.	£ s. d.	£ s. d.
3 0 0	1 15 0	—
4 0 0	2 0 0	—
4 10 0	2 5 0	0 5 0
6 0 0	2 10 0	0 10 0
7 0 0	2 15 0	0 15 0
7 10 0	3 0 0	1 0 0
8 0 0	3 5 0	1 5 0
9 0 0	3 10 0	1 10 0
10 0 0	3 15 0	1 15 0
11 0 0	4 0 0	2 0 0
12 0 0	4 5 0	2 5 0
13 0 0	4 10 0	2 10 0
Over 14 0 0	5 0 0	3 0 0

(*e*) Applicants for relief eligible for Commonwealth Unemployment or Sickness Benefits (either single or married, with or without families) having bank balance or cash in hand are not eligible for State relief.

(*f*) Applicants who are widows with children, invalid pensioners, married with or without children, and aged pensioners to be permitted to have a maximum of fifty pounds (£50) in bank or cash in hand.

(*g*) Applicants for State relief owing to unemployment or sickness are not eligible until one week after cessation of wages, due consideration being given to the last amount of wage received.

(*h*) Persons or families (including single mothers) not qualifying for Commonwealth Pension or benefits, may, at the discretion of the Chief Relief Officer, be allowed State relief so as to bring the total income from all sources to the amount of total family income shown on the scale.

(*i*) All new cases where Commonwealth Unemployment or Sickness Benefits are pending should be assessed at "cost of food coupons" plus £1 per week per family; other cases to be decided at the discretion of the Chief Relief Officer, or officer acting in his place, except as provided in "C."

(*j*) All new applicants for relief must produce bank books, rent book or receipts for rates and taxes, pension cards,

registration certificates or passports where relevant.

(*k*) Husband in gaol—Assess as for "D" class widows when qualified as such.

(*l*) Husband in hospital or mental home—Assess as for sickness benefit less £2 per week whilst husband in hospital, except where Commonwealth assistance is already granted.

The scale of rates attached and qualifications outlined above will not be departed from without the special approval of the Chief Relief Officer or the person acting in that position, who will be permitted to exercise his discretion according to the circumstances of any particular case.

The Chief Relief Officer or person acting in that position is authorized to grant, at his discretion, any lesser amount than that prescribed, if thought fit, or to refuse assistance altogether, according to the circumstances of the case and the assets involved.

Interviewing officers must insist on evidence that income from all sources is shown as declared income.

All assessing officers or others actually assessing or granting relief will be responsible to ensure that the above scale and qualifications, as set out, are strictly adhered to. However, should a case contain any special or unusual circumstances which seem to justify special consideration, the application is to be submitted to the Chief Relief Officer for his consideration and approval, or otherwise.

This instruction will operate from and including Monday, 28th July, 1958.

25th July, 1958.

J. OATES, Chief Relief Officer.

Total Amounts of Income Allowable in Assessing State Relief, including Child Endowment.

No. of children.	Widows' pension, "A" Class, £4 12s. 6d. Table A.	Widows' pension, "D" Class, £3 15s. 0d., also special benefits. Table A1.	Invalid pension, plus wife and child allowance, £6 2s. 6d. Table B.	Age pensioner with wife, £4 7s. 6d. Table C.	Sickness and unemployment benefit. Table D.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
–	4 12 6	3 15 0	6 2 6	5 17 6	5 12 6
1	5 7 6	4 10 0	7 9 0	7 0 0	6 7 6
2	6 15 0	5 17 6	8 16 6	8 10 0	8 0 0
3	8 0 0	7 2 6	10 0 0	10 0 0	10 0 0
4	10 0 0	9 2 6	12 0 0	12 0 0	10 10 0
5	11 10 0	10 12 6	13 10 0	13 10 0	11 0 0
6	13 0 0	12 2 6	15 0 0	15 0 0	11 10 0
7	*14 0 0	13 2 6	16 0 0	16 0 0	12 0 0
8	†15 0 0	14 2 6	—	—	12 10 0

* Basic wage plus child endowment totals £16 1s. 0d.

† Basic wage plus child endowment totals £16 11s. 0d.

Rent—

An allowance for actual rent or interest, or rates, etc., paid on the home, up to a maximum of £2 per week, may be allowed above the maximum total family income shown on the scale.

Guardians—

Cost of food coupons as per age, plus 5s. per week cash.

Women, employable, with family responsibilities, not eligible for widows' pension—

For mother.—Single woman's rate of £2 per week, if not receiving Social Services benefit.

For each child.—Cost of food coupons, plus 5s. per week per child cash. (Income other than Child Endowment to be deducted.)

WOOL CARTAGE TO ADELAIDE.

Mr. O'HALLORAN—Last week I had two complaints from country people about carriers bringing wool to Adelaide over controlled routes to the detriment of at least one country carrier who formerly carted most of the wool to the railways for dispatch to Adelaide. I wondered whether the Transport Control Board issues permits to carriers to cart wool by road to the metropolitan area. I know that a large number of primary producers with vehicles registered at half rates cart wool in their own vehicles, but this matter relates only to ordinary carriers bringing wool by road to Adelaide. Has the Minister anything to report?

The Hon. G. G. PEARSON—I will ask my colleague to consult the Transport Control Board on the matter and get a reply.

WAIKERIE HIGH SCHOOL.

Mr. STOTT—Has the Minister of Education any further information to give me about the Waikerie High School?

The Hon. B. PATTINSON—I soon hope to receive, through the Acting Director of Education, a report from the headmaster on the position. I have no information at present.

ROADS IN PETERBOROUGH DISTRICT.

Mr. O'HALLORAN (on notice)—

1. What amount was provided from Highways Department funds during the financial year 1957-58 to assist the Peterborough District Council in maintaining (*a*) main roads in its area; (*b*) district roads in its area?

2. What amount has been provided for maintaining these roads during 1958-59?

3. As the school bus from Terowie to Peterborough *via* Yongala has to use a district road from Gumbowie to Yongala, has any special provision been made to assist the district council in maintaining it in good trafficable condition?

The Hon. G. G. PEARSON—The replies are:—

1. 1957-1958:

	£
(*a*) Main roads	28,500
(*b*) District roads	3,823
	£32,323

2. 1958-1959:

	£
(*a*) Main roads	27,000
Plus (for Yongala streets, including value of metal to be supplied by the Highways Department)	10,000
	£37,000
	£
(*b*) District roads	2,316
Plus (for Yongala Streets, including value of metal to be supplied by the Highways Department)	12,000
	£14,316

Thus the 1958-1959 grants are £51,316. In addition it is anticipated that an additional £5,000 will be provided for the main Broken Hill Road.

3. Gumbowie-Yongala district road, £350—which is included in the amount shown in answer to question 2 (*b*).

LEAVE OF ABSENCE: MR. TAPPING.

Mr. HUTCHENS—I move—

That one month's leave of absence be granted to the honourable member for Semaphore (Mr. H. L. Tapping) on account of ill-health.

Motion carried.

THE ESTIMATES.

In Committee of Supply.

(Continued from October 2. Page 1048.)

MINISTER OF AGRICULTURE AND MINISTER OF FORESTS.

Minister of Agriculture Department, £6,001—passed.

Agriculture Department, £789,154.

Mr. O'HALLORAN—In the absence through sickness of the Minister of Agriculture, perhaps the Minister of Works could answer my query. Last year the substantial sum of £3,644 was made available as a contribution towards grasshopper control trials, but this year only £167 is provided. I understand that the original contribution was to a nation-wide fund to see if some practical measures could be evolved to control this pest whose ravages in some areas are serious. Has any satisfactory measure been evolved?

The Hon. G. G. PEARSON—By arrangement with other States, particularly New South Wales, trials are conducted regularly in a long-term period. The amount of £167 is South Australia's share of the cost of this trial. I cannot say whether anything conclusive has been found out from these trials.

Line passed.

Agricultural College, £121,344; Produce Department, £225,642—passed.

Fisheries and Game Department, £19,457.

Mr. BYWATERS—I understand that a request has been made for more inspectors for the Fisheries and Game Department. Can the Minister of Works say whether additional inspectors have been appointed or are likely to be?

The Hon. G. G. PEARSON—Requests have been made at various times by various people for more inspectors, and additional inspectors have been appointed: in the last six months two, if not three. I cannot say whether more appointments are contemplated or pending.

Line passed.

Chemistry Department, £48,741—passed.

Miscellaneous, £404,920.

Mr. O'HALLORAN—Last year £5,000 was voted for subsidies to councils for the control and destruction of proclaimed weeds on travelling stock reserves and other land, but only £473 was spent. It is proposed to allow £1,250 this year for this purpose. I, like a number of other members, am concerned about the spread of noxious weeds in different parts, as I think the position is getting somewhat out of hand. Although the responsibility of checking weeds resides in the main in the individual

landholder, the Government, with its travelling stock reserves and various other reserves, is not blameless. The amount I am now discussing is a subsidy made available to councils, and it seems to me that if £5,000 was required last year, at least the same amount should be allowed now, even though only £473 was spent last year. The Committee is entitled to know whether that small expenditure was due to the fact that councils generally do not take much interest in the matter and did not take many steps to destroy noxious weeds on these reserves, stock routes, etc., within their boundaries, or whether councils lost interest because the Government was so parsimonious in its financial contribution in days gone by. This is a very important matter. Some landholders in the north of the State have taken all possible steps to keep their properties free of noxious weeds, but they find adjacent travelling stock reserves with a prolific growth. Therefore, their efforts have been useless. I think the Government has recently met the case to some extent by appointing an inspector to see that the control of noxious weeds is more efficiently carried out. We should either make an adequate amount available to councils to carry out this work and see that they do it properly, or take it out of their hands and put it under the control of a Government inspector.

The Hon. G. G. PEARSON—I do not agree with the Leader of the Opposition that it is useless for landholders to eradicate their weeds if the outside land is not treated. Both should be treated simultaneously. The department's plans for weed control were disturbed by the untimely death of Mr. Hector Orchard, but I believe another officer has now been appointed. The department is making further efforts to cope with the problem on the biological side, both as regards weeds and vermin. If the money voted is insufficient I am sure the Treasurer will arrange for excess warrants or some other means to get further money.

Mr. HUTCHENS—Can the Minister say when compensation payments will be made in respect of fruit picked during 1957-58, and how will people be advised of when compensation will be paid?

The Hon. G. G. PEARSON—The sum of £70,000 has been provided to cover compensation for the outbreaks of fruit fly at Port Augusta in 1957 and in the metropolitan area in 1958. Usually, claims have to be lodged before a specified date, and when they are received and assessed the payments are made. I cannot tell the honourable member just when the payments will be made.

Mr. LAUCKE—An amount of £100 is proposed for wheat crop competitions. These competitions serve a useful purpose in fostering interest in good crop husbandry and encourage the growth of high quality wheats. Only £23 was used from this line last year. Can the Minister say how the money was spent?

The Hon. G. G. PEARSON—It was spent in subsidies paid to wheat crop competition committees, but the department has been concerned about the effectiveness, or otherwise, of the competitions as it doubts whether they achieve the purpose the department has in view.

Line passed.

MINISTER OF IRRIGATION.

Department of Lands (Irrigation and Drainage), £474,801.

Mr. BYWATERS—Under "Irrigation Areas," there is a line, "District Officers—Waikerie, Barmera, Murray Bridge, Berri, Loxton, £8,115," which is a decrease of £401 on last year. What is the reason for the decrease?

The Hon. C. S. HINCKS—The amount of £201,919 for irrigation areas covers the staff of area officers, water masters, foremen, pumping station engineers, and an apportionment of salaries of Engineering and Water Supply Department officers engaged on irrigation work. It also covers the wages of maintenance and pumping station employees in the irrigation and reclaimed areas. The decrease to which the honourable member refers is a small one, and may have been caused by the transfer of one officer to another department, but I will get a reply for the honourable member.

Line passed.

Miscellaneous, £211,000—passed.

MINISTER OF MINES.

Mines Department, £741,015.

Mr. O'HALLORAN—My question relates to the Research and Development Branch of the Department for which the total amount proposed is £46,240. I assume this branch controls the experimental laboratories at Parkside and Thebarton which members inspected some time ago. We were all impressed with the excellent work being undertaken in fostering the development of mineral resources and assisting those bodies engaged in mineral production in Australia. The officers are to be commended for their enthusiasm and for the results they have obtained. I understand

a conference was held in Adelaide recently with a view to changing the method of control of those laboratories. Has the Treasurer any information on this?

