HOUSE OF ASSEMBLY.

Thursday, November 6, 1958.

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

ASSENT TO ACTS.

His Excellency the Governor, by message, intimated his assent to the following Acts:—Libraries (Subsidies) Act Amendment, River Murray Waters Act Amendment, Industrial and Provident Societies Act Amendment and Homes Act Amendment.

QUESTIONS.

LYNDHURST SIDING TO MOUNT FITTON ROAD.

Mr. O'HALLORAN—Some time ago I made representations for improvements to be made to the road from Lyndhurst Siding to Mount Fitton for the benefit of pastoral properties in the area and particularly for the benefit of those carriers carting talc from the important mine near Mount Fitton. Can the Minister of Works say whether improvements have been made to this road or whether anything is contemplated in the near future?

The Hon. G. G. PEARSON—I will look into this matter for the honourable member and let him have a reply.

RESTRICTIONS ON SLAUGHTERING.

Mr. HARDING—In today's *Advertiser,* in an article which could be headed "Hardy Annual" but is headed "Restriction on Slaughtering" the following statement appears:—

No lambs from country markets will be accepted at the Gepps Cross Abattoirs for slaughter for export from November 10 until further notice, the operational committee of the Meat Board of South Australia has decided. The chairman (Mr. O. B. Beatty) said yesterday this was necessary to avoid congestion at the works after a heavy carry-over of lambs from the week-end slaughterings. The committee would review the position today.

The position as I see it is that graziers would have no difficulty in retaining lambs for up to three weeks, but because of the abundance of feed the lambs would be seriously affected by grass seeds if they had to be kept any longer on the farms. Can the Minister of Agriculture report on this matter?

The Hon. D. N. BROOKMAN—The restrictions are on country markets and do not affect the markets at Gepps Cross. They are necessary because of the sudden and exceptional rush of stock in the last few days, which has been rather phenomenal. The custom is to inform the operational committee of any country markets and the expected bookings therefrom, but the committee was not notified of four recent country markets which took the committee somewhat by surprise. In addition there has been a heavy increase in the killing of beef and about 1,000 beasts were killed last week whereas the normal number at this time of the year is not more than 400. There has been increased activity with the American market which demands a high standard of dressing and packing. The recent butchers' picnic is also a contributory factor. It is hoped that the restrictions will not last for long. The Abattoirs Board reports that the operations at the works are proceeding speedily and that all chains are working. I do not think there is cause for serious alarm at present.

INTERSTATE BETTING SERVICE.

Mr. FRANK WALSH—In view of the Betting Control Board's responsibility in supervising betting activities is the Premier in a position to state what objections, if any, it has to the service offered by the Victorian Racing Club on interstate racing? Is the probity of the proposed service in question?

The Hon. Sir THOMAS PLAYFORD—The board has explained its reasons for not wanting this service in its present form. Other matters are involved that I would not be prepared to comment on outside this House and under those circumstances I rather doubt whether it is appropriate for me to comment here. I can assure the honourable member that I have examined the board's objections and believe them valid. A conference was held in Melbourne this week arising from the fact that many other authorities have objected to the proposed service, but I have not yet ascertained the results of that conference. I think that Mr. Brazel, who is conversant with the board's objections to the service, attended the conference from this State. I cannot take the question any further in a public statement.

CHELTENHAM BUS SERVICE.

Mr. COUMBE—Has the Minister of Works a reply to my recent question concerning the route of the Cheltenham bus service through North Adelaide when conversion from trams takes place?

The Hon. G. G. PEARSON—I have received the following report from the General Manager, Municipal Tramways Trust:—

With regard to the question raised as to the route to be followed when buses replace trams

on the Cheltenham service commencing on November 23, 1958, it is advised that the route will be follows:—From the city, buses will follow the existing tram route and in respect of the North Adelaide area, viz., *via* King William Street, King William Road, O'Connell Street, Ward Street and Hill Street to Barton Terrace. This matter has already been given publicity in the press but it will be repeated before the actual date of the conversion.

MEDICAL BENEFITS ORGANIZATIONS.

Mr. JOHN CLARK—A constituent has communicated with me seeking assistance in obtaining medical benefit payments to which he is entitled from the Ajax Hospital and Medical Benefit Company. Other members, including the Leader of the Opposition and the members for Edwardstown, Hindmarsh, West Torrens, Murray and Light have received similar complaints. My constituent is a married man with eight children, including a young baby who is seriously ill in the Children's Hospital, and he has been paying £20 15s. annually to the company since 1956 for benefits to cover himself and family. He is prepared to pay nearly 10s. a week for this benefit, though this is a hardship for a married man with a large family. His medical accounts total over £100, and he visited the head office of the company in an endeavour to obtain the cash benefits to which he was entitled. After a long wait he was told a letter and a cheque would be sent to him. He received a long letter from the company attempting to explain its difficulties, and advising him to transfer to another company that was prepared to take over the clients of Ajax. The letter did not say so, but of course the other company would not take over the liabilities of Ajax. Most important, and most shattering from my client's point of view, was this sentence in the letter:—

> This company must regretfully inform you that it is unable to meet your claims for medical or hospital benefits.

That letter was dated October 27, and a day or two later he received another letter from the company to which was attached a renewal notice seeking payment to the company of his annual subscription of £20 15s. by October 31. Apparently the company wants premiums to be paid to it, yet it cannot meet its commitments, and some people would regard that as fraudulent. Can the Minister of Education say whether his colleague, the Attorney-General, is aware of the activities of this company? Will the Minister seek advice from his colleague on whether there is any way short of legal action, which in this instance seems most unlikely to be of value to my constituent and others, to collect what they are entitled to from the company, and will the Minister have the affairs of the company investigated?

The Hon. B. PATTINSON—I know the Attorney-General has caused investigations to be made into the activities of this company, and I will refer the honourable member's statements and questions to him, and let him have a reply, if possible on Tuesday next.

Mr. HAMBOUR—Earlier this session I referred to the activities of the Federal Medical Benefits Insurance Company and asked whether it was taking money from people in the knowledge that it could not pay benefits. I asked whether that would be an offence against the law, and the Attorney-General investigated the affairs of this company. We have on the Notice Paper, although it is well down the list, a Bill on this subject. A constituent of mine has paid £16 15s. a year to the Ajax Hospital and Medical Benefit Company, and he has a claim against it for £40, which was recognized by the company in June of this year. A cheque was made out to the claimant for this amount, but it was not signed. A letter that he received from the company states:—

> We acknowledge your inquiry *re* your claims and advise that they are receiving our attention. Due to an acute shortage of trained staff, a certain amount of delay is at present inevitable. Assuring you of our desire to be of service at all times. Ajax Hospital and Medical Benefit Co. Limited.

That letter was dated August 20, and the cheque was made out in June, but my constituent has not yet received the money due to him. Can the Minister of Education say how soon the Government intends protecting innocent people from what I consider to be false pretences? This company is collecting subscriptions from the public, but it is not meeting claims.

The Hon. B. PATTINSON—A Bill on this matter is already before the House and it is still open for amendment, but in any event I will take up the question with the Attorney-General and ask whether he has any further information or advice to offer on this subject.

BUS DESTINATION SIGNS.

Mr. LAWN—The bus destination signs on Tramways Trust vehicles are not visible from the rear. When people approach a bus from the rear they often run to catch it, only to find it is not the one they want. Will the Minister of Works ask the trust to have destination signs on the rear of buses for the convenience of the public?

The Hon. G. G. PEARSON—On the face of it, it seems that the honourable member's suggestion has merit, and I will bring his question under the notice of the General Manager of the Tramways Trust and see what can be done.

STRATHALBYN RESERVOIR.

Mr. JENKINS—Has the Minister of Works a reply to the question I asked yesterday about progress made in boring to supplement the supply of water in the Strathalbyn reservoir?

The Hon. G. G. PEARSON—I took up the question early this morning with the Engineer for Water Supply, who was endeavouring to have a report available for me by this afternoon. Unfortunately, it has not been possible for him to furnish the report yet, but I hope to have it by next Tuesday.

FREELING HOSPITAL DISPUTE.

Mr. FRED WALSH—About a fortnight ago I asked the Premier a question about an incident which occurred at the Freeling Hospital and which resulted in the death of a migrant. Last week-end there was another serious incident at Freeling, and according to the doctor's statement it was a serious case and could have resulted in the death of the patient but for the fact that he took the law into his own hands and forced the hospital doors to get equipment belonging to him. I do not want to debate the merits or demerits of the dispute between the hospital authorities and the doctor, but I am concerned—and possibly other members and the general public are—about the possibility of further incidents occurring. Has the Premier a reply to my previous question of October 21?

The Hon. Sir THOMAS PLAYFORD—I think I told the honourable member that a coroner's inquiry might be held into the death of the migrant, and I have been informed that one is to be held, if not already held.

OPAL FIND.

Mr. LOVEDAY—Has the Minister of Works a reply to my recent question about the purchase of opals from aborigines at Andamooka alleged to be worth £84,000?

The Hon. G. G. PEARSON—I have some information from the Protector of Aborigines, who called for a report from one of his officers. No-one knows the actual value of the opal, though it was stated to be worth the figure mentioned by the honourable member, but I think no definite information can be obtained because of the secrecy which aborigines maintain over their transactions on the field. It is understood that the three men—Williams, Davies and Brown—received about £1,300 for the opal they sold. Immediately they had completed the transaction they went to Port Augusta to buy motor cars and to spend the remaining money amongst their friends. There is a difficult problem in assisting aborigines in this matter. They are the discoverers of the opal, it is their property, and they are not obliged to inform any officer of the board about their commercial activities. As a matter of fact, they maintain a close secrecy about their transactions in this matter. The board is of opinion that probably the natives are being exploited by opal buyers, but, on the other hand, it believes that on occasions purchasers pay above the value of poor class opal, possibly to induce the aborigines to continue to prospect for it. Legally it is not possible for the board to deal satisfactorily with this matter. Although it is charged with the care and control of the natives it has no authority to take possession of their property without the consent of the individual concerned, or, in the absence of the consent, without an order from a special magistrate, which commits the aborigine specifically to the care of the board. When the transaction has been completed and the buyer has left the locality, there is no point in applying to the magistrate for the control of the proceeds. However, I will submit the matter to my colleague, the Attorney-General, with the request that the Crown Solicitor ascertain whether it is legally possible for the board to take subsequent action against a purchaser in order to recover reasonable value, if the board has reason to believe that there has been exploitation. I will refer the matter to the Attorney-General for his advice thereon.

LONG SERVICE ENTITLEMENTS.

Mr. LAUCKE—My attention has been drawn to some anomalies in the incidence of taxation on long service payments made to certain categories of school teachers. I understand that headmasters and chief assistants who become eligible for long service pay at the time for their retirement and who re-enter the service in an altered status, such as assistant, pay five per cent tax on the long service leave payment and ordinary tax on the current salary. The teacher with the status of assistant who re-enters the service without

alteration in that status pays full tax on the long service leave entitlement. I feel that this is a gross injustice to that category of teacher. I realize that this matter concerns Federal taxation, but will the Minister of Education ask for an inquiry to be made into this taxation incidence, so that the tax will apply in the same way to assistants as to headmasters?

The Hon. B. PATTINSON—I shall be pleased to make representations to the Deputy Commissioner of Taxation in South Australia, but I am not sure that the honourable member has been correctly informed in all the details. We have made representations to the Deputy Commissioner from time to time on several aspects of this taxation. I shall endeavour to have the matter clarified, but first I will ascertain whether the details set out by the honourable member are correct. It would not be proper to have an investigation without being sure on that point. I will look at the docket again and, if necessary, take up the matter with the Federal authorities.

POLICE OFFICER FOR TEROWIE.

Mr. O'HALLORAN—Has the Premier received any further information following on my question of October 29 regarding the stationing of a resident police officer at Terowie?

The Hon. Sir THOMAS PLAYFORD—The Commissioner of Police reports:—

The previous officer in charge at Terowie resigned to take up other employment. In accordance with the wishes of the Police Association a vacancy was advertised. This method causes some delay in notifying members and selecting the applicant. It also has a chain reaction in that the station vacated by the successful applicant must then be advertised, and so on. First Class Constable Chivell of Mannahill has been under orders to transfer to Terowie for some time. The transfer is scheduled to be effected on November 5, 1958.

NARACOORTE POLICE STATION AND COURTHOUSE.

Mr. HARDING—Has the Premier received a report following on my question of September 17 about the proposed new single men's quarters and courthouse at Naracoorte?

The Hon. Sir THOMAS PLAYFORD.—The Architect-in-Chief reports:—

Tenders have been received for the erection of the Naracoorte Police Station and Courthouse. A recommendation was forwarded yesterday, November 5, through the Auditor-General for the acceptance of the lowest tender of £14,464, submitted by Basso Building & Terrazzo Service of Naracoorte. The contractor is now working in the country and will advise by telephone tonight when he would commence the work if successful in getting the contract.

METROPOLITAN TAXICAB BOARD REPORT.

Mr. LAWN—Section 33 of the Metropolitan Taxicab Act, 1956, provides that if a taxicab licence is issued in respect of a taxicab not owned by the licensee, or a taxicab licence is transferred to a person who is not the owner of the taxicab, or consent is given by the board to the leasing of the taxicab licence, the board shall forthwith report to the Minister that it has issued the licence or has consented to the transfer of lease, stating its reasons for issuing the licence or giving the consent and what steps have been taken to ensure that there shall not be trafficking in licences to the detriment of licensees and the public. The section also provides that every such report shall be laid before Parliament by the Minister. Will the Premier state whether any such report has been received by the Minister, and if not, will he endeavour to obtain it?

The Hon. Sir THOMAS PLAYFORD—I have not seen any reports although it may well be that they have been issued. I will find out, however, and see that the procedure laid down by the Act is followed.

CADELL PRISON FARM.

The SPEAKER laid on the table the final report of the Parliamentary Committee on Public Works on the Cadell Prison Farm, together with minutes of evidence.

Ordered that report be printed.

LEAVE OF ABSENCE: MR. TAPPING.

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

That a further 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.

FOOT AND MOUTH DISEASE ERADICATION FUND BILL.

The Hon. D. N. BROOKMAN (Minister of Agriculture) moved—

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution:—That it is desirable to introduce a Bill for an Act to provide for the

establishment of a Foot and Mouth Disease Eradication Fund and for the payment of compensation to owners of animals and property destroyed in order to eradicate or prevent the spread of foot and mouth disease, and for other purposes.

Motion carried.

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

The Hon. D. N. BROOKMAN—I move—

That this Bill be now read a second time.