The Hon. Sir THOMAS PLAYFORD—These laboratories were first established with the object of providing facilities for working out processes—particularly for uranium separation. At that time no laboratories suitable for that purpose existed in Australia. These laboratories have been an unqualified success. The Thebarton branch does the practical work and the Parkside branch the advanced scientific investigations. Some time ago the State communicated with the Commonwealth about the maintenance of the laboratories because much of their work is performed on behalf of authorities outside the State. Although they are charged for the work undertaken there still remains a heavy obligation on the State Government in maintaining the laboratories. The Commonwealth Government replied that it was interested in entering into a partnership, but suggested it should be on the basis of establishing a company comprising the State Government, the Commonwealth and representatives of the mining industry, and that each of the authorities should contribute towards the cost of upkeep. A conference was recently held in Adelaide, attended by representatives of the Commonwealth, State, the Commonwealth Scientific and Industrial Research Organization and various mining organizations. At the moment some sections of the mining industry are up against it because of loss of markets and low prices, but substantial progress was made and the mining companies agreed to pay a limited amount to support the laboratories. Although the State will probably have to pay more than half the total expenditure, some relief will be obtained and we shall still have the benefit of the laboratories which will be available for our industries. It may be necessary later this session to introduce legislation relating to this matter. I do not think there will be any difficulty in reaching agreement because all parties have the same objective: the effective use of the laboratories.

Mr. LOVEDAY—Last year an amount of £2,000 was provided for aerial magnetometer survey and only £105 was spent. This year no money is provided. In view of the fact that a survey was proposed for an area along the north-west railway line and north of it, does the absence of an amount indicate that this proposal has been temporarily abandoned?

The Hon. Sir THOMAS PLAYFORD—I think the correct position is that as a result of surveys we have collected much material which has to be evaluated and this work takes time. In one instance it took two years' work to interpret the information obtained. At present the officers concerned are engaged on seismic work in the Innamincka area. I assure the honourable member that there is no abandoning of the project.

Line passed.

MINISTER OF MARINE.

Harbors Board Department, £1,386,710; Miscellaneous, £8,300—passed.

MINISTER OF RAILWAYS.

Railways Department, £14,734,000—passed.

Transport Control Board, £17,412.

Mr. HAMBOUR—Earlier this session I asked questions about the fee charged for the transport of stock from dry areas to good pastures in the south. At the time I was told the fee was 10 per cent, but on inquiry I learned it could have been 5 per cent and in some circumstances less. It is difficult for producers to follow the position and a definite fee should be fixed, say 5 per cent. If the stock were taken for sale elsewhere perhaps the fee could be 10 per cent. It is much more convenient to transfer stock by road than by rail. One disgruntled landowner in my district was charged 10 per cent and then found he could have been charged only 5 per cent. It was useless to appeal because it was his own fault: he did not set out in detail the number of miles covered from his property to the railway despatch station and from the rail station to the destination property. I ask that this matter be considered so that producers will know where they stand.

The Hon. Sir THOMAS PLAYFORD—I will investigate the matter to see whether a general formula can be fixed and made public.

Line passed.

MINISTER OF ROADS AND LOCAL GOVERNMENT.

Office of Minister, £5,218—passed.

Highways and Local Government Department, £373,761.

Mr. FRANK WALSH—Last year's Highways Commissioner's report showed that 308 road hauliers had been prosecuted and 308 warned for overloading their vehicles, and that the fines amounted to £5,727. I believe that this year 603 drivers have been prosecuted, and that the fines amount to £11,230. Others were prosecuted for speeding with heavy loads.

About £9,000,000 is being spent this year by the department on roadworks. Recently the Highways Commissioner said a duplication of the South Road from Darlington to Noarlunga was necessary, which indicates that this road is used by a large number of vehicles, the owners of which pay registration fees and petrol tax, yet the operators of the heavy vehicles using our roads on interstate business pay no fees. The Victorian Government introduced legislation to provide that these people must pay a road tax, and I thought this Government would introduce similar legislation, but it has not done so. Is it afraid such legislation would affect primary producers? Although most hauliers are willing to pay taxes, they will naturally get out of doing so if they can. These people pay nothing, yet they clutter up the roads for other road users who pay taxes. How can the Highways Commissioner be expected to provide highways when hauliers can use them without making any contribution towards their maintenance? How much longer will the Government allow these people to use the roads without making any contribution towards their upkeep?

Mr. O'HALLORAN—As I said on a previous occasion, it is a pity the Minister in charge of such important matters as roads and railways is not in this House. I support the remarks made by the deputy Leader about interstate hauliers, and remind members that a few years ago we enthusiastically passed legislation to collect from these people a fair contribution for the roads they use, but the High Court and Privy Council just as enthusiastically rejected it as *ultra vires* section 92 of the Constitution. However, since then Victaria has found a method to deal with this matter that is proof against disallowance by any of the superior courts, and one would have thought that the Premier, who was so enthusiastic a few years ago to see that hauliers made some contribution towards the roads they use, would contemplate doing something about it; but as someone else thought of it first, apparently it is *infra dig* for him to follow in the footsteps of another Premier, even though he belongs to the same political organization as this State's Premier. Apparently the Premier has more confidence in Labor Governments than in Liberal Governments, as he was prepared to follow the example of the Labor Government in New South Wales, whose legislation was unfortunately thrown out by the Privy Council. Since then the Liberal Government in Victoria has passed legislation to deal with this matter, and it has been followed by the New South Wales and Queensland Governments. It is unfair to expect the motorist to make substantial contributions towards the construction and maintenance of roads, as he is doing through petrol taxes and registration fees, and not to be compensated in any way by interstate hauliers who also use them. Two-thirds of the main road from Adelaide to Broken Hill in my electorate is lightly graded, with some rubbling and gravelling here and there. That road was made for the benefit of Broken Hill people and for people in the north-east of South Australia who, for many years, had to use the roads the Lord provided.

The former Minister of Works (Hon. Sir Malcolm McIntosh) accompanied me on an inspection of this road, and he had it substantially improved. However, it was not intended that it should be used by interstate hauliers. Today they are using that road and taking valuable freight traffic from the railways, leaving the poorer paying commodities, such as wheat and superphosphate, to be carried by the railways. If that is allowed to continue we shall have to raise the freight rates on wheat and superphosphate. Last week-end I travelled over this road and saw the damage being done by heavy transports. I am sure the main Adelaide-Melbourne highway has cost an enormous sum in maintenance in recent years as a result of its use by heavy transports. The trend nowadays is to build bigger and bigger road transport vehicles. Additional axles and wheels are being provided, but our roads are not capable of carrying huge weights. There is a limit of 14 tons that can be carried over most English highways, and some time ago I said this limit should be imposed for the Broken Hill highway, but nothing has been done.

We hear many complaints about heavy registration fees and the petrol tax, but we hear little about the high sales tax on motor vehicles, tyres and spare parts. I understand that last year the Commonwealth Government collected about £140,000,000 from this source, but only an infinitesimal portion was returned to the States for building roads. According to the press, the Highways Commissioner has said it is impossible to carry on the work of his department properly with the money he is getting. It is time the Government asked the Commonwealth Government for a greater share of sales tax for the purpose of road-making. Except for the main streets of towns

in my district, there is not one mile of sealed road.

Mr. Bockelberg—You haven't got that on your own.

Mr. O'HALLORAN—My district, and the district of Eyre, are great producers of wealth, particularly wool. People in outback areas are entitled to more consideration than they are getting. Money was placed on the Estimates three years ago for the sealing of the road between Stirling and Quorn, but it was used for combating the Murray floods. Last year I was promised that something would be done about this road, but nothing has been done yet. During the last election campaign the Treasurer accused the member for Stuart and me of opposing a Bill to help the people of Quorn, but he should now find money to seal the road from Stirling to Quorn and replace what has become known as "Madman's Bridge."

Mr. LAWN—The Government has twice introduced legislation prescribing registration fees for interstate hauliers, but on each occasion the High Court ruled it as invalid. Another Government has passed legislation which has received the approval of the High Court, but this Government has not brought down another Bill. Therefore, it seems that the Government was insincere in its previous attempts. Interstate hauliers do not have to have means of identification on their vehicles. Last year, in a question, I referred to an interstate haulier's vehicle being parked in a prohibited area in Grenfell Street, just off King William Street, for many hours. A city council inspector could find no means of identification on it. A constable standing nearby said he had been waiting hours for the owner to return. In reply to my question the Treasurer said the Government would legislate to ensure that interstate vehicles had some means of identification, but nothing was done last session, and nothing has been done this, and one is led to believe that the Government is the political stooge of big business.

The Liberal Party talks about free competition, but it does not like Socialism or granting privileges to Government instrumentalities in competition with private enterprise. The Government's failure to legislate in respect of interstate hauliers amounts to a subsidy to private enterprise to the detriment of our railways. Following a recent Premiers' Conference the Victorian Premier made a suggestion about the financial relationships between the Commonwealth and the States which was condemned by our Treasurer. Mr. Bolte later claimed that our Treasurer had not examined the proposal. Probably the Treasurer has not examined the Victorian legislation governing interstate transport.

Mr. John Clark—He didn't think of it first.

Mr. LAWN—That is probably why the master does not want to follow Victoria's lead. For some years I have requested the Government to grant concessional fares to pensioners but it claims it cannot afford it. On one occasion, in reply to a question, the then Minister of Railways—Sir Malcolm McIntosh—in a considered reply said it would cost £30,000 annually. The Government cannot afford to subsidize pensioners' fares, yet it makes no attempt to compel interstate road hauliers to pay towards the cost of the roads they are using and damaging. Ordinary motorists, many of them workers in industry, who only use their vehicles at weekends for family outings have to pay full registration fees to assist in maintaining the roads interstate hauliers are tearing up, and frequently they are forced off the roads by these hauliers.

Mr. Hambour—What about the petrol tax?

Mr. LAWN—I am only referring to direct contributions. The ordinary motorist is compelled by law to have some means of identification on his vehicle. The number plates must be easily discernible. Obviously our legislation favours the interests of big business to the detriment of ordinary motorists.

Mr. HAMBOUR—The Leader of the Opposition suggested that people chose which freight they would transport by rail and which they would consign by road. I know the railways have various rates for different commodities, and I know that it has an arrangement whereby if a person undertakes to consign all his goods by rail he can secure concession rates. That policy could be extended to interstate freight and to goods coming from other States. If merchants in South Australia want concessional rates they should sign an undertaking that all their business will go over the railways.

Mr. Shannon—They are doing that.

Mr. HAMBOUR—The Leader says they are not.

Mr. Shannon—You could enter into an agreement with the railways tomorrow.

Mr. HAMBOUR—I have an agreement with the railways, but I can exercise my discretion as to the means by which goods I get from other States shall travel.

The Hon. Sir Malcolm McIntosh—They have no agreements regarding interstate traffic.

Mr. HAMBOUR—If I enter into an agreement with the Railways Commissioner it becomes my responsibility to ensure that the goods I receive from other States are transported by rail. The agreement referred to by Mr. Shannon applies to goods transported in South Australia, but the Railways Commissioner could suggest that the contract with me be extended to include all goods I have sent to me. It would be most unprofitable for me to forgo the railway concession rates I enjoy in order to have all my goods sent by road.

Mr. SHANNON—The Railways Commissioner is only too happy to enter into arrangements regarding the transport of goods. Earlier today, in a question, Mr. O'Halloran said that primary producers bring wool down to the metropolitan area in vehicles on which they pay only half registration fees. I wonder whether he approves of this concession or whether he favours the payment of the full fee. The question suggested that the concession granted to primary producers denied to the railways the carriage of wool.

Mr. O'Halloran—My question related to road carriers and not primary producers.

Mr. SHANNON—Why bring in the primary producers at all?

Mr. O'Halloran—I especially excluded them. I wanted the Minister to consider the position of ordinary road carriers.

Mr. SHANNON—It is all right if the honourable member favours the concession being granted to primary producers.

The Hon. G. G. Pearson—Why did he mention it?

Mr. SHANNON—I do not know and I want to know just where the Opposition stands in this matter. Mr. O'Halloran suggested that the large interstate road vehicles were a greater menace to the roads than intrastate vehicles. I understand that in South Australia there is a limit of eight tons per axle on both interstate and intrastate vehicles, and the Leader suggested that the multiplication of axles did not have much bearing on the matter because the total weight of the load was the deciding factor. It is well-known that the greater the spread of a load the less weight there is on any particular point. Low loaders have a large number of wheels, not to carry the heavy load but to spread the total weight. South Australia has tried to get a return for the use of our roads by interstate vehicles but without much luck. We have been told that Victoria has the answer to the problem and that she has legislation which cannot be disallowed by the courts. I have talked to the Parliamentary Draftsman about this matter and although he cannot give me the details of the Victorian law he suggested that any form of tax levied by the Victorian Government on interstate vehicles could be declared invalid, according to the decisions already given in the courts. Victoria is now trying to overcome the difficulty by imposing on Victorian vehicles steep rates of tax, so that the highest rates are paid on the heaviest-loaded vehicles. I understand from the Parliamentary Draftsman that under section 92 of the Commonwealth Constitution it is invalid for one State to impose a fee on a vehicle owned in another State. If that is so, all we can do is to step up the rates of tax on our vehicles in order to make good the wear and tear caused to roads by heavy interstate vehicles. I do not know that that is a good policy for it would mean an addition to the cost of goods to consumers, and a burden on week-end private vehicle owners. I do not know that we would be doing the right thing in following Victoria in this matter.

Mr. O'Halloran—Do you know the details of the Victorian system?

Mr. SHANNON—No, but I understand that, in accordance with court decisions, Victoria can no more charge a fee on a vehicle owned in another State than can South Australia, and if that is true Victoria has not solved the problem. If Victoria has something else in mind, Messrs. O'Halloran and Frank Walsh should tell us what it is. The South Australian Government is not hide-bound in any way.

Mr. O'Halloran—It is moribund.

Mr. SHANNON—It has tried two or three times to overcome the difficulty and if Victoria had the answer we would not be any more reticent about accepting it than we were in following New South Wales on the ton-mile proposal. We should not charge our Government with being unmindful of the problem. If anyone has a solution that falls within the legal bounds of the Federal Constitution I am sure this Government will adopt it.

Mr. O'HALLORAN—I hope Mr. Shannon and the Minister will read the *Hansard* report of my previous speech. I compared the position of the primary producer carrying his own wool in his own vehicle, which is registered at a concession rate, with that of the common carrier. The concession given to the primary producer was not intended to allow him to

become, in effect, a road haulier, but to allow him to run about his farm and district at a concession rate. Any competition between the primary producer and the common carrier is unfair to the carrier, and also to the railways. If it continues Parliament will have to consider imposing some distance limit on the use of primary producers' vehicles. When this matter was discussed previously the Treasurer said it would be considered and mentioned a distance.

Mr. Shannon—Many primary producers bring their produce to the market in their own vehicles, and they are the people to whom we should give assistance.

Mr. O'HALLORAN—Yes, and I suggested a 50-mile limit for primary producers' vehicles. I understand that in the district of Flinders wheat will be carted in farmers' own vehicles to the silos, and this will be to the detriment of the roads and the railways.

The Hon. G. G. Pearson—Where did you get that from?

Mr. O'HALLORAN—From the railways unions.

Mr. Heaslip—That is the cheapest way for the farmers.

Mr. O'HALLORAN—I doubt it, especially over long distances. If farmers cart wheat they risk losing much of their crop as a result of storm. I understand that the New South Wales Government intends adopting the Victorian charges on hauliers, and if South Australia imposes similar charges the problem will be solved.

Line passed.

Miscellaneous, £24,425—passed.

APPROPRIATION BILL (No. 2.)

The Estimates having been adopted by the House, an Appropriation Bill for £40,479,000 was founded in Committee of Ways and Means, introduced by the Hon. Sir Thomas Playford and read a first time.

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

That this Bill be now read a second time.

It is founded on the Estimates of Expenditure which have been fully dealt with by the House. Clause 2 provides for the issue of £40,479,000. Clause 3 provides for appropriation of £54,479,000 for the departments and purposes listed in the Bill. This clause also provides for the payment of increases in salaries and wages awarded from time to time and not provided for in the Estimates. Clause 4 provides for payment by the Treasurer of moneys authorized by the Governor by warrant, and the receipts obtained shall be a full discharge for the moneys paid.

Clause 5 makes provision for the use of Loan funds or other public moneys if the general revenue of the State and moneys paid by the Commonwealth Government are insufficient to make payments authorized by this Bill. Clause 6 gives the Treasurer power to make payments included in the Estimates notwithstanding that the amount is in respect of a period prior to July 1, 1958, or at a rate in excess of that in force under a return of the Public Service Board or of the South Australian Railways Commissioner. Clause 7 provides that payments authorized by this Bill can be in addition to other payments. I assure members that this Bill is entirely in keeping with the usual Appropriation Bill.

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

WEIGHTS AND MEASURES ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

INTERSTATE DESTITUTE PERSONS RELIEF ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

FRUIT FLY (COMPENSATION) BILL.

Returned from the Legislative Council without amendment.

FIRE BRIGADES ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

POLICE OFFENCES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 26. Page 523.)

Mr. DUNSTAN (Norwood)—I support the second reading of this Bill, which contains two main provisions. The first repeals section 14 of the Act; the second provides for a new type of offence in cases where people pretend to have been killed or to have committed suicide and disappear, putting the public to great expense and difficulty as a result. A third, and minor amendment, relates to the persons who may, without specific warrant therefor, search motor vessels. I do not think any remarks need be addressed to that provision.

I have fought for the repeal of section 14 of the Police Offences Act, 1953, ever since it was originally introduced. Prior to the Police Offences Act, the old Police Act contained a provision under which persons who lived with and, in effect, lived on aborigines could be convicted of being incorrigible rogues and vagabonds and be punished therefor. In other words, people who sponged on aborigines could be convicted of an offence and dealt with for so doing. The aim, of course, was to protect aborigines from Europeans who lived off them and exploited them. With the repeal of the old sections of the Police Act and their consolidation in the Police Offences Act, section 14—which it is now proposed to repeal—was inserted. It reads:—

Any person who, not being an aboriginal native of Australia, or the child of an aboriginal native of Australia, without reasonable excuse habitually consorts with any aboriginal native of Australia shall be guilty of an offence.

Penalty: £50 or imprisonment for three months.

Prior to 1953 there were two provisions under our Statutes which applied to people consorting with aborigines. The first was the provision I have outlined in the old Police Act. The second, which is still extant, and which this provision will not alter, is the provision in the Aborigines Act which specifically prohibits consorting with aboriginal females. It will still be an offence to consort with an aboriginal female. When section 14 of the Police Offences Act was proposed in 1953 I protested that it was placing far too great a bar on association with aborigines; that it would lead to great abuses and in many cases would prevent effective assimilation; and that it was placing legislation on our Statute Book which, on the face of it, was offensive to the very people it sought to protect.

The then Minister of Works said that the legislation was required because of the difficulty of convicting people who were selling liquor to aborigines and could not be caught under the stringent provisions of the Licensing Act. Of course, any person who is convicted of selling liquor to aborigines is faced with grave penalties, and it was felt that, in many cases, it was difficult to catch a person in the act or to get the necessary evidence to prove he had been guilty of an offence under the Licensing Act. Some provision was therefore required that would go further than the provisions of the Licensing Act. That was the reason then given for this proposal. The House divided on the issue, I feel without very much debate, and, it being 4 a.m., after somewhat acrimonious debate on other clauses of the Bill, the matter went through.

Since then there have been continual protests from the Aborigines Advancement League and other bodies in this State concerning this section of our legislation. I think the purpose behind this legislation was to protect aborigines within our community, but I feel that people's zeal has led them to go too far in this and given rise to abuses we ought not to countenance. Let us see what can be done under this legislation. What does it mean on the face of it? Any person, not being an aboriginal native of Australia or the child of an aboriginal native of Australia, who associates with aborigines who do not hold certificates of exemption under the Aborigines Act is guilty of an offence for consorting, unless he has a reasonable excuse for that habitual consorting. What does consorting mean? It has been defined in the court, not in connection with this section but in connection with those other sections of the Police Offences Act which prohibit consorting. For instance, it is an offence to consort with thieves or prostitutes, and in that connection "consorting" has been defined simply as "an association with, knowing the character of." Another definition that has been given by the court is "to have fellowship with" or "to keep company with." There is no criminal content to the word "consort," nor is there any implication of criminal intention in that word.

Therefore, on the face of it, it means that any person who associates with or seeks to have fellowship habitually with an unexempt aborigine is guilty of an offence unless he has a reasonable excuse for that fellowship or association. That means that a person must have some excuse other than a desire for the fellowship or association. He cannot put up as a reasonable excuse that he wants to do the very thing that is forbidden by the section. If there were a section in our legislation which made it an offence to sit under a certain tree on the banks of the Torrens without reasonable excuse, a person could not come along when arrested for doing so and say, "Well, I like it here and I wanted to sit here." In the same way it is not a reasonable excuse merely to want to do the very thing that is prohibited. A legitimate business relationship might be a reasonable excuse, but the desire to consort or associate or have fellowship with would not be a reasonable excuse under the section.

Let us turn to what effect the section has had in actual prosecutions before the court. The Aborigines Advancement League inquired of the Commissioner of Police what prosecutions there had been under this section since it had been brought into force, and he replied:—

I advise that there have been four prosecutions under section 14 of the Police Offences Act of non-aborigines consorting with male aborigines since 1953, and of this number two persons were convicted.

He provided details of those cases. In case No. 1 the accused was living in a tent on the River Murray with aborigines and being supported by them. There was evidence that he was "keen on" the daughter of the aboriginal man with whom he was living. The daughter was a married woman living apart from her husband. The non-aborigine was, however, simply charged with consorting with a male aborigine and was sentenced to one month's imprisonment at Renmark Police Station. He could have been charged and convicted under the Aborigines Act section without any difficulty, and without any necessity for this legislation. This section was not necessary to meet that particular instance.

Let us have a look at the other case. The accused was supporting himself, but was living with aborigines and supplying them with liquor. He was known to be a low character. He was sentenced to one month's imprisonment for consorting with aborigines and three months' for supplying them with liquor. I emphasize that he was convicted for supplying liquor in that particular case, and there was no need for the charge under section 14 of the Police Offences Act. The very thing the Minister said this section had been passed to prevent had already been proved against him under the Licensing Act, so there was not the slightest necessity for section 14 of the Police Offences Act.

True, this section has been used from time to time by the police for warning off characters from associating with aborigines in circumstances where it was clearly desirable that those characters should not associate with aborigines. This has been the case in some instances in the northern sections of the State, particularly where men have been associating with aborigines and suspected of supplying them with liquor, although they have not been found so supplying them. Cases of this kind have been reported to me by members representing certain northern areas of this State. In the particular cases which have been cited to me, however, the section of the Aborigines Act itself could have been used in most instances.

I have not had any cases cited to me where the Aborigines Act section could not have been used by the police, and I personally feel that in consequence this section as it stands at the moment is unsatisfactory. In some instances warnings have been given by the police, in cases in which people should not have been warned, for associating with aborigines. There have been legitimate associations of people with aborigines, and clearly this is desirable if we are to proceed with the assimilation policy that is the stated policy of the Aborigines Board in this State, and indeed of any aborigines authority in Australia. We cannot proceed with that assimilation policy unless we are prepared to allow association between the unexempt aborigine and the community into which that unexempt aborigine is to be assimilated.

Let me take the example of what happened in the district of the honourable member for Stirling. A well-regarded aboriginal family lived at Victor Harbor. There was no exemption certificate and the breadwinner was employed by a public authority in the town. His neighbour invited him to go to work in his motor car, but he was warned by the police to stop associating with the aborigine because he would make himself liable to prosecution under the Act.

Mr. Jenkins—The position was rectified later.

Mr. DUNSTAN—Yes. The police officer was within his rights in giving the warning because as the Act stands the man was committing an offence. We ought not to have on our Statute Book legislation that allows the police to use discretion in one case and not in another. We ought to say clearly what we mean and if we cannot do that we ought to say nothing. We ought not to give wider powers than we need. Another case occurred in the district of the member for Chaffey. Here the aborigine did not have an exemption certificate and he went to a dance hall. His associates there were warned that if they continued to associate with the aborigine they would be liable to prosecution. This is the sort of thing I foreeast when the legislation was passed.

Mr. King—How would it affect white children going to high school with aborigines?

Mr. DUNSTAN—That would be all right when going to school but after school hours

the white children would not be allowed to associate with the aborigines. There would be no reasonable excuse for doing so and if the police chose to take action the children could be prosecuted. The difficulty is that the white children would be forced into the position of courting prosecution. I have heard of a number of incidents from the Aborigines Advancement League, which has said that whilst the section is in the Act its members are afraid to associate with aborigines.

Mr. John Clark—It also creates an awkward situation for the police officer.

Mr. DUNSTAN—Yes. The position of detribalized aborigines looking for assimilation in the community is difficult and the majority are extremely bitter about a law that classes them more or less with prostitutes. That is wrong in a Christian community. When I was overseas I was twitted about this section and I said it was there to protect certain aborigines. Members no doubt feel that the section as it stands goes too far.