It gives effect to a recommendation of the Australian Foot and Mouth Disease Committee in 1956 that a draft Bill approved by that committee should be introduced in all State Parliaments to ensure uniformity in the method of distributing funds made available by the Commonwealth and the State to combat an outbreak of foot and mouth disease anywhere in Australia. The Bill is substantially the same as an Act with the same title passed in Victoria in 1957. Foot and mouth disease is one of the worst livestock diseases in the world. It is widespread in all countries except the United Kingdom, the United States of America, Canada, New Zealand and Australia. An outbreak in Australia could be disastrous for the livestock industry. At its meeting at Hobart, in December, 1954, the Australian Agricultural Council adopted a report by its standing committee that should there be an outbreak of the disease anywhere in Australia the Commonwealth Government should contribute 50 per cent of the cost or eradication and that the States should contribute the other 50 per cent as follows:—

	Per cent
New South Wales	29
Victoria	18.25
Queensland	20.5
South Australia	10
Western Australia	10
Tasmania	6.25
Northern Territory and Australian Capital Territory	6

This suggested apportionment of the costs has been accepted by all Governments and a firm agreement exists whereby funds will be available in the above ratio to meet the cost of eradicating an outbreak wherever it may occur in Australia.

In this State the power to control the disease is contained in the Stock Diseases Act, 1934-1956, and the regulations thereunder. The eradication of the disease will necessitate the destruction of all cloven-hooved animals on a farm where an outbreak occurs and in some cases on adjoining properties also. All milk, cheese, carcasses and similar farm produce of animal origin must also be destroyed, together with certain classes of fodder. Pigsties and dairies which cannot be adequately disinfected may have to be demolished and burnt. To combat an outbreak of this disease it is necessary to act quickly. Delays or half measures would reduce the chances of success and eventually increase the overall cost. It follows, therefore, that funds must be available for the eradication measures and that any person who suffers loss by reason of these measures should be adequately compensated, and it is for these reasons that the Bill has been introduced. The explanation of the Bill is as follows:—

Clause 2 provides that the Act shall come into force on a day to be fixed by proclamation. Clause 3 defines words used elsewhere in the Bill. Clause 4 enables the Governor by proclamation to extend the definition of animal beyond those mentioned in clause 3. Clause 5 provides that the eradication fund shall be kept at the Treasury. Clause 6 enables the Governor to appoint inspectors for the purposes of the Act. Should the disease be detected in this State it would probably be necessary to appoint inspectors in addition to the stock inspectors already employed by the Government. Clause 7 provides for the payments into the fund by the Commonwealth and the States, and also lays it down that the proceeds of the sale of surplus stores and equipment will be paid into the fund.

Clause 8 provides that the fund shall be applied in payment of all expenses directly connected with the control of the disease. This does not include the salaries of permanent Government employees who may be engaged in such work. The clause authorizes other payments out of the fund for compensation and expenses incurred in obtaining a determination of the value of items for which compensation is claimed.

Clause 9 authorizes payment of compensation to the owner of any animal or property which is destroyed for the purpose of controlling or eradicating the disease, and to the owner of any animal which is certified as having died of the disease whilst on quarantined land. Clause 10 provides that the amount of compensation for an animal shall be as follows:—(*a*) If the animal destroyed is affected with the disease at the time of its destruction —the value of the animal immediately before it became so affected; (*b*) If the animal died of the disease whilst on quarantined land—its value immediately before it became so affected; (*c*) In every other case—the value of the

animal immediately before it was destroyed. The amount payable for property destroyed is its value at the time of destruction.

Clause 11 provides that the value of any animals or property shall be determined by agreement between the owner and the Minister, and in default of such agreement shall be determined by a special magistrate. Clause 12 limits the amount of compensation to that provided by the Bill. Clause 13 provides that claims for compensation shall be lodged within 60 days of the destruction or death of the animal or the destruction of the property and that no compensation or only such as the Minister thinks reasonable, shall be payable to an owner who during the currency of the Act, has been convicted of an offence against the regulations relating to the eradication of the disease. No compensation is payable for loss of profit or other consequential losses.

Clause 14 makes it an offence punishable by a fine not exceeding £100 for any person to make a false statement or be concerned in a fraudulent act for the purpose of gaining a pecuniary benefit under the Act. Clause 15 provides for the winding up of the fund on a date not earlier than six months nor later than 12 months after the last diagnosed case of the disease following an outbreak in this State.

Clause 16 enables the Governor to make regulations to assist in carrying out the purposes of the Bill. Clause 17 provides that all offences against the Bill shall be disposed of summarily. The Government commends the Bill to honourable members as an effective means of preparing for something which we all hope will never happen, namely, an outbreak of foot and mouth disease.

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

PRIVATE MEMBERS' BUSINESS.

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

That for the remainder of the session, Government business take precedence over all other business except questions.

Motion carried.

HOUSING IMPROVEMENT ACT AMENDMENT BILL.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer), having obtained leave, introduced a Bill for an Act to amend the Housing Improvement Act, 1940-1950. Read a first time.

The Hon. Sir THOMAS PLAYFORD—I move—

That this Bill be now read a second time.

Its purpose is to resolve some doubts as to the power of the South Australian Housing Trust under the Housing Improvement Act, 1940, to erect buildings such as shops and the like. The trust has been proclaimed as the housing authority for the purposes of that Act. Paragraph (*c*) of subsection (1) of section 43 of the Housing Improvement Act provides that the housing authority may, with the consent of the Governor, construct buildings which in the opinion of the housing authority will serve a beneficial purpose for persons to whom houses are let by the housing authority. However, the introductory words of the subsection are "for the purpose of providing housing accommodation for persons of limited means, the housing authority may". These introductory words have caused some doubts as to the effect of paragraph (*c*) although there is no doubt that the intention of paragraph (*c*) was to authorize the erection of other than houses. Paragraph (*c*) should not have been enacted as a part of section 43, which section provides in the main for the erection of houses, but should have been enacted in association with a section dealing with the general powers of the housing authority.

With the growth of the Housing Trust and the part it is playing in the development of the State, it is considered important that there should be no doubt as to the power of the trust, as the housing authority under the Housing Improvement Act, to erect such as shops, halls and similar buildings needed for new urban areas being developed by the trust. Accordingly, clause 2, in effect, re-enacts paragraph (*c*) of section 43 (1) as a new subsection in section 16, which section deals with the general powers of the housing authority whilst clause 3 repeals paragraph (*c*) of section 43 (1). The new subsection included in section 16 mentions types of buildings which may be erected by the housing authority and specifically authorizes the housing authority to let or sell the buildings. The effect of the Bill will accordingly be to make it clear that the housing authority may, with the consent of the Governor, erect such building as shops and the like to provide for the needs of persons housed by the housing authority.

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

STATE BANK ACT AMENDMENT BILL.

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

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution:—That it is desirable to introduce a Bill for an Act to amend the State Bank Act, 1925-1954.

Motion carried.

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

The Hon. Sir THOMAS PLAYFORD—I move:—

That this Bill be now read a second time.

Its purpose is to make amendments to the State Bank Act relating to the capital of the State Bank. Section 8 of the State Bank Act, as amended in 1941, provides that the capital of the bank is to be £5,000,000 to be raised by the issue of debentures. Part V of the Act authorizes the bank to issue these debentures. Section 9 provides that the Treasurer may make advances to the bank for the purpose of providing capital for carrying on business. The State Bank has suggested that in view of the increased business of the bank the capital of the bank which may be raised by the issue of debentures should be increased to £10,000,000. During the last 10 years the scope of the bank has increased considerably. The number of branches has increased from 18 to 32, the amount of advances from £2,300,000 to £8,900,000 and deposits from £3,050,000 to £8,950,000. Reserves have risen from £664,000 to £1,380,000.

In addition, the Crown Solicitor has suggested that, as the amounts advanced by the Treasurer under section 9 constitute capital of the bank, section 8 should be amended to include these advances among the capital of the bank. Accordingly, clause 2 of the Bill increases to £10,000,000 the amount which may be raised by the issue of debentures as capital of the bank. Clause 3 makes a consequential amendment to section 39 and increases to £10,000,000 the amount which the bank may raise by the issue of debentures. Returning to clause 2, this clause also provides that any advances made to the bank by the Treasurer under section 9, including advances made before the passing of the Bill, are to be included in the capital of the bank.