Mr. Stephens—What about aborigines joining a school club?

Mr. DUNSTAN—I think that would be a reasonable excuse because it would be incidental to their education, and I do not think there would be prosecutions.

Mr. John Clark—What about a young fellow wanting to play football with white lads?

Mr. DUNSTAN—There might well be a prosecution. In these circumstances I feel that the Government, in taking notice of the petition which I presented earlier this session and which was subscribed to by a number of people and organizations, and of the deputation to the Minister which was introduced jointly by Mr. Millhouse and myself, seeking either the repeal or the amendment of the section, has taken a wise course in introducing the Bill, and I appreciate its action. Another section I want to mention is apart from the one which prohibits consorting with females. Section 44 of the Aborigines Act provides that any member of the police force may arrest without warning, any person whom he has cause to suspect of committing or about to commit an offence under the Act. The powers in this matter are extremely wide. I support the Bill as it stands. Some members may feel that some legislation should exist in this matter and to that end when I drafted the petition presented to Parliament, I provided for the possibility of an amendment which, while not being entirely satisfactory, was as nearly satisfactory as I could get. I feel that it would be better to give repeal a go for a while to see how it works, but I appreciate that some members think the amendment proposed in the petition may meet the cases I have outlined. I appreciate that and would have no quarrel with them on that score.

I turn now to the second important provision of this Bill, which creates a new offence—"Creating false belief as to events calling for police action." While I am prepared to support the second reading, I cannot support this clause as it stands. It says:—

If (*a*) any person does any act with the intention of creating a belief that any other act has been done or that any circumstances have occurred; and (*b*) at the time of doing the act firstmentioned, he knows that the act or circumstances with respect to which he intends to create such belief has or have not occurred; and (*c*) the said act or circumstances are such as would reasonably call for investigation by the police, he shall be guilty of an offence.

This is wide and vague in the extreme. If anybody does anything to create a belief that something else has happened, and that something else has not happened or if what he has done gives rise to a belief that it has, and if it had it would have called for investigation by the police, then he has committed an offence. All sorts of conundrums would occur under this clause. It is far too wide as it now stands.

We all know from the second reading explanation that this clause was designed to meet the case of a person who has pretended to commit suicide (these are the cases of public mischief that have arisen), where widespread investigations have resulted, where the police have been put to great public expense and, what is more (as in one case known to the honourable member for Stirling) where lives may have been lost in the search. I agree that that in itself should be an offence. In this regard, people were prosecuted for the old offence of public mischief and it was found by the Full Court of South Australia that the particulars of the case did not disclose an offence of public mischief as it was known to the law. Therefore, the aim has been to provide some legislation that would cope with these situations.

I agree that some effort should be made in that regard. The wording of this clause is much too wide and vague. This is not restricted to cases of the kind I have outlined. This includes anything which gives rise to a belief that something has happened calling for investigation by the police.

The Hon. Sir Thomas Playford—It is not quite as wide as the honourable member says it is. I know his difficulty. It is one that I personally experienced with this clause but a person deliberately doing something with the idea of creating the impression that a certain event has happened is, I think, the point at issue. It is covered in the clause, is it not?

Mr. DUNSTAN—Yes, it is, but the clause covers such a wide range of things that could occur.

Mr. Geoffrey Clarke—Would it be possible to devise some inoffensive act that would fall within this clause?

Mr. DUNSTAN—Not a very exceptionable act, at any rate. Some of these acts are not very bad. Let me read honourable members what the Law Society's Reform Committee had to say about this, because I feel its views will be appreciated. This is what it says:—

> It is considered that—
>
> (1) the proposed section 62a in its present form is too wide.
>
> (2) there is not such a substantial evil to be remedied as to call for such legislation which is framed in terms so wide as to be likely to cover a variety of acts which are not contemplated.
>
> (3) if some such legislation is considered desirable—
>
> I agree with the Government that it is—
>
> the section should be limited to the cases where the conduct is intended to create a belief that a felony or misdemeanor has been committed—
>
> and that would include, of course, attempted suicide or the actual commission of suicide—
>
> or that life has or may have been lost or is endangered.

That would cover every case about which the police are worried in this instance but would confine the offence to cases of that serious kind. I think that is the proper way to go about this, and that we should not leave the clause so extraordinarily wide that, if anybody does anything to create a belief that something else has happened that would reasonably call for investigation by the police, an offence is committed.

After all, the criminal law has tried to be clear and precise so that people can particularize offences and know what charges they may have to answer but, when it is in such vague terms as these, it is difficult to know what falls within it. The proposal of the Law Society's committee restricts the clause to those very offences that we aim to deal with by passing legislation of this kind. In Committee I intend to move an amendment along the lines proposed by the Law Society's Reform Committee so that honourable members will have a chance of discussing something concrete in this regard. I agree that we should legislate in some way about this. My only suggestion is that we should be more specific than we are in the Bill as it stands. I support the Bill.

Mr. MILLHOUSE (Mitcham)—I support the second reading. As the member for Norwood (Mr. Dunstan) mentioned, he and I jointly headed a deputation to the then Minister of Works (Sir Malcolm McIntosh) asking that section 14 of the Police Offences Act be either repealed or amended. I am delighted that the Government has seen fit on an experimental basis (we all realize that it will be experimental) to introduce a repealing section. I know that the member for Norwood attempted to draft an amendment that would surmount the serious difficulties of section 14, while still preserving some offences, and the obvious difficulty he found in doing that warranted the course the Government has taken in introducing a Bill for the total repeal of the section.

I do not desire to go as fully as the honourable member for Norwood did into my reasons for supporting the Bill. Suffice it to say that I believe in the present policy of assimilation of our aboriginal population, and I cannot believe that such a policy can be carried out while section 14 of the Police Offences Act is on the Statute Book because it flies in the face of that policy. If we are to try to put that policy into effect, we cannot possibly retain such a section. It appears to me that, as far and as fast as possible, aboriginal citizens of this State should be put in the same position—I stress the word "same"—as anybody else, as regards both their responsibilities and their privileges. It is wrong that they should have greater protection than other citizens or be forbidden rights that other citizens enjoy. For these reasons, which I think are entirely fundamental, I support the second reading and particularly the repeal of this section.

The Bill raises two other matters, the more important of which has been dealt with by the member for Norwood (Mr. Dunstan); I think the other is of little importance. I can see no objection to clause 5, but I am inclined to agree with Mr. Dunstan about clause 4, the aim of which is to make it an offence to fake death, as has occurred recently in this State. However, the clause is much wider than that.

It includes deliberate deception, and I suggest this is unnecessarily wide, because the only cases we know of in this State in recent years involved a deception concerning death, and if only such cases were covered I do not think we should have any trouble. As Mr. Dunstan mentioned, until the judgment of our Full Court it was thought that any cases of public mischief could be punished, but this was found not to be so.

I am inclined to believe that Mr. Dunstan's suggestions would adequately cover the matter; they would cover simulated death, a felony or a misdemeanour. The clause as it stands is too wide, as it could include many innocent practical jokes. The risk of real harm is so small as not to justify such a wide clause. New section 62a (1) (*c*) provides that it shall be an offence if the said act or circumstances are such as would reasonably call for investigation by the police. That is extremely wide. When are circumstances such that they "reasonably call for investigation by the police"? This new subsection also provides that "belief" includes suspicion, and this again is making it extremely wide. The aim of the new subsection would be adequately covered in some such way as the member for Norwood suggested. Although I support the second reading, I reserve the right to make up my mind on the matters I have dealt with in the Committee stage.

Mr. RICHES (Stuart)—I listened with great interest to the member for Norwood, for whom I have the greatest admiration because of his interest in aborigines. I know he is not one who sits in his office to help on an academic basis, but has taken a personal interest in aborigines and has moved among them on the mission stations and also been in close association with people working in their interests. In his second reading speech the Minister said that there were two schools of thought on the repeal of section 14, and I am afraid I cannot go all the way with the Government on this matter. This section makes it an offence for a white man habitually to consort with an aborigine without reasonable excuse. It is the white man, not the aborigine, against whom it is directed. I do not claim to have had any more experience or to have taken more interest in aborigines than the ordinary citizen, but I have not been unmindful of their needs, and I have been interested in the work carried out on their behalf near the town in which I live and in the district I formerly represented. If the interpretation of those who petitioned Parliament were placed on this section I could have been gaoled over and over again, and so could 80 per cent of the people in my electorate. However, we must have regard to the words "habitually consorting without reasonable excuse." If we are ever to have assimilation I believe that power to stop that sort of thing must rest with the police. There has been a broadened outlook amongst our people on the old question of assimilation, and I notice that those who formerly would not associate with aborigines now go out of their way to receive them. That has been the experience in the part of the State I now represent. If there is no power to deal with those who exploit the aborigines, and sometimes for immoral purposes, assimilation will be set back for years.

In Port Augusta, aborigines regularly attend picture shows, and if members came to the Labor Day picnic on Monday next they would notice that the aborigines are given free transport there and are guests as they have been for years. Aborigines exhibit their work at every school fete. We have there an example of free association on an equal footing. Often the aboriginal children are held up as models for others to follow, but if we were to find aborigines in the streets under the influence of liquor all that goodwill could be broken down in a matter of minutes.

Unfortunately, some people are not above exploiting the aborigines. One instance occurred at Andamooka and I understand that some of the blame for that was attachable to the people to whom this legislation would apply, and it was alleged that they came from Port Augusta. I do not oppose the second reading, but there has been much loose thinking about this problem, and those who live and work amongst the aborigines can speak with most authority. I understand that most of them favour the alternative clause submitted in the petition to Parliament.

Mr. Shannon—Do they prefer to retain section 14 or to have it amended?

Mr. RICHES—The word "consorting" is an unfortunate word, for it is generally used in relation to associating with criminals. If the use of that word hurts the feeling of anybody, many people would be happy about its being taken out, but they want to ensure that the police will have the right to deal with unsatisfactory situations. They have had that right for practically 90 years, but it has not completely overcome the problem.

Mr. Dunstan—That right has not existed for 90 years, but only since 1953.

Mr. RICHES—There was a similar provision.

Mr. Dunstan—No.

Mr. RICHES—If the power of the police is broken down I shall be perturbed, though there have been two instances where this power has been used injudiciously. On one occasion a warning was given, but I was surprised that it was because in the district I represent a similar association with aborigines had been carried on for years, and I had never heard of any prior officiousness on the part of the police. It was an unfortunate incident and it should not have happened, but it is the sort of thing that could happen. However, the police or any other authority such as a welfare officer, need adequate authority to provide protection to aborigines against exploitation by whites. We have to assess the harm that was done by those two incidents against the harm that could be done if we relaxed the powers of the police in dealing with those who seek to exploit aborigines.

The Hon. G. G. Pearson—Don't you think ample power lies in other legislation?

Mr. RICHES—If that is so, I wish the police would use it. I do not think I need remind the House of the great difficulty in getting convictions after an offence has been committed. I favour giving power to the police to prevent offences occurring.

Mr. Millhouse—Whatever damage is done in the meantime?

Mr. RICHES—I do not believe any great damage has been done, but we shall set back assimilation for years if we allow a state of affairs such as that at Namatjira's camp. If the aborigines are to be assimilated and accepted amongst the white population on equal terms they must have the opportunity to mix freely. In Committee I may move an amendment along the lines of the alternative submitted by the petitioners.

Mr. LAUCKE (Barossa)—I support the Bill, the most important clause of which relates to aborigines. I believe section 14 is superfluous and undesirable. I appreciate what the member for Stuart (Mr. Riches) said about the wisdom of giving too much freedom too quickly to natives, but this problem can best be treated realistically by trying for a period the ability of natives and whites to associate as freely as possible. The section is superfluous because it does not protect the aborigine adequately and it is undesirable because it is in direct conflict with the expressed policy of the Government, which is to raise the native in his own estimation and in the estimation of the general public. This uplifting is basic to the gradual assimilation of the natives into our general society.

That section 14 of the Police Offences Act is superfluous is evident when we examine section 44 of the Aborigines Act, which empowers a police officer to arrest, without warrant, any person whom he has just cause to suspect of having committed or being about to commit any offence against the Act. Further, it is not necessary for the protection of native women because section 34a of the Aborigines Act provides that:—

> Any male person, other than an aborigine, who, not being lawfully married to the female aborigine (proof whereof shall lie upon the person charged)—
>
> (*a*) habitually consorts with a female aborigine; or
>
> (*b*) keeps a female aborigine as his mistress; or
>
> (*c*) has carnal knowledge of a female aborigine,
>
> shall be guilty of an offence against this Act.

Section 20 of the Aborigines Act also prohibits unauthorized entry into native reserves and the Licensing Act prohibits the sale of liquor to other than exempted aborigines. The retention of section 14 of the Police Offences Act is undesirable as it does, in effect, lay open to question decent relationships between whites and natives. Our first duty, as civilized white Australians, is to understand that our dark Australian fellow citizens are human beings.

It is well said that charity begins at home. This charity, however, does not embrace material things alone. "Charity" in its highest sense, means service and kindliness to our fellows, and freedom to enable people to be treated better. Confidence must be earned by behaviour and actions. The deletion of this section would tend to create confidence in the native that we are genuine in our protestations of desire to foster his assimilation into our community.

On the material side this Government is doing a good job in providing bodily requirements. We should not tolerate legislation which does not clearly indicate that a white person can associate with an aborigine without any thought on the part of either that they would be suspect for so doing. I know that some of my friends who are very active in native welfare work in mission stations are opposed to the deletion of this section, but whilst respecting their views, and appreciating that sentimentalism alone must not influence our approach to this problem, I believe it is

being realistic in moving towards our goal of assimilation to remove undesirable bars.

The greatest problem of our time is undoubtedly the achievement of harmonious co-existence by the various nations of the world. That is the problem on the grand scale, but how can we, as a nation, raise our voice in international councils seeking better human relationships, if we do not do all within our power at home to improve human relationships between white and dark Australians? The mark of a decent man is that he refuses to take any mean advantage of the weakness of his fellows. Legislation exists to deter people taking advantage of our natives and it should be applied with the full force of law. I believe in hitting hard those who are not helping the natives but who would subject them to degradation. If the law were rigorously applied the native would feel that he was being protected and he would respect the white man.

Clause 4 of this Bill, which relates to the pretence of death or suicide, is desirable. Any person who, for an ulterior motive, attempts to create the impression that he has suicided or come to his death should be severely dealt with. In attempting to establish the facts arising from the disappearance of people public money has been expended and, in one instance, innocent persons engaged in a search lost their lives. We should do our utmost to prevent a recurrence of such a happening. I support the provisions relating to the ability of an ordinary constable to do that which has hitherto been the province of a sergeant. I support the Bill.

Mr. BYWATERS (Murray)—I am fully appreciative of the petition presented by the member for Norwood (Mr. Dunstan) and that he and the member for Mitcham (Mr. Millhouse) led a deputation to Sir Malcolm McIntosh, when he was Minister of Works, seeking the repeal of section 14 of the principal Act, but I feel that more would be achieved if it were possible to amend the section rather than to repeal it. I believe the Government would prefer to amend it. My belief is borne out by the fact that it has been suggested that its repeal would be in the nature of a trial.

I have spoken to the Parliamentary Draftsman and have listened to two legal members of this Chamber and, although they have found it impracticable to introduce an amendment, I do not think it is too late to examine that possibility. If the member for Stuart (Mr. Riches) can introduce a suitable amendment meeting the wishes of those who instituted the petition I will support it.

All members are fully conscious of the need for assimilating our aborigines and are anxious to see justice done. I believe it is only because of the over-zealousness or ignorance of some police officers in warning off white people that this legislation has been introduced. Had they treated the matter sensibly there would be no need for this particular clause. However, as this difficulty has arisen, it is necessary for us to take remedial steps. It has been suggested that footballers, who had aborigines as team-mates and who associated with them constantly on Saturdays, could have been charged with consorting under the existing legislation. There are many instances where people habitually "consort"—and I use that word in accordance with the definition supplied by Mr. Dunstan—with aborigines for innocent purposes and who are merely trying to be friendly. The last thing any member would desire would be for such persons to be penalized for their innocent association with aborigines. We should not tolerate anything that prevents the assimilation of our aborigines.

It is pleasing to see that over the last few years a different approach has been made to the aboriginal problem, and people have become more conscious of the need for assimilation. A few years ago the attitude was "Let them look after themselves" and "They are all right in their particular field as long as they do not interfere with us," but today there seems to be more of an awakening to the fact that they are fellow citizens, and that is a good thing. Recently I stayed for 10 days at a mission station in Western Australia. I worked with some of the people there, and it was very pleasing to see that some of them compared favourably with white people; in fact, some were better than some white people. I enjoyed their fellowship. It was pointed out to me that aboriginal girls who had led sheltered lives in the mission had gone to Perth and some had been the victims of undesirable whites. That is one of the points that I feel the member for Stuart has made in his objection to the clause as it stands. I know that that matter and also the supplying of liquor is covered by the Aborigines Act, but unfortunately in most cases it is hard to get a conviction because people have to be caught in the act.

Mr. Dunstan—There is no difficulty in getting a conviction under the Aborigines Act.

My point is that the same thing has to be proved under that Act as under this clause.

Mr. BYWATERS—A young man can keep company with an aboriginal girl, and we should condone that provided that his intentions are good. However, some undesirables consider that aboriginal girls exist for only one purpose. That has often been the experience in Western Australia, and the girls have been particularly susceptible because they have led sheltered lives. The member for Norwood has a better knowledge of the Act than I have, and I accept his explanation of it. If a suitable amendment can be drafted I will support that rather than the proposal in the Bill.

Clause 4 deals with people who have committed acts of nuisance, as they have been termed, but have been released because nothing in the Act covered that type of offence. I feel that something can be done about it, and I shall watch with interest the amendment proposed by the member for Norwood. This amending legislation is the result of what happened last year in the member for Stirling's district and also in another case with which I was concerned. A man who had given the impression that he was dead but turned up later could not be prosecuted under the Act. I am pleased that the Government is trying to do something to overcome that position, because any person who tries to escape his responsibilities, thereby creating a hazard to the lives of others, definitely deserves some punishment. I support that part of the Bill, but shall await the outcome of the remainder of the Bill in Committee.

Mr. LOVEDAY (Whyalla)—I have listened with great interest to the views put forward by the members for Norwood and Stuart, particularly with regard to the repeal of section 14 of the principal Act. I am very interested in this because of the large number of aborigines in my electorate and I feel that the arguments put forward by both have much to commend them. However, from my discussions with people interested in aboriginal welfare I cannot help feeling that the real reason some people object to this section being repealed is that the powers concerning "consorting" are desired only to enable offences under the Licensing Act and the Aborigines Act to be covered properly. To me that is a wrong approach. I believe that if the offences covered by those Acts were dealt with far more stringently and followed up more closely by the police we should find those two Acts quite satisfactory for dealing with the offences under discussion. We should not permit anything to remain on our Statute Book regarding consorting that would enable people to say that we are not making a fair approach to the question of our relations with aborigines. It is all right to say that this consorting clause deals only with the aspect of the white man consorting with the aborigine, but the aborigine must know that the white man is in that position and that must give him a feeling that he is at a disadvantage in his association with the white man as a consequence of section 14. We should not allow any obstacle to remain between the two parties.

It has been said that this is an experimental measure, and I am quite certain that we shall soon see whether the experiment is successful. If in the course of time it was considered that the experiment was not successful, the matter would be far better approached by tightening up the Aborigines Act and the Licensing Act. I am satisfied that the very fact that the consorting provision exists causes a wrong approach between the two sets of people concerned. I support the repeal of the section. I believe that is something we should try out to see whether it is successful, and that the sections in both the Licensing Act and the Aborigines Act relating to the offences discussed should be far more stringently policed.

I support entirely the amendment foreshadowed by the member for Norwood relating to the creation of false beliefs that call for police action, because I believe that the clause in the Bill is far too wide in its effect. I have every reason to think that the amendment foreshadowed by Mr. Dunstan will cover the matter satisfactorily. I support the remainder of the Bill.

Mr. HUGHES (Wallaroo)—I am happy to support any move for advancement of the assimilation of aborigines into the life and activities of the general community. Once a person is known to belong to a category with whom it is an offence to consort, it is an offence to seek friendship with that person. When the law prohibits a person from consorting with a reputed criminal it regards friendship with that criminal as an offence. This same law, as it exists today, forbids friendship with aborigines. I have been reliably informed that white men seen in the company of aborigines have been warned that if seen again in this company action will be taken against them. I have never known of the law being used to prosecute a white person for friendship with

an aborigine, but I understand it has been used as a warning. I propose to quote extracts from the last report of the Aborigines Protection Board. I refer to certain matters because I understand from the Minister that it is not in favour of the repeal of this section. It said:—

The board are most anxious to raise the standard of the aborigines by providing better conditions generally and encouraging and assisting these people to take an established and honoured place in the community. It should be understood clearly that the board, although doing all in their power to forward the policy of assimilation, are opposed to attempts to force assimilation of the aborigines.

I do not think the repeal of the section is in any way intended to enforce the assimilation of our coloured brothers. No doubt some members will say that if the law has never been used to prosecute a white person for friendship with an aborigine, why bother to change it? We pride ourselves on our Christian principles and being a progressive nation. That is what we like other people to say about us, yet we are prepared to break the law and condone the action of others by doing likewise. The Minister pointed out that should this section be repealed it would be a trial and that, if it were abused and did not prove successful, action would be taken to have it placed again in the Act. The board also said:—

To unduly hasten the policy of assimilation would in the opinion of the board surely end with tragic results, as generations must pass before the primitive and near primitive aborigines can truly be prepared for absorption in the community. The history of this State provides many instances where aborigines and their families entering white communities with a poor standard of education and development have found it impossible to be absorbed, and rapidly deteriorated with too often tragic results.

I have had a lot of experience with elderly aboriginal families with a poor standard of education. They are not prepared to make this change and have resented any inducement to lead decent and useful lives as citizens of this State, simply because they belong to an older generation. Today, with excellent work being done by the church and mission stations, I feel the time is not far distant when there will be a gradual process of integration taking place in the general community. Regarding the Koonibba Lutheran Mission the board said:—

The church has resolved that vocational training must also be established at the Koonibba school. This will be done in progressive stages and it is envisaged that eventually the boys will be taught useful trades such as carpentering, plumbing, building, etc., and the girls will be trained in domestic art and various useful crafts. The painting and drawing of the children continues to be an outstanding feature of their school work, although they receive no specialized or professional training.

It is to the younger generation that we must look for progress in this great problem. In moving the second reading of the Bill the Minister said:—

We have a problem which is probably unique in the world. Because of the instinctive nomadic habits of the Australian aborigine it is extremely difficult to fit him into domestic civilization.

I agree with the Minister regarding the older aborigines, but not the young generation. These young people if given the same love and devotion and the same opportunities as our own children will respond and grow up feeling no embarrassment as they live and move and have their being in the white man's world. The success of the policy of integration largely depends on the adjustment of the aborigines at present living among white people. Every avenue should be explored to foster encouragement amongst them and then they in turn will feel that they have a place in this world. I trust that in the repeal of this section strong action will be taken against people who exploit aborigines for criminal and immoral purposes; otherwise we shall have laws that will retard the assimilation of aborigines into our way of life. When speaking at a special meeting at Maitland recently Dr. Duguid, president of the Aborigines Advancement League, said:—

The definition "aboriginal" is a blot on the present record of treatment of native people in South Australia and anyone with any percentage of aboriginal blood is subject to discriminatary laws. Discrimination against folk of aboriginal blood was altogether unreasonable. In matters of compulsory education, the franchise, payment of income tax, freedom to marry, to own property, to work and to move, native people were like ourselves. Why should we any longer hinder folk like those at Point Pearce from becoming citizens, not one by one through distasteful exemption, but granting them as a body what is surely their right?

It is necessary to have a good look at the suggestion made by Dr. Duguid before any measures are adopted along the lines suggested. I consider Dr. Duguid to be one of the best authorities on this question and one well qualified to make announcements on problems confronting the aborigines. I suggest that an abrupt change to our way of life would not be acceptable to them, and as I said before,

the change must come from the younger generation through preparation. It also may be true that some will make mistakes and fail to gain from the change to citizenship. It is an accepted theory among many people today that the aborigine cannot be educated beyond a certain grade and that he cannot settle down in civilization.

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

Mr. HUGHES—An accepted theory among many people today is that the aborigine cannot be educated beyond a certain grade and that he cannot settle down in civilization or live in society for any long period. I quote further from the address that Dr. Duguid gave at Maitland:—

South Australia has 2,500 part-Europeans and a similar number of full bloods. Both are increasing in numbers. Dr. Duguid said we should receive that not with concern but with real satisfaction. He referred to some promising native children who seem certain to go on soon to tertiary education.