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

ROAD TRAFFIC ACT AMENDMENT BILL. (No. 2.)

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

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution:—That it is desirable to introduce a Bill for an Act to amend the Road Traffic Act, 1934-1957.

Motion carried.

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

The Hon. Sir THOMAS PLAYFORD—I move:—

That this Bill be now read a second time.

It contains amendments and additions to the Road Traffic Act arising from suggestions made by administrative authorities and members of the public. I will explain the clauses in the order in which they appear in the Bill. Clause 3 deals with the use of unregistered vehicles in connection with fire fighting. There are throughout South Australia a number of unregistered motor vehicles owned by primary producers. Under the present law these vehicles are normally required to be kept on private property, but they may be used on roads for the purpose of carrying persons or fire fighting appliances to or from a fire. The Government has been informed that there are other occasions when the use of these vehicles on roads is desirable, *e.g.*, on bush fire patrol work, or for burning fire breaks or training fire fighting units.

Officers of the emergency fire fighting services have stated that it would be a great advantage to them if an unregistered vehicle could be used for these additional purposes in connection with fire fighting. The matter has been inquired into by the Government and the Registrar and it has been decided to propose an extension of the use of these unregistered vehicles for the additional purposes mentioned. In order to carry out this decision some amendments are made to subsection (1) of section 7 of the principal Act and the additional purposes for which vehicles may be driven are set out in the proposed new subsection (7).

Clause 4 deals with the use of primary producers' tractors which are registered at concession rates. At present these tractors can only be used on roads for transport of goods between the land of the primary producer, and a railway station, port or town not

more than 12 miles from such land. It has been pointed out to the Government that in the River settlements road transport is required by growers for transporting perishable goods to pick-up depots where delivery is taken by packing houses and canneries. Some of these pick-up depots are not within a town and therefore the primary producer's tractors registered at concession rates cannot at present lawfully be used for transport to these depots. It is proposed in clause 4 to extend the relevant provisions of the principal Act so that tractors may be used between the orchards and the depots and, at the same time, the limitation of 12 miles is extended to 15 miles.

Clause 5 deals with the speed limit outside municipalities, towns and townships. This matter has been enquired into by the State Traffic Committee at the request of the Government, in view of recent serious road accidents. The present law is that a speed of 45 miles an hour outside a municipality or town is *prima facie* excessive and punishable. This provision has not been used very much because the police have regarded it as difficult to secure convictions which will be upheld on appeal. It is fairly easy for the defendant to secure an acquittal. The onus on him is not to satisfy the court that his speed was reasonable in the circumstances, but merely to raise a reasonable doubt as to whether he was guilty of the offence. Upon inquiring into the matter the State Traffic Committee came to two conclusions about the present section. The first was that, having regard to the speeds for which motor cars nowadays are built, a speed limit of 45 miles an hour would not generally be observed. Secondly, the committee thought that if the prescribed speed were raised a little and at the same time a heavier onus were placed upon the defendant to justify his speed the section would, in future, prove a greater deterrent to excessive speed than it has in the past. The Commissioner of Police expressed the view that if a definite onus were placed on a defendant who was proved to have driven at more than 50 miles an hour to show that the speed was reasonable in the circumstances the police would be in a much better position than they are now to enforce reasonable speed limits on country roads. The Traffic Committee recommended a change on the lines set out in the Bill. Clause 5 therefore repeals the present section dealing with excessive speed and substitutes a new provision. It places the onus on a defendant who is proved to have driven at more than 50 miles an hour to satisfy the court that his speed was not unreasonable. The clause means that the defendant must satisfy the court that in all the circumstances his speed was not above that at which a reasonably cautious and prudent man would have driven.

Another effect of the clause is to repeal the provision which says that 25 miles an hour in a municipality is *prima facie* an excessive speed. This provision has not proved of much use. There is already a firm speed limit of 35 miles an hour for built-up areas, and, in addition, a defendant who drives through a municipality at a speed lower than 35 miles an hour may, if the circumstances justify it, be charged with driving dangerously or without due care and attention. These provisions are sufficient to deal with the normal speed problem in built-up areas. Special speeds past schools and intersections are not altered.

Clause 6 is a minor amendment. It deals with the section which says that the registered owner of a motor vehicle must inform the Registrar of any change of his place of abode. There has been some doubt as to what is the place of abode of a company, and it is proposed to enact a provision saying that the principal place of business of a company shall be its place of abode.

Clauses 7 and 8 deal with the offence of interfering or tampering with a motor vehicle without the consent of the owner. At present this is a separate offence from illegally driving or using a motor vehicle and it carries a lighter penalty. However, some cases of unlawful interference are as serious as cases of unlawful driving and the Commissioner of Police has asked that all these offences should be dealt with in the same way and be subject to the same penalty. It is therefore proposed to repeal section 55 which deals with unlawful interference and insert provisions on this subject in section 53. This will have two results. The first is that the penalty for unlawful interference will be the same as for unlawful driving and, secondly, the court will have power to order the defendant to pay compensation to the owner for unlawful interference.

Clause 9 deals with the compulsory insurance provisions of the principal Act. Section 70d provides that a person who has obtained a judgment against a motorist for injuries caused by driving may enforce the judgment against the motorist's insurer if the motorist does not satisfy the judgment. The section, however, requires that before the insurer can be held liable he must have had notice that legal proceedings against the motorist had

been commenced. The purpose of this requirement is to give the insurance company an opportunity to investigate and defend the case, as an insurer has a right to do under the policy. But the section says that the duty to notify the insurer does not apply if the judgment was obtained outside the State. This provision was included in the section when it was first passed in 1936 and no doubt the reason was that other States did not then have third party insurance and persons in other States might not know that South Australian law required them to give notice to the insurer in South Australia. However, as third party insurance has now become general throughout Australia and the provisions are nearly uniform and well known there is now no reason for having one rule applicable to judgments obtained in South Australia, and a different rule for those obtained in other States. It is therefore proposed to alter the law so that it will be a condition of the insurer's liability in all cases when he is called on to pay a judgment obtained against an insured motorist that he shall have received notice of the action against the motorist. The Government is informed that recently two judgments were obtained in other States, one for £5,000 and the other for £16,000 without the South Australian insurer having been given any notice of the proceedings until after judgment was given.

Clause 10 deals with the right of an insurer to cancel a third party policy. At present an insurer has the right to cancel such a policy upon 21 days' notice to the insured and the Registrar. The Registrar of Motor Vehicles has found that this provision is unsatisfactory in practice. At least 100 notices of cancellation of policies are received by the Registrar every week and no reason for the cancellation it stated. After a notice of cancellation has been given, the officers of the Registrar and the police are required to make inquiries as to what has happened to the vehicle and to try and ensure that the registration is also cancelled. Otherwise uninsured vehicles might continue to be driven on the roads. Some of the owners and vehicles are out of the State or cannot be found and often the registration label remains upon the windscreen of the vehicle. Thus the vehicle continues to appear to be registered and insured and it is difficult for the police and public to know the truth of the matter. The Registrar says that even the owner himself may not always know that his policy has been cancelled and may think he is lawfully using the vehicle.

The remedy suggested by the Registrar is that cancellation of insurance must be subject to the consent of the Registrar. The Government understands that the Registrar has consulted with representatives of the insurance companies on this proposal and that it is acceptable. It is proposed, therefore, by clause 10 to make it clear that an insurer will not be entitled to cancel a third party policy unless he either substitutes another policy coming into force immediately or, alternately, obtains the consent of the Registrar. The requirement that 21 days' notice must be given to the insured is retained.

Clauses 11 and 12 contain minor amendments of two sections of the principal Act dealing with the powers of the police and authorized officers in relation to the unloading of excessive weights on vehicles and the weighing of vehicles. At present these sections contain anomalies, probably due to oversights, in that in some matters the powers are given to members of the police force and in other cases they are not. There is, however, no reason for distinguishing between members of the police and other authorized persons in the matters dealt with by the sections. It is proposed therefore, to insert references to members of the police force in two places.

Clause 13 relates to traffic lights. Certain provisions of the present Act dealing with these lights are based on the assumption that they are all erected at intersections as was originally the case. However, in recent years the city council has erected lights at a number of junctions, i.e., places where roads join each other without completely crossing. It is now desirable to extend the provisions relating to traffic lights so that they apply to junctions as well as intersections.

Clause 14 makes additions to the law relating to pedestrian crossings. In 1955 Parliament made provision for what are commonly called "zebra crossings" and so far there does not appear to be any need to alter the law on this topic. However, recently the Unley council has established a different kind of pedestrian crossing. The crossing is not marked by zebra lines on the road, but merely by two parallel lines and the vehicular traffic is controlled by green and red light signals. The present law governing pedestrian crossings was not designed to cover crossings of this kind, and it is desirable that the new type of crossing should be recognized by law and that rights of the pedestrian and the motorist at these crossings should be set out in the Act.

Clause 14 therefore provides that the regulations about pedestrian crossings may provide for different ways of marking crossings, and that the existing rules about the duties of motorists to stop will apply only to the ordinary zebra crossings without lights. Where lights are installed at a pedestrian crossing, the duty of the motorist and the pedestrian will be regulated by the lights. Clause 15 deals with towing devices. At present where a vehicle is being towed by another the law requires that there shall be a person in charge of the towed vehicle, unless it is attached to the towing vehicle by some device prescribed in the regulations. It has been found difficult to prescribe the details of all the suitable devices which are available and it is now proposed to amend the Act so as to recognize towing devices of any kind approved by the Registrar.

Clause 16 deals with the maximum height of vehicles. The Government has received representations from the Commonwealth that on a number of occasions telegraph wires have been damaged by vehicles loaded to a height of 18ft. or more. At present there is no limit on the maximum height of a vehicle and its load. The question was referred to the State Traffic Committee which recommended that the law should provide a maximum height of 14ft. for all vehicles except trolley buses, with power for the Registrar to grant exemptions. This recommendation is carried into effect by clause 16. The height of 14ft. is in accordance with the recommendation of the Australian Motor Vehicles Standards Committee.

Clause 17 deals with the offence of leaving vehicles stationary on bridges and culverts for a longer period than is necessary. At present if a vehicle which has stopped on a bridge or culvert because of a breakdown or to set down or take up passengers is not removed without unnecessary delay the owner of the vehicle is guilty of an offence. In cases where the vehicle is still in running order it is desirable that the responsibility for getting the vehicle off the bridge without delay should rest on the driver or person in charge. It is therefore proposed by clause 17 to alter the law so that in the case of a breakdown the responsibility for removing the vehicle will be on the owner, but that in other cases it will be on the driver or person in charge of the vehicle.

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

PRICES ACT AMENDMENT BILL.

Returned from the Legislative Council without **amendment.**

BROKEN HILL PROPRIETARY COMPANY'S STEELWORKS INDENTURE BILL.

Returned from the Legislative Council without amendment.

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

In Committee.

(Continued from October 28. Page 1428.)

Clause 3—"Provision as to holding over," which the Hon. Sir Thomas Playford had moved to amend by deleting the words "within one month" from paragraph I of subsection (1) of new section 60a.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—When this matter was last discussed we had substantially come to the position that the Committee, as far as I could see, was content in cases where a tenancy was held over on a two-year lease to accept that, upon notice being given, the person should be required to vacate the premises within three months, after which period the provisions of the common law would apply. However, there was some discussion on how this desirable object should be arrived at. The member for Norwood (Mr. Dunstan) moved an amendment that would place these dwellings outside the scope of the Act, and some supplementary suggestions were made by the member for Mitcham (Mr. Millhouse) that were supposed to bring the Bill back to its original intention. The Parliamentary Draftsman has made a report in which he points out that the amendments proposed by the Government and the supplementary amendments of which I have given notice are completely different from the amendment proposed by Mr. Dunstan. His report states:—

The new clause proposed by Mr. Dunstan in substitution for the present clause 3 of the Bill provides that where a tenant holds over under a lease of a kind mentioned in section 6 (2) or (2a) at the rental prescribed by such lease the provisions of the Act relating to the recovery of premises are not to apply to the holding over. This new clause, on the face of it, is more stringent in its application to a lessee than the present clause 3 which distinguishes between a lessee under such as a two years' lease and a lessee of a new house.

There are, however, other objections to the proposed new clause. The new clause provides

that it is to apply only if the lessee holds over "at the rent prescribed by such lease." Where a lessee holds over and nothing is said as to the amount of rent to be paid, the rent is not necessarily to be the same as before, but the lessor may be entitled to an increased rent if the circumstances exclude the first agreement from attaching to the subsequent holding (see Woodfall on Landlord and Tenant, 25th edition, p. 1112).

In many cases, the lessor does not accept rent during a period of holding over lest the acceptance of rent results in the creation of a new lease and it is usual for the amount to be paid by the lessee to the lessor during the period of holding over to be fixed by the court ordering possession, although it frequently occurs that the amount so fixed to be the same as the rent payable under the lease. If no rent is paid during the period of holding over or if a rent different from that payable under the lease is accepted, the necessary inference is that, under the proposed new clause, the holding over does not come within the scope of the clause and consequently the provisions of the Act relating to the recovery of possession would apply. The inclusion of these words can therefore cause confusion as to what is the correct legal position, and the new clause does not provide fully for all cases of holding over.

The new clause assumes that rent will continue to be paid at the same rent as that fixed by the lease and, in fact, unless it is so paid it will probably be held that the new clause does not apply. Thus, by withholding payment of rent, the lessee can raise a cloud of legal doubts. If rent is paid by the lessee and accepted by the lessor another difficulty can possibly arise, as the effect of acceptance of rent by the lessor can, in some circumstances, be to create a new lease. Unless the new lease comes within the exemptions of section 6, such as being a two years' lease in writing and so on, the lease so created would be subject to the provisions of the Act. The result, therefore, can be that unless the lessor accepts rent at the same rate as that payable under the lease the new clause may be held as not applying to the holding over and he will find that the other control provisions of the Act apply. If he does accept the rent he may be creating a new tenancy which may be subject to control.

These objections do not apply to the present clause 3 which gives to the lessor the right to give notice to quit and exempts subsequent proceedings from the provisions of the Act. The present clause 3 does not bring subsequent lettings under control. If any such lettings do come under control, that would be by reason of the existing provisions of section 6 which exempts certain leases but not the premises. Thus, if the parties to such as a two-year lease after the end of the term agree upon another lease not within the exemptions in section 6, that lease will, under the present provisions of the Act, be subject to control. This result follows whether or not the present clause 3 or the proposed new clause is enacted.

Mr. Millhouse has proposed two amendments to Mr. Dunstan's new clause. The first extends the application of the new clause to any extensions or renewals of the lease under which the lessee holds over. This could have the effect of freeing from control a lease by way of renewal or extension, for example, of a house for less than two years, which under the existing provisions of section 6 would not be exempt. The other amendment is to the effect that the notice to quit must be for a term of not less than three months. The policy of the Act, which is carefully preserved by the present clause 3, is that leases of new houses are quite free from control. The proposed amendment would apply to such cases irrespective of what notice to quit would be required under the general law and thus depart from the existing policy of the Act.