To support my case I now read two paragraphs from the Aborigines Protection Board's report:—

The board extend their congratulations to Mrs. Dulcie Wilson, a part aborigine of the Point McLeay Reserve, who was invited to attend the Home League Conference of the Salvation Army in London as a delegate from South Australia. This is surely one of the highest honours ever obtained by a South Australian aborigine. It is understood that Mrs. Wilson addressed a conference in London at Westminster Hall and that in general she has brought great credit on the natives of this State.

Johnny Cadell and William Crombie, known as Billy Pepper, have shown outstanding ability in the production of the film "Robbery Under Arms." The board permitted the removal of Billy Pepper to New South Wales and of Johnny Cadell to London for certain sequences of the film. The J. Arthur Rank Productions Limited, have advised that both of these natives were particularly well behaved, and that Johnny Cadell was an actor of outstanding ability.

Surely these quotations in some way contradict the theory that aborigines cannot be educated beyond a certain grade. I understand that a study of racial intelligence shows that many aborigines are above many white people in intelligence. As Dr. Duguid says, the two rights we must give a native people are opportunity and respect, and it has to be real respect. One is as important as the other. Give them opportunity and respect and throw in a little dash of encouragement.

I was most concerned a few days ago when my attention was drawn to an article in *Adelaide Truth* about the pauper funerals that are meted out to aborigines in this State:—

A group of 10 anonymous Adelaide businessmen intend to finance and arrange the reburial of a six-month-old aboriginal baby who was given a pauper's funeral at West Terrace cemetery recently. The men, who make regular donations to charitable organizations, have decided to do this after reading details in *Truth* recently of the burial. The body of the child Ashley Miller, whose parents live at Port Lincoln, was put in an unvarnished three-ply box, wrapped in kitchen tablecloth material and hauled to West Terrace Cemetery in a utility. The body joined other pauper corpses which have been accumulating there for years. The funeral arrangements were described as "terrible" by a Lutheran pastor who officiated . . . "We are disgusted" say the 10 businessmen, "with the cheap and shoddy Government policy on funerals for destitute people."

I do not know the full facts of this case and, therefore, I have perhaps no authority to speak on it but, if this is the kind of funeral the Government hands out to our coloured brothers, it is not going very far in the work of assimilation of the aborigines into a white man's community. However, with those few remarks I support the Bill.

Mr. QUIRKE (Burra)—I support the measure. Sometimes in this matter we overlook the historic background of these people whom we have deprived of their country and their means of livelihood. They are people who were probably here before the pyramids of Egypt were built, people with no means of sea transport who probably arrived in Australia long before the melting of the last Ice Age that separated Australia from the northern islands. There are two races. The Tasmanians were older than the aborigines on the mainland. They, too, had no means of sea transport, yet they must have been in Tasmania prior to the separation of Tasmania from the mainland. The aborigines are an intelligent people and we have given scant recognition to the fact that throughout the ages they have had their own tribal life that fitted into the existing conditions of Australia. Then we intruded upon their country, treated them with little or no respect, brought them our diseases and wiped them out either (in many cases) by cold-blooded murder or through sheer neglect, and that neglect continues today. It is a reproach to every Australian that the condition of the native race of Australia should be as it is today.

We can make some recompense for that through this Bill. I know of people of the native race who are workers in gangs with

white men on construction work throughout the North, who live in the same camps as white men and who are treated with respect and on terms of equality. Whilst this section remained in the Act, those white men were breaking the law.

Mr. Riches—How can they be breaking the law?

Mr. QUIRKE—Today if the aborigines live with white men, under the section we are now dealing with those white men are guilty. Is not that so?

Mr. Shannon—No; we are taking it away.

Mr. QUIRKE—It has not been taken away yet.

Mr. Riches—The existing section states "without reasonable excuse."

Mr. QUIRKE—But what is a reasonable excuse? One can see these little sunburned children sitting in schools with Nordic children; they grow up in association, and why must the whites have a reasonable excuse to continue to associate with the aborigines with whom they spent all their school days? This clause is a blot on the white man's administration and on his attitude towards the aborigines.

It has been said that if this section were repealed things would be worse, but we have other Acts to deal with people who commit offences. The former member for Chaffey (Mr. Macgillivray) was successful in having included in the legislation provision for heavy punishment for those who deliberately and for profit debased the aborigine by supplying him with liquor. He desired that the white man who did this should be imprisoned for a first offence. We now intend to remove this consorting clause, and as the Licensing Act has provisions relating to supplying aborigines with liquor, their interests will not be adversely affected. Aboriginal children attend schools in my district, and white children who associate with them pay no heed to the fact that they are dark. They are forbidden to refer to their complexion, and to their eternal credit they do not do so, but play happily with them. However, the Act now provides that when they leave school they must have a reasonable excuse for continuing to associate with them. For that reason alone I support the repeal of this section. The other matters, particularly the amendments proposed by the member for Norwood, I will discuss in Committee. In the meantime, I indicate my wholehearted support of the deletion of this section.

Mr. HAMBOUR (Light)—I believe that section 14 was included not to uplift the aborigine, but to deal with undesirable whites. I doubt whether its repeal will make much difference, because people now dealt with under it will be dealt with in future. Its retention in the Act is a stigma on the aborigine. All we should concern ourselves with is the moral value of the removal of the section. What Mr. Quirke said about school children is true; in my town there are clean, well-dressed aboriginal children who are completely accepted by other children. This debate is proceeding on a wrong slant. I do not think anyone has suggested that this clause, which deletes section 14, will do anything to lift the status of aboriginal children in the State; all it will do is to make it easier for white children to associate with them.

Mr. Hutchens—Won't that lift their standard?

Mr. HAMBOUR—I do not know how it will. A person could be prosecuted under this section for consorting with aborigines, but has anybody mentioned prosecutions? The Minister has asked that this provision be given a trial to see how it works, and I am prepared to accept the assurance of the Government that if it is necessary to return this power to the police it will be done.

Mr. SHANNON (Onkaparinga)—This debate is obviously off the beam. Section 14 deals with whites, and if it is repealed, the effect will be to give further opportunities for the undesirable white man to do things with aborigines that we think are undesirable. It has been said that the wording of this section casts a slur on the native population, but I disagree entirely. This has nothing to do with the native population, and if there is any slur in the term "consorting" it is on the white man who consorts. In effect, I look upon this matter as one for administration rather than anything else. For the protection of aborigines, we must give power to the police to deal with all sorts of malpractices we know occur from time to time between white people and aborigines. If the Aborigines Protection Board had asked for this provision, I think there would be some justification for this trial—an open go for the uninhibited white man to do what he wants. The aborigine, allowed to pursue his own way of tribal life, has a code so high that ours does not compare very favourably with it. If we leave section 14 in the Act, aborigines will not be denied any contact with whites. What has happened over

the years? Natives from the mission station near Port Victoria have been employed in various parts of Yorke Peninsula. Further, station owners in the north of this State have employed native labour, and if they could not they would find it difficult to get any labour at all. Aborigines are excellent boundary riders and stockmen, for they seem to have a natural gift for handling animals. There has been no outcry against the white man employing natives, nor should there be, nor will there be if section 14 remains.

Mr. Quirke—"Reasonable excuse" is the point.

Mr. SHANNON—I think the honourable member is implying that the aborigine is the man who is suffering under section 14, but it is the white man who commits the offence and who has to have reasonable excuse.

Mr. Quirke—For associating with a native.

Mr. SHANNON—This has been the law for a long time. Has the honourable member heard of one case where the police have taken action against a white person for employing an aborigine or for associating with an aborigine for valid reasons?

Mr. Dunstan—They have not prosecuted him, but they have warned him.

Mr. SHANNON—That is a different thing. If the honourable member wants to draw a fine distinction, I point out that the police have warned many other types of potential wrongdoers. I should like the police to administer this law humanely and warn a person whose motives they suspect, to keep away from natives. If we repeal section 14 the police will be denied that opportunity.

Mr. Dunstan—The police have power to prevent such people from going on native reserves in any case.

Mr. SHANNON—The natives do not all live in native reserves. Large numbers live not far from white settlements, and they are the natives the police should have power to protect. Many natives go to the river districts during the fruit-picking season, and we do not want them to take the risk of meeting some undesirable white man who may do them an injury. If we are not prepared to trust the police to administer this section reasonably we shall have to examine many other Acts administered by the police. This provision has not resulted in many complaints. Many previous speakers have said they are anxious to lift the status of the aborigine, but the repeal of section 14 would open the door for the degradation of aborigines by undesirable whites. I have discussed this matter with people interested in the welfare of aborigines, and they are not happy about the deletion of section 14.

Mr. Hambour—They are divided in their opinions.

Mr. SHANNON—Those to whom I have spoken are adamant and believe that the section should be retained. Some people interested in the welfare of aborigines have a misconception of the section. They believe its deletion would lift the status of the aborigine, but it would not.

Mr. Hambour—Give it a try.

Mr. SHANNON—I will not give anything a try that I do not like. It would be a retrograde step to delete the provision, and in our saner moments we should be sorry if we did. Then it would be no good calling in a policeman and asking him to keep a white man with a bad reputation away from natives, for they would have no power to do it.

Mr. Laucke—Other legislation takes care of that.

Mr. SHANNON—I do not think so, but if that is true what is wrong with section 14? Why is there any necessity to protect aborigines from undesirable whites in other Acts? Perhaps they are not quite as water-tight as we would like them to be, and that may be why this provision has been in the Act for 90 years.

Mr. Dunstan—No, only since 1953.

Mr. SHANNON—Anyway, that period is long enough to prove my point, but the main point is that people concerned with the maintenance of the aborigine in as happy a state as possible are not keen on deleting section 14. I have had no advice or opinions that would suggest it was a wise step. All people who can be classed as authorities on this matter believe that we should retain this protection for the aborigine against the undesirable white, and I urge the House not to delete section 14.

Mr. KING (Chaffey)—I think this particular subject has been exercising the minds of members of both sides for some time. Whilst most members are anxious to protect certain sections of aborigines from the depredations of the white man who has no respect for their traditions, many people believe that some aborigines have arrived at the stage when they could be given full citizenship rights. It is almost impossible for us to determine legislation to apply to all aborigines from the tribal native to the aborigine who has reached a standard of living almost equal to our own. As the member for Onkaparinga (Mr. Shannon)

pointed out, by removing this particular section of the Police Offences Act we are taking away the protection that some aborigines undoubtedly need. At the same time we are placing a type of stigma on those natives who have acquired the full status of Australian citizenship.

I believe much sentimental nonsense has been uttered about this problem. I feel that this Bill has not the unanimous support of all the people qualified to speak on it. I remember reading a letter in the press recently and I also received correspondence from one of the big church missions which was not in favour of the repeal of section 14. The question of assimilation will be with us for some time. If the aborigines had reached a uniform stage of development the problem would be far simpler, but we have natives in all stages of development from tribal natives to those who have been educated and are working with us in the community.

We have mission stations, but I am not too sure that they are doing all they could. By taking natives from their tribal state we have destroyed the authority that has always been wielded by the chief of the tribe. We have tended to laugh at their customs, and their tribal disciplines, which were most severe, have been lost. Their religious beliefs have become quite confused in many instances. As compensation we have given them some of our own ideas and introduced them to many of our unpleasant customs as well as to some of our unpleasant customers. We have degraded many of these people and I do not think our efforts have been strong enough to protect them from those who would deprave them. While we are anxious to do something to help the native who has acquired citizenship status we now propose to take away the protection that would assist other natives in attaining a similar status.

I only hope this legislation will achieve the object it is designed for. Personally, I am inclined to agree with Mr. Shannon that it may do more harm than good. However, we could give this Bill a chance to see whether the protection promised under other legislation can do the job. I support the Bill and hope that it achieves the high hopes of its sponsors.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—I do not intend to delay the House, but I suppose there is no problem concerning us that is more difficult of solution than that of assimilating our aborigines. It is difficult for several reasons. Firstly, because they are not at present all at the same stage of development. Some are still virtually tribal, others have advanced reasonably, and recently I heard of an aboriginal boy who would do credit to any debating society—or indeed to this House—because of his educational attainments. We have been confronted with many problems in providing housing for our aborigines. In some instances we can provide houses of the same standard as those leased by the Housing Trust to tenants, but in other cases if houses of that description were made available they would quickly deteriorate.

I do not know if members have analysed section 14 of the principal Act. I refer it particularly to the member for Onkaparinga, because if he examines it closely he will see that the protection envisaged in it is much more imaginary than real. It states:—

> Any person who, not being an aboriginal native of Australia, or the child of an aboriginal native, without reasonable excuse habitually consorts with any aboriginal native of Australia shall be guilty of an offence.

Before any offence is committed an undesirable white person has to habitually consort. He can visit a native camp and do any undesirable thing, but it does not constitute an offence unless he goes there habitually.

Mr. Shannon—The member for Norwood pointed out that the police could warn such a person.

The Hon. Sir THOMAS PLAYFORD—A warning can be given, but if it is not heeded it cannot be followed up by the Act. It is a warning that any citizen could resent, and he could ask his member to ask a question in Parliament as to what right the police had to interfere. The police cannot go around warning people about something that is not an offence under the law of the land. If they came to my house and told me I could not visit a certain person tomorrow, I would very quickly resent it. I repeat that there is no offence unless the consorting is habitual. One may go along occasionally and do anything, and that does not fall foul of the law

Mr. Dunstan—Not of that section, at any rate.

The Hon. Sir THOMAS PLAYFORD—That is so. Other sections give much more protection to the aboriginal people. This section could, in point of fact, hinder the efforts of the people who are trying the most to help, because they are the ones habitually consorting with the aboriginal people at present and are

the only people who could be called upon to give a reasonable excuse. I do not believe a well intentioned person would have any difficulty in giving a reasonable excuse. This section gives the aborigines no protection against the class of offender from whom we would protect them. People have to be habitually consorting and, however undesirable he may be, no one visiting a native camp or home could be stopped if it were not a regular habit.

Mr. Riches—Every pay day, for instance.

The Hon. Sir THOMAS PLAYFORD—I doubt whether that would be classed as "habitually consorting"; in fact, I suggest it would not be. I doubt very much whether section 14 gives the native people any real protection. As far as I can find, the section has never been used.

Mr. Riches—Only as a deterrent.

The Hon. Sir THOMAS PLAYFORD—Yes. A police officer may on occasion have warned a person under this section to go away from a native camp.

Mr. Shannon—I think a law that deters is a very good law.

The Hon. Sir THOMAS PLAYFORD—If a police officer warns a person who only makes an occasional visit, he is operating entirely outside the provisions of the section.

Mr. Jenkins—That happened at Victor Harbour when a police officer told a white man that he could not drive an aborigine to his place of employment.

The Hon. Sir THOMAS PLAYFORD—The Government decided that the section did not serve very much purpose. At a time when we are most anxious to get away from any laws that discriminate against native people, and when we wish to uphold the good reputation of this country and the equality of our laws, particularly as affecting native people, it seems to me that the request made by the deputation was not unreasonable. As the Minister said when explaining the Bill, we have brought the Bill here for a fair trial, and if we find from experience that something unexpected comes up we can amend it. I promise honourable members that if abuses occur I will immediately support the introduction of a further measure to cope with the position. I think the only thing to do is to give the Bill a fair trial, and if that is done I believe results will justify its introduction.

I have had the South Australian laws affecting native people examined in comparison with the laws of other States, and I find that for some years we have had legislation in this State giving natives equality of citizenship which is only now being adopted in some other States. Many laws which are now becoming common have operated in South Australia for many years. I believe this law removes a discrimination. As far as the general law is concerned, the only anti-consorting law at present relates to consorting with known criminals or people of bad repute; we have a special consorting law as far as natives are concerned, but, as I pointed out, I think it is probably not only undesirable but quite ineffectual.

In those circumstances I ask the House to accept this amendment. I know there is much doubt in honourable members' minds on the best way of helping our aboriginal people, and I know there is room for very many doubts. These doubts exist even amongst the people closely associated with this question, who have been serving the aboriginal people in various ways, and who are very sincere in trying to help them. At the same time I do not think any of those people have any doubt in their minds that any law that tends to separate the aborigines and make them a distinct class is an undesirable law in general premises. Under those circumstances I think we are well justified in the experiment of going to the extreme, if necessary, in trying to remove any of those limitations which we have placed upon our association with aboriginal people. I thank honourable members for their earnest consideration of this matter.

Mr. STOTT (Ridley)—This Bill is obviously designed as a trial following certain things that happened under the previous legislation. From the debate the Bill obviously does not go far enough and is therefore not proper. Section 14 has obviously not been administered in its correct interpretation, because I know of instances where natives have played in football matches and for several weeks in succession white people attending those matches have discussed the football with the aborigines. Could it be said that if on a Wednesday or a Saturday a man sat in a motor car talking to a native about football it was tantamount to habitually consorting? Let us consider what the Judges say about this matter. Mr. Justice Ligertwood in *Reardon v. O'Sullivan* said:—

In my opinion, the phrase "to habitually consort with reputed thieves" connotes a course

of conduct characterized by frequent acts of association with persons who have the reputation of being thieves. As Richards J. said in *Gabriel v. Lenthall* "the natural meaning of 'consort with' as here used is to associate with or keep company with; and the addition of the word 'habitually' makes it clear that being in the company of reputed thieves on a few occasions separated by considerable intervals of time is not enough." It is the frequency of the acts of association which justifies the term habitual. No rule can be laid down as to what measure of frequency is requisite. It is a question of degree depending upon all the circumstances.

The Bill proposes to delete section 14 of the principal Act to overcome difficulties like those I have mentioned. Let us look at the matter in another way. If a member of a road gang has carnal knowledge of an aboriginal female he is guilty of an offence, and in other instances of jollification native girls may be used to get liquor. This Bill does not go far enough. It is undesirable that a police officer should warn a man because he is talking to an aborigine. If the police interpret the provision in that way something should be done about it. Of course, it would not be in the best interests of the aborigines to remove all restrictions. We should have a provision not so harsh as the present section but one that protects the aborigines. The present provision is too severe and could be used wrongly by an over-zealous police officer. I suggest that the Government defer the debate on the Bill so that the position in regard to section 14 can be set out clearly. It should be plainly indicated what Parliament intended in the protection of aborigines, and it should be made clear that if an aborigine talks to a white man at a football match or at some other sporting function the white man is not guilty of an offence. Many people associated with the care of natives are perturbed about the proposed repeal of the section without another provision being inserted in its place. The Bill does not meet the position. The Premier wants to give the proposal a trial and he says that if the position becomes unsatisfactory further legislation may be introduced, but I want something more definite. The Government has been somewhat lax in this matter and it should accept my suggestion. Some notice should be taken of the opinions of people and organizations caring for aborigines.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Consorting with aboriginals and half-castes."

Mr. STOTT—I should like the Premier to move progress at this stage of the Bill so that the Government can look again at this clause with a view to redrafting it to cover the position that it thinks should be covered.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—I am always willing to report progress to give honourable members a chance to look at legislation, and I will do so in a moment but I want it understood that I am happy with the clause as it stands. I am not reporting progress with the idea of altering the clause, because it was considered fully before it was introduced. However, if the honourable member wishes to consider it with a view to making some suggestions, that is a different matter. I am happy to meet his wishes. I move—

That progress be reported.

Motion negatived.

Clause passed.

Clause 4—"Creating false belief as to events calling for police action."

Mr. DUNSTAN—I move—

In paragraph (*a*) after "that" first occurring to delete all words and to insert in lieu thereof "a felony or misdemeanour has been committed or that life has or may have been lost or is endangered; and"

That is much clearer than the existing provision. At the moment the only way in which the act that is to be prohibited is defined is that it is something that would reasonably call for an investigation by the police. That is, in effect, the only imputing of anything criminal. All the other words are completely vague and might apply to something innocent.

As the clause now stands, the only thing that can be said to be wrong with what has been done is that it is something that would reasonably call for investigation by the police. This, of course, is very vague because the police seem to feel that from time to time all sorts of things call for investigation by them. Sometimes, they investigate something that somebody feels it is reasonable that they should, but the things that they feel they are obliged to look into and that perhaps a reasonable citizen may feel it is wise for them to investigate cover an extraordinarily wide range. If that is to be the only restriction on acts to be prevented, then the net is being cast far too widely.

What gave rise to a move for amendment of the legislation were cases of feigning death.

My amendment is exactly in the terms proposed by the Law Society's Law Reform Committee, which has carefully considered this matter and has tried to work out some definition of the acts sought to be prevented. The wording that I have suggested covers these cases as completely as they warrant being covered. Nothing sought to be prevented will fail to be prevented by this clause, but it does not go so wide as to create in its turn the mischief of vague criminal legislation.

The Hon. Sir THOMAS PLAYFORD—Section 62 of the Police Offences Act states:—

Any person who falsely and with knowledge of the falsity of his statements represents to any member of the police force that any act has been done or that any circumstances have occurred, which act or circumstances as so represented are such as reasonably call for investigation by the police, shall be guilty of an offence.

So already under that section anyone who makes an statement on any matter that would normally call for a police investigation and whose statement is intentionally false is guilty of an offence. That is the present law. It is the law that has been frequently used. If, for instance, a person claims that he has been robbed and the police go to much trouble to apprehend the robber and find that it is a bogus affair, the police will undoubtedly take action against the person who made the false statement. The clause is designed to deal with cases where no actual statement is made, but where the person deliberately sets out to convey to the police, without making a statement, that something has occurred, and involves the police in the necessity of making an inquiry. As the honourable member raised this matter, and the Law Society suggested an amendment, I have considered the matter, but I cannot envisage any circumstance that does not involve the disappearance of a person, because if the person is still on deck and able to be interviewed by the police, he makes a statement, and the moment he makes it he is already involved. As in the two cases that came under review and gave rise to this amendment, when the person sets out deliberately to represent to the police that he had an accident or committed suicide, or something untoward happened, this circumstance could arise. On these grounds, I do not see very much difficulty in accepting the amendment the Law Society has proposed.

Let us consider a case of misrepresentation. Assume that a person smashed his windows and then reported to the police that he had been robbed. As soon as the police came to investigate they would ask questions, and by his statement this man would convict himself under section 62, because the police would not be looking to investigate a broken window unless their attention had been called to it in a manner that would warrant investigation. The two cases that came under review were really the reason for the introduction of this new section, and they are the only types of case justified under the clause, because in every other case the person is on deck and can be questioned, and if he makes a false statement he can be prosecuted under section 62.

There is some difficulty about the word "misdemeanour" in the amendment; I am not quite sure what this involves. Although I am subject to correction, I understand that normally a misdemeanour is an indictable offence, not one that can be dealt with by summary jurisdiction. That is borne out by an explanation I have received from the Parliamentary Draftsman, which states:—

I point out that the word "misdemeanour" may be interpreted so as to include offences punishable summarily. There is some authority for the proposition that the word "misdemeanour" means an indictable offence. If so, false representations by conduct as to the commission of offences punishable summarily would be excluded, but there is no reason for doing this.

I suggest that the Committee do not oppose this amendment. We will consider this angle, and if it is necessary, it can be corrected in another place.

Amendment carried.

Mr. DUNSTAN—I move:—

In paragraph (*b*), after "has" to insert "not".

As the new subsection now stands, it is not clear whether it means "has" or "has not"; the amendment makes it clear.

Amendment carried.

Mr. DUNSTAN—I move:—

In paragraph (*b*) to strike out the word "and".

The omission of this word is necessary, as I intend to move that paragraph (*c*) be struck out.

Amendment carried.

Mr. DUNSTAN moved:—

That paragraph (*c*) be struck out.

Amendment carried; clause as amended passed.

Remaining clause (5) and title passed.

Bill read a third time and passed.

KINGSTON AND NARACOORTE RAILWAY ALTERATION BILL.

Adjourned debate on second reading.

(Continued from September 17. Page 779.)

Mr. CORCORAN (Millicent)—I have much pleasure in supporting the Bill. The railway between Kingston and Naracoorte was authorized by the South-Eastern Railway Act, 1871, and the line was constructed almost to the jetty at Kingston because it was a fairly busy port at that time. The Bill authorizes the Railways Commissioner to cease broadening the gauge at the outskirts of the town. Certain benefits will be derived by some of the townspeople, though some living near the present railway station and goods sheds will suffer some disadvantages. The present position of the passenger station and goods yards is evidence of the needs of years ago. There is now no need for the train to run through the centre of the town, and the new location will obviate the need for crossing over three streets. These crossings have been a great menace to traffic, and at the one nearest the existing railway station a number of accidents have occurred during shunting. The proposed alteration to the route has been recommended by the district council of Lacepede and agreed to by the Railways Commissioner, and I take it that it meets with the approval of the ratepayers of Kingston.