With the Government amendments proposed to clause 3 the position under the clause will be as follows as regards a lessee holding over under such as a two years' lease. The lessor will at any time during the holding over be able to give notice to quit but he will not be able to commence proceedings for recovery of possession until after the lapse of three months, thus giving the lessee some opportunity to secure other accommodation. The clause does not create a statutory tenancy; on the contrary, it contains provisions enabling a lessor to recover possession at the expiration of the term of the lease, and it is most difficult to imagine that any court would construe the clause, in direct opposition to its obvious purpose, as giving a lessee the right to a new statutory lease.

I realize that this matter, and indeed the Bill as a whole, has some complications, so I have given this explanation of the difference between the clauses so that members may have an opportunity over the weekend to study it. I hope we will be able, perhaps on Tuesday next, to proceed with this legislation, because if it is to be successful it is desirable that it should be dealt with fairly early next week.

Progress reported; Committee to sit again.

SUPERANNUATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 23. Page 1390.)

Mr. O'HALLORAN (Leader of the Opposition)—This Bill is undoubtedly the result of steps taken earlier this session by the Opposition. Members will recall that I moved a motion asking the Government to introduce legislation to increase pensions for pensioners, widows and children. After a long debate the Premier suggested that I withdraw the motion to enable the Government to introduce this Bill. He was doubtful as to what impact my motion would have on the Bill if I persisted with it and it was defeated. I withdrew the motion to leave the road clear for the Government to introduce the Bill.

The Premier has admitted that the South Australian scheme is less favourable to employees than those of the Commonwealth, New South Wales, Victoria and Western Australia, but it has taken him a long time and a motion to realize this. One of the features making our scheme less favourable than others is that for similar benefits contributors to it have to pay more than contributors to other schemes. No attempt has been made to remedy this.

Clause 3 proposes to give employees of public authorities the privilege of contributing to the fund. The Premier did not say which public authorities are concerned, but we have since learned that employees of the Savings Bank will come under the provisions of the Public Service Superannuation Act. Clause 4 proposes to increase the maximum number of units from 26 to 36. There is no obpection to this proposal in principle; but it would appear that those officers who are receiving very high salaries—and who, presumably, are mostly over 50 years of age—will receive considerable benefits in being able to take half of their additional units at age 50 rates. It would seem that a fairer solution of the problem of increasing the number of permissible units for appropriate salaries would be to revise the whole scale of intervals determining the number of units an officer may take. The present scale was objected to by the Public Service Association recently. The intervals should gradually increase throughout the scale. Under the proposed scale the great majority of officers will be precluded from taking out additional units.

I did intend to move an amendment to provide for a revision of the scale because the present schedule provides for intervals of £70 in salary for each additional unit to be taken out by the contributor. I intended to provide for expanding intervals in the salary rate. This would have permitted practically all contributors to take out one additional unit if they so desired. However, I have decided against this action at this juncture because I realize it is necessary to have the Bill passed this session so that the benefit may be derived as soon as possible by those who will be affected. However, I gave a copy of my schedule to the Premier for his consideration and suggested that he might either consider the advisability of moving an amendment to incorporate the schedule or, secondly, having the matter further considered with a view to the Parliamentary Draftsman producing an amended Bill at some later stage.

Clause 6 provides increased benefits for widows and children of contributors. The present widow's pension is half the pension that would have been payable to the contributor had he become a pensioner and £22 15s. a year is the child allowance for each child under 16 years of age. The clause proposes to increase the widow's pension to four-sevenths of the contributor's pension. I think this is totally inadequate and believe that the value of the widow's pension should be at least 75 per cent of the unit value of the pension itself. However, the slight increase proposed is better than nothing at all. Under the Bill if the contributor's pension would have been £14, the widow's pension will be £8 instead of £7. Of course a pension of this nature will not be enjoyed by many, because it will be received only by the widows of contributors who have progressed in the service and have been able to contribute for additional units. The child's allowance is to be increased to £26 a year—also an increase of one-seventh. This, too, is quite inadequate.

Clause 7 proposes similar increases for widows and children of deceased pensioners. Clauses 8, 9, and 11 increase pensions for orphan children from £45 10s. to £52—again an increase of one-seventh. Clause 10 deals with persons who are not normally entitled to benefit from the fund. The clause provides that excess contributions (over total pensions paid) may be paid to certain relatives of a deceased pensioner. One of these persons is the widow whom the pensioner married after retirement. We have always contended that such widow should be treated the same as a second wife and the age provisions applied in determining pension for her.

Clause 12 provides that all pensions still payable that have been in force since before January 1, 1949, are to be increased by one-seventh. The reason given for this discrimination is that persons who retired before that date did not have the opportunity to contribute for the present-day scale of pensions. This might be a good reason for the increase in these cases, but it is not a good reason for refusing to increase the pensions of those who have retired since. Since January, 1949, we have had considerable inflation, which has greatly prejudiced those who have retired since then. In addition, many due to retire during those years would have

found it difficult to contribute to additional units towards the end of their service because of the high cost involved at that stage.

In Committee I propose to move to amend the provision to date from January 1, 1955. Like many other Government Bills, this Bill is a patch-work Bill, but it is probably the limit of the Government's attempt to make a token gesture in the struggle to retain office. I am wondering what will be the effect of the proposal that contributors' balances may be paid to certain relatives of a deceased contributor. In his second reading speech the Premier said on this subject:—

It is proposed that if the total amount of the pensions received by a contributor and his or her spouse and children are less in the aggregate than the contributions paid, and the pensioner is survived by a widow, widower, son or daughter not entitled to any pension or benefit under the other provisions of the Act, the excess of the contributions over the total of the pensions and children's benefits previously paid, will be paid to or divided among such widow, widower, son or daughter.

I do not object to that, and I can understand it but then the explanation proceeds:—

The persons who would benefit under these provisions are the following:—

(*a*) A son or daughter over the age of 16 years;

(*b*) A widow whom the pensioner had married after retirement;

(*c*) A surviving second husband of the widow of a pensioner.

I find difficulty in understanding the last paragraph. A contributor's widow becomes a pensioner, and when she dies, if she had married another man, her second husband becomes a beneficiary. That seems to be a queer way of dealing with a matter which the Premier has always assured us must be dealt with on an actuarial basis. Perhaps we shall be given some further explanation on that point, but I support the second reading of the Bill because it gives further benefits to a most deserving section, though they are not as great as they should be.

Bill read a second time.

In Committee.

Clauses 1 to 11 passed.

Clause 12—"Increase of certain existing pensions."

Mr. O'HALLORAN—I move—

In paragraph (*a*) of new section 49a to strike out "1949" and insert "1955."

If that is carried I will move a similar amendment to paragraph (*b*). The purpose of the amendment is to enable pensioners who retired before January, 1955, to have their pensions increased by one-seventh. There may be some objection to the amendment on the ground that we amended the Act in 1949 to enable contributors to take out additional units, but their circumstances made it impossible for most of them to subscribe for additional units. Their salaries were so low that they could not take advantage of the concession offered. Certainly some of the tall poppies in the Public Service were able to take advantage of it, but we are granting them further concessions under this Bill. I do not object to that, but we should give greater consideration to those lower down the scale by carrying the amendment. I have selected 1955 because it was in that year we made substantial alterations to the Act, and it was a year of inflation when salaries had to be increased considerably. We shall have an anomalous position if we pass the clause as drafted because a person who retired before January 1949 on a pension of, say, 8 units, will be getting more than a person who retired in 1950 on a pension of 9 units.

Pensioners covered by the clause are diminishing in number, for they are getting on in years, and on their death the demand on the fund is diminished. The fund is in a healthy state, and I do not think the concessions granted under the Bill will cost much. According to the Auditor-General's report, the balance in the fund on June 30 was £9,708,095, and at June 30, 1957, it was £8,733,137. Therefore the fund increased in one year by £974,958. Surely we can afford to be a little more generous than the Bill proposes, so I urge the Committee to accept my amendment.

Progress reported; Committee to sit again.

FIREARMS BILL.

Adjourned debate on second reading.

(Continued from October 29. Page 1472.)

Mr. O'HALLORAN (Leader of the Opposition)—Legislation of a similar character was passed in 1956, but for some reason it was not proclaimed, so the protection proposed to be afforded by it was not made available. The Bill proposes to rectify the position, but it is remarkable that it should have taken the Government about two years to wake up to the fact that something had to be done, particularly in view of the evidence which has been accumulating of the tragic consequences of the careless use, or misuse, of firearms. The Bill was reasonably well debated in the Council, and I have little to say about it, but there are one or two points to which I

wish to draw attention. Yesterday when we were debating an amendment to the Workmen's Compensation Act which I had drafted I was accused of making it too ambiguous. It was said that I was guilty of bad drafting and that no court would be able to interpret the provision. One of the important provisions in this Bill is the definition of "firearm." Unless we know what a "firearm" is, we shall have great administrative difficulties. According to clause 5 "firearm" means:—

(*a*) a portable gun from which a shot, bullet or other missile can be discharged by means of explosive; and

(*b*) a portable gun of any other class or description prescribed by regulations under this Act.

I do not object to the definition, as far as it goes. We must agree that common-sense will tell us when anything not portable is dangerous in a person's hands. We would not think it right for a person to drag a bell mouth cannon after him, but what is the definition of "gun." There may be a proper explanation for it all but it seems to be loose drafting to say that a firearm is a portable gun, and then to have no definition of "gun."

Mr. Jennings—What is a gun—a portable firearm?

Mr. O'HALLORAN—Obviously. That recalls a story I once heard. Three aborigines went on a walk-about from Oodnadatta for a long time and got hungry. When they returned they were so pleased that they sang a bit of an old ditty that went something like this:

Oodnadatta, here we come,
Back to where we started from.

Under "Firearms registration," clause 15 sets out certain exemptions and says:—

This Part shall not apply to—

(*a*) any firearm, the property of the Government of the Commonwealth or the Government of the State, which is lawfully in the possession of—

(i) a member of a naval or military force of the Commonwealth; or

I was under the impression that the Commonwealth had an air force possessed of weapons similar to those used by the Commonwealth naval and military forces, but apparently under the Bill members of the air force, irrespective of the weapons carried, are not to be exempt. This is an oversight that should be corrected; otherwise it may lead to future trouble. Paragraph (*b*) says that the exemption applies to:—

(*b*) any firearm owned by and in the possession of and forming part of the stock-in-trade of a gunsmith or seller of firearms, or an employee of such person;

I can understand that the stock-in-trade of a gunsmith or the seller of firearms should be exempt, but how far does the exemption go in respect of an employee? It may apply only in relation to his making necessary repairs, but the definition does not say that. It appears that other people can be guilty of oblique drafting in the same way as the humble Leader of the Opposition. I doubt whether the Bill goes far enough but it goes a considerable way along the road and provides that persons under a certain age must secure a licence from the Commissioner of Police before they can be in possession of firearms, but here again there is some conflict because one clause mentions 18 years and another 15 years. This right to apply for a licence also applies to aliens. The Commissioner of Police has power to refuse the granting of a licence to a person over that age after he has made inquiries into the *bona fides* of the applicant. Then, if the applicant desires to appeal he can apply to the local court. The Bill also deals with the registration of all firearms being done through the police, which is desirable because it enables a track to be kept of all firearms. In his second reading explanation the Minister said that this provision would assist the police in many investigations. In the main the Bill is good, and I support the second reading.

Mr. JENKINS (Stirling)—I support the Bill which is designed to tighten up the control of the use of firearms. I agree with Mr. O'Halloran that it is long overdue. Its main provisions are in Part II. Clause 8 provides for certain exemptions. Clause 9 sets out that the Commissioner of Police can issue licences to persons he believes to be reliable, but if necessary under clause 12 he can revoke the licences. Any person aggrieved by a decision of the Commissioner of Police may apply, under clause 13, to a special magistrate for the consideration of his case. In the last few years there has been indiscriminate shooting, some careless and some criminal, that has caused concern to people both in the country and the city. Because of it the Postmaster General's Department, the Electricity Trust and local government bodies have had to incur considerable expense. Every weekend people in motor cars and on motor cycles travel through the country, pull up on the side of the road and shoot from their vehicles to the danger of the public. Of course, some of these people have regard

for danger to property and stock, but others do not. Where there is no game to shoot at they shoot at any target that presents itself. Last week we heard about people in the district of Quorn shooting nine insulators off high tension wires. We have seen press reports of a horse being shot in the head, and of 30 goats being shot.

In the Legislative Council they referred to the use of three different kinds of ammunition—short, long and long rifle. That is not correct because now only two types of ammunition are being manufactured—short and long rifle. The intermediate bullet, long, is not now manufactured. The short ammunition is effective only up to a certain distance. The long was a good type of ammunition and was considered to be effective at a reasonable distance for normal shooting. The long rifle ammunition has an extreme range and a high velocity. People are not now using the short ammunition, preferring the long rifle, which accentuates the danger to the public and stock. Under the Bill the Commissioner of Police has power to revoke a licence if he thinks it necessary. This is a step in the right direction, and it could eliminate accidents and crime. There is provision for an appeal to a magistrate if an applicant thinks he has been harshly treated.

When the Bill was first mooted many people in my district were perturbed about what they thought was an over-restriction in the use of firearms. Sufficient information was not published about the effect of the legislation. One complaint was that it would prevent youths under 15 years of age from using rifles or guns in certain circumstances. In my district two clubs operate, one at Strathalbyn and another at Milang. At Strathalbyn there is an indoor miniature rifle range, a very popular place. The Alexandrina Gun Club at Milang is a similar body. A number of young people under 15 years of age take advantage of them, because they give instruction and coaching in gun shooting, but strict safety precautions are enforced. All this tends to teach the young people how to use firearms and to care for them properly. As a result they are well versed in the handling of guns before they are 18. Under the Bill no one under 15 years of age may obtain a licence, but clause 8 says that under certain conditions he may do so. I think this refers to the use of rifles by youths under 15 in miniature rifle ranges and rifle clubs. I think the people making use of these places will be satisfied with the provisions. The recommendations of the Commissioner of Police are sufficient to justify the acceptance of the Bill. The Bill does not prohibit the use of silencers on rifles, and probably this has not been thought of. I have an amendment on members' files to insert a new clause that I will move when this Bill is read a second time. I think it would be inadvisable to discuss it now, as I shall have an opportunity after the second reading has passed to give my reasons for moving it. I support the Bill.

Mr. FRANK WALSH (Edwardstown)—Not long ago I raised in this House the matter of controlling the sale of air guns, and in reply to a question I asked on the subject the Minister said:—

> The matter of control of firearms has been given careful consideration, and it is hoped that amending legislation will be submitted to Parliament this session. The term "firearm" used in the suggested legislation includes an airgun.

Despite this assurance, there is nothing in this Bill to deal with them. Air guns discharge pellets or slug darts, which can be dangerous, and most of the trouble is caused by young people; I am disappointed that this Bill does not prohibit them from obtaining them. Air-guns can be purchased by anyone, irrespective of age; lads under the age of 12 have obtained them. I do not wish to go into the number of accidents caused by their use, but merely to point out that there is too much laxity in controlling their sale and use.

Some instruction should be given in the use of airguns. Many young people do not wish to join the cadet force to obtain instruction in the use of firearms. Some time ago I was approached by a man who sought permission to use a disused quarry to teach youths in the district how to use firearms, but the local governing body would not grant permission. I believed then, and still believe, that a number of people who have been trained in the use of firearms would be prepared to instruct others for sporting or entertainment purposes. I agree with the member for Stirling (Mr. Jenkins) that small bore ranges provide a great deal of entertainment now, as they did in my youth. In addition to those ranges, there are clubs that instruct people in the use of pistols. However, I do not think enough attention is given to training, and because of this, and the ease with which firearms and ammunition can be obtained, many accidents resulting in loss of life have occurred.

Although this Bill endeavours to tighten up this matter, there should be greater control over the sale of all firearms, including air-guns. I realize it is necessary to register

airguns at a police station, so I cannot see why they have not been brought under the provisions of this Bill. Will we have to wait until after Christmas, when many airguns will be given to children as gifts, and probably accidents will occur, before something is done? We all know that unlimited supplies of all types of firearms are available from shops in the city and suburbs, and I believe greater control is necessary.

Although I have every confidence in the police force, I think section 32 (2) carries things a little beyond what we might desire. It provides that a member of the police force may break, enter and search any premises where he suspects on reasonable grounds may be found a firearm subject to seizure under this Act. I do not think any citizen should be subjected to the suspicion mentioned in the clause. I realize there is need for control over possession of firearms, and particularly over sales, and even at this eleventh hour of the legislation, I believe something should be done to bring airguns under the provisions of this legislation, because these weapons can be dangerous and cause injury.

Mr. BYWATERS (Murray)—I support the Bill. In 1956 similar legislation was passed by the House but it was never proclaimed. Police officers, at that time, expressed pleasure at the provisions which empowered the Commissioner of Police to prohibit the issue of licences in certain instances to youths under the age of 18 years whom he considered unfit to own or use firearms. They were also glad that the Firearms Restriction (River Murray) Act was to be repealed and incorporated in that legislation. The officers were disappointed that the legislation was never proclaimed, but it is to be hoped that this legislation does become law.

I have seen many instances of people on pleasure cruises firing rifles from boats on the River Murray. Dairymen on the reclaimed swamps immediately behind the reclaimed banks have complained of cows being shot, and killed, from ricochetting bullets. People in boats frequently shoot at birds and ducks on the water and the bullet ricochets. This could be dangerous to people fishing in creeks or beneath willows. In the past the fine on a conviction for this offence has been £20, but under this Bill the fine is increased to £50 with power to enable the imposition of a gaol sentence. I hope there will be more effective policing of the provision, particularly at holiday time when a number of people camp near the Murray. It is time the activities of irresponsible people, many of whom are using rifles for the first time, were curtailed. No penalty is too severe for those who endanger the lives of others. I am happy that it is proposed to tighten the provisions relating to the registration of firearms. In the past a person who registered a firearm could shift from a district, sell his weapon and not notify the authorities of the transfer of ownership. Under this Bill it will be necessary for people to notify the authorities of their change of address. I support the Bill.

Mr. RALSTON (Mount Gambier)—This is an important measure because it deals with the rights of certain people to use firearms and with the registration of firearms. It is necessary to provide sterner measures. I wholeheartedly agree with the points raised by the member for Edwardstown, and particularly with his contention that there should be more effective control over the sale of firearms. During the last war it was necessary to obtain a permit to purchase from a police officer before a sale could be completed. This applied to private sales as well as to sales from recognized gunsmiths. It worked effectively and provided for much better control than is proposed in this Bill. Mr. Jenkins referred to the rights of children under the age of 15 years to use firearms and mentioned the exemptions, including the use of a firearm in a shooting gallery. It is doubtful whether the proprietor of a shooting gallery teaches young people how to shoot. He merely asks them to try their skill. However, juveniles who are members of a recognized gun club should be exempted because at these clubs they are taught safety precautions and are instructed how to use firearms and how to shoot in competitions.

The word "unsafe" is used in relation to firearms, but this is rather a loose word. It could include an almost new firearm which has a minor defect. Some discretion should be used before a police officer seizes a firearm, particularly if a competent gunsmith could easily repair it. I have seen firearms offered for sale at auction that were highly dangerous and I have seen children bidding for them because they were cheap. I would not like to have an unloaded one in my back yard let alone with shot or a cartridge in it. Such firearms should be immediately confiscated and disposed of in accordance with the provisions

of the Bill. It is necessary to exercise control over firearms and I support the Bill.

Bill read a second time.

Mr. JENKINS (Stirling) moved—

That it be an instruction to the Committee of the Whole House on the Bill that it has power to consider a new clause 14A to prohibit the use of silencers on firearms in certain circumstances.

Motion carried.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Interpretation."

Mr. FRANK WALSH—I move—

In paragraph (*a*) of the definition "firearm" after "explosive" to add the words "and includes an airgun."

Earlier this session in reply to a question I was told that this legislation would cover airguns. I believe control should be exercised over their sale and use.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—This matter was examined carefully before the Bill was brought down. Many air guns were brought into the Cabinet room by police officers. The amendment would cover all air guns, even toy weapons of no consequence. The air guns prescribed by police officers will be included in the regulations, and that will enable us to exclude pop guns that eject corks on a string, and other toy weapons. We will include in the regulations only the air guns that the police consider should be controlled.

Mr. Geoffrey Clarke—Will they include spear guns used for under water fishing?

The Hon. Sir THOMAS PLAYFORD—That could be so, and they were examined by Cabinet too. I think it is wise to pass the clause as drafted.

Mr. HAMBOUR—If an air gun is called a firearm no-one under 15 years of age will be able to have an air gun.

Mr. Frank Walsh—That would suit me.

Mr. HAMBOUR—Most boys at some stage have an air gun and get much enjoyment from using it. I oppose the amendment.

Mr. FRANK WALSH—I accept the Premier's explanation, and I am pleased that Cabinet investigated this matter, but the community would be no worse off if we prohibited boys under 15 from having air guns. I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause passed.

Clauses 5 and 6 passed.

Clause 7—"Duty of persons under 18 years and aliens to hold licences."

Mr. HAMBOUR—I presume the Police Commissioner, or one of his officers, will have power to, issue licences to aliens and persons under 18 for the use of firearms. Will country police officers have authority to issue these licences?

The Hon. Sir THOMAS PLAYFORD—Yes, because under the Acts Interpretation Act if a person has authority to do anything he usually has power to delegate his authority.

Clause passed.

Clause 8—"Defences and exemptions."

Mr. RALSTON—I move—

After paragraph (*a*) of subclause (1) to add the following:—"or on the grounds of an incorporated gun or pistol club or registered rifle club."

Juveniles who shoot at recognized gun or pistol clubs are taught safety precautions by competent people who have the interests of juniors at heart. They are taught how to use and care for firearms for competitive purposes or field shooting. The amendment is necessary as there is no provision for boys to be taught anything in shooting galleries except for competitive shooting and winning or losing money.

Mr. JENKINS—I have no objection to the amendment, but I point out to Mr. Ralston that in Strathalbyn is an indoor miniature range where boys are taught safety precautions and how to use a rifle.

Mr. HEASLIP—The amendment seems superfluous to me because all members of rifle clubs are permitted to carry