Kingston was a fairly important port when the railway was taken to a point close to the jetty. In those days many ships called there from Melbourne and Adelaide, and even from Newcastle bringing coal for the railways and industries in the town. A vessel called every week bringing commodities from Melbourne and Adelaide, backloading with wool, cereals and merchandise. With the advent of improved road transport shipping was greatly reduced. A proposal for a deep sea port at Cape Jaffa was investigated, but it was not proceeded with, and it now seems that there will be no need to extend the railway; but that can be done in the future, if necessary, without much trouble. The only people who may be inconvenienced as a result of this Bill are those at the northern end of the town, but they will be more than compensated because they will not have to pass over dangerous crossings. The broadening of the railway from Naracoorte to Kingston—a distance of 57 miles—was authorized about seven years ago, and I am happy to see it nearing completion. This work has been faced with all sorts of obstacles, especially during the wet season, but they have been overcome. I ask the House to support the Bill.

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

MINING (PETROLEUM) ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

It makes a number of amendments to the Mining (Petroleum) Act of 1940. They have been devised mainly to assist Santos and Delhi Australian Companies to carry out the arrangements which have been made for the joint working of the areas now held by Santos under various oil licences. The Government, however, has not included in the Bill any amendments which are not likely to prove useful and convenient as general amendments of the law.

As is generally known, the Santos Company has made an arrangement with the Delhi Australian Company of Texas for co-operation in the search for oil on areas now held under licence by Santos. Under this arrangement the Delhi Company agrees to carry out a substantial programme of exploration and boring from which both companies will benefit, and Santos has agreed to share its holding with Delhi. The whole of the holding will be divided into squares bounded by lines representing minutes of latitude and longitude, and every alternate square will be assigned to the Delhi Company and the others retained by Santos. Each square will be roughly a square mile. It follows that if as a result of work done by the Delhi Company oil is found on any square, Santos will necessarily hold under licence some land in proximity to the find. Thus both companies will derive benefit from work done by Delhi.

The amount of capital which is required for this work is considerable and the exploration may be protracted. Both companies have joined in a request to the Government that the law should be altered so that some greater security of tenure of oil licences than is now granted by the Act should be available. Three types of licences are at present provided for in the Mining (Petroleum) Act. The first is the oil exploration licence which must have a minimum area of one thousand square miles. There is no maximum area. The maximum term is two years and renewals are at the

discretion of the Minister. He is not obliged to grant any renewal at all, or he may grant a renewal as to part only of the area comprised in the licence.

The second type of licence is the oil prospecting licence which is designed to ensure a close examination of a relatively small area. A prospecting licence must comprise not less than eight and not more than 200 square miles. The initial term is any period up to four years and renewals for periods of 12 months may be granted at the discretion of the Minister. Oil mining licences comprise much smaller areas. The maximum is 100 square miles. The minimum area is normally four square miles, but the Minister may grant a licence for a still smaller area if he considers it desirable. The term of an oil mining licence can be anything up to 21 years and a licensee after having received an initial licence is entitled to renewals for successive terms of 21 years.

An important provision in the Act in connection with renewals is section 40 which lays it down that when the holder of an oil exploration licence applies for renewal the Minister may require him to take a prospecting licence (which comprises a smaller area) and when the holder of a prospecting licence applies for a renewal the Minister may require him to take a mining licence (which is smaller still). The companies submitted to the Government that these provisions did not grant rights for a sufficiently long term and were inconsistent with the idea of security of tenure, and asked that they should be modified. The Government agreed that longer terms for licences were desirable but considered that section 40 should be retained subject to a proviso that in special cases the Government should be in a position to make an agreement with a licensee giving him the right to obtain renewals of the whole of his area during a specified period. The Bill provides for this. In addition the Bill proposes some other amendments for the purpose of enabling the checker-board system of dividing up the area comprised in a licence to be carried out. Several provisions of the present Act are inconsistent with this system but it has been found possible to devise amendments to remove the inconsistencies without impairing the effectiveness of the Act.

I will explain the clauses of the Bill in detail. Clause 3 amends section 6 of the principal Act which deals with applications for licences. At present the law is that a licence can only be applied for in respect of land which is not at the time of the application already included in a licence. This provision would prevent the Delhi Company from applying for the grant of a licence over any portion of the Santos Company's holdings, unless that portion were first surrendered by Santos. This would be an inconvenient arrangement. The object of the provision in section 6 is to ensure that two or more different people do not hold separate licences over the same area at the same time and it is proposed to redraft the provision so as to provide for this, but to leave it open for a person to make an application for a licence over another person's area while that other person's licence is still in force. The licence applied for, of course, could only take effect after the existing licensee's rights terminate by surrender, effluxion of time or other lawful means.

Clause 4 deals with the maps which have to be attached to applications for licences. Under section 7 of the principal Act every application for a licence has to be accompanied by a map delineating the boundaries of the area applied for. Under the proposed checker-board system, each new licence will comprise some thousands of small squares of land, and it would be very difficult and unnecessary to delineate all these squares in the map. It is proposed to alter the law so that it will be sufficient if the areas on a licence are shown or indicated in the map, though not delineated.

Clauses 5 and 6 make amendments for the purpose of laying down a rule that a licence may be granted over two or more separate areas of land. At present the law is that an oil exploration licence or an oil prospecting licence must cover a single continuous area, and only in special circumstances can an oil mining licence be granted over more than one separate area. Under the checker-board system both Delhi and Santos will each require a licence over a very large number of relatively small areas, none of which touches any other except at a point at the corner of the squares. The square in each licence will therefore be separate areas. Both for the purpose of enabling Santos and Delhi to carry out their proposal and on general grounds also, it appears desirable that the Government should be able to grant licences over separate areas so long as the total land included in any licence is within the limits prescribed by the Act. Clause 6 provides for this and clause 5 makes a consequential amendment. Clause 7 enables the same person to hold two different licences over the same land. In practice this will mean that

the holder of an exploration or prospecting licence will be able to keep that licence in force concurrently with any oil mining licence which may be granted over the same land or any part of it. If the oil mining licence should be surrendered, the licensee will still have the original exploration or prospecting licence and thus the area of his operations will not be interferred with. There appears to be no reason why the same person should not have some overlapping rights over the same land so long as he is willing to pay the fees and other charges under each licence. The fact that fees are payable under each licence will no doubt prevent any person from duplicating his tenures without good reason.

Clause 8 deals with the terms, covenants and conditions which may be included in a licence. At present the permissible terms, covenants and conditions are those fixed by regulations under the Act with any modifications and exclusions which the Minister thinks fit and any clauses covering ancillary matters. In view of the proposed arrangements between Santos and Delhi, it is necessary that the Minister should have a wider power to include in a licence covenants conferring rights and imposing duties either on the licensee or the Minister. The amendments in clause 8 provide for this. Subsequent clauses of the Bill will set out some matters concerning which the Minister will be entitled to include covenants in a licence, and in anticipation of this, clause 8 of the Bill makes additional amendments providing that licences may contain covenants authorized or permitted by the Act, as well as covenants prescribed by regulations. Clause 9 provides first that the maximum term of an oil exploration licence shall be five years instead of two as prescribed at present. In addition the clause declares that a licensee who has complied with the terms of his licence and with the Act shall have a right to the renewal of his licence. The right of renewal is, however, subject to section 40 of the Act. Under this section, as I mentioned before, the Minister may, unless he has made an arrangement to the contrary, refuse the renewal of an exploration licence and require the licensee to apply for a prospecting licence, or may refuse the renewal of a prospecting licence and require the licensee to apply for a mining licence.

Clause 10 amends section 17 of the principal Act which requires the holder of an exploration licence to carry out a reconnaisance survey and to furnish periodical reports and maps. Clause 10 will enable the Minister to vary these requirements. In some cases it may be that the licensee will have already done work on the whole or part of his land and there will be no need to repeat it. In other cases it may not be possible to carry out the whole survey within the time mentioned in the Act, and thus it may be necessary to modify the licensee's obligations, or extend the time for performing them. Clause 11 deals with the right to obtain oil mining licences. At present the holder of an oil exploration licence cannot be granted an oil mining licence over any of the same land. If he wants an oil mining licence he must first obtain a prospecting licence, and while holding that licence he can apply for a mining licence. Although in laying down these rules the Act followed precedents, there does not now appear to be any reason why a company which holds an exploration licence and desires a mining licence should have to go through the procedure of first applying for a prospecting licence. It is therefore proposed to amend section 18 of the Act so that the holder of an oil exploration licence can apply directly for an oil mining licence.

Clause 12 alters the provisions of the Act dealing with the shape of the area which may be included in an oil prospecting licence. It is provided in section 21 of the Act that the area in a prospecting licence shall as far as possible be bounded by well marked permanent physical features, or straight lines. This is quite satisfactory so long as it applies to each separate area. The section goes on to say that the length must bear a specified ratio to the average width, the ratio varying between three to one and six to one. This provision would prevent the checker-board system from being carried out. The Director of Mines has advised that in this State there is no advantage to be gained by retaining the provisions setting out the ratio of length to breadth of the land in these licences. It is therefore proposed to repeal them, and it is also proposed to alter section 21 so as to make it consistent with the checker-board system. Clause 13 of the Bill repeals a section which is unnecessary because of the proposed new provisions allowing any licence to comprise two or more separate areas.

Clause 14 deals with the terms of oil prospecting licences and the rights of renewal. It is proposed to raise the maximum term of a prospecting licence from four years to five years and to give a right of renewal to a licensee who has complied with his licence.

The only restriction on the right of renewal will be that the Minister may require the licensee to apply for a mining licence instead of a prospecting licence. If, however, in exercise of powers proposed in this Bill the Minister undertakes that he will not require the licensee to apply for a mining licence during any specified period, the right of renewal during that period will be unrestricted. Clause 15 deals with the grant of oil mining licences. At present under section 27 of the Act an oil mining licence cannot be granted unless the area applied for has been held by the applicant under an oil prospecting licence over the area, or by some person under an oil mining licence. It is proposed, as I mentioned before, to allow the holder of an oil exploration licence to apply for an oil mining licence without going through the stage of holding a prospecting licence, and clause 15 makes amendments relating to this matter. Clause 16 is a consequential amendment.

Clause 17 amends the provisions of section 30 of the Act relating to the shape of the area comprised in oil mining licences. These amendments are similar to those proposed in connection with the areas in prospecting licences. They abolish the restrictions based on the ratio of length to breadth. Clause 18 amends the provisions of the principal Act relating to surrenders. At present under section 38 of the Act a licensee may apply to surrender a licence after giving three months' notice and paying all the money due by him to the Government and his employees, but the Crown is not bound to accept the surrender. It is proposed by clause 18 of the Bill to give a definite right to surrender in cases where the licensee has complied with the Act and his licence, and has made provision for making all wells safe. Clause 19 makes amendments to section 40 of the principal Act. This is an important clause which enables a Minister on an application for renewal of an oil exploration or an oil prospecting licence to refuse to renew the existing licence, and to require the applicant to apply for a different type of licence comprising a smaller area. It has been represented to the Government that this section seriously affects security of tenure of licences, and the companies have asked that it should be altered or modified. The Government, as I mentioned, considers that the section should be retained, but that in special cases the Minister should have power to give an undertaking that the powers conferred by the section would not be used against a licensee during a specified period. Clause 19, therefore, lays it down that the Minister, on the recommendation of the Director of Mines, may insert a convenant in a licence that the powers mentioned in section 40 will not be used against the licensee during a specified period.

Clause 20 deals with the right to mortgage a licence. Under section 22 a licence cannot be mortgaged except with the consent of the Minister, who is not obliged to give his consent. The Government is informed, however, that when oil is found in commercial quantities finance is often quickly required and it is not uncommon to give financial institutions a mortgage over the licence. It is asked that a licensee should have a right to mortgage his licence without the Minister's consent, but if there should be occasion to enforce the mortgage by sale of the licence the buyer must be a person approved by the Minister. This arrangement is not inconsistent with the objects of the present section and the Government has agreed to include it in the Bill.

Clause 21 deals with the monthly and annual reports which are required from licensees. At present these are set out in section 56, which applies to holders of all kinds of licences. It has been suggested that section 56 should be limited to the holders of oil mining licences. The holders of exploration licences and prospecting licences are required by other provisions of the Act to make quarterly reports and it is suggested that it is unnecessary for them also to make monthly reports under section 56. The Government has agreed with this contention and has included in clause 21 amendments to provide that section 56 will be limited to the holders of oil mining licences.

Mr. FRANK WALSH secured the adjournment of the debate.

RIVER MURRAY WATERS ACT AMENDMENT BILL.

Introduced by the Hon. Sir Thomas Playford and read a first time.

ADJOURNMENT.

At 9.24 p.m. the House adjourned until Wednesday, October 8, at 2 p.m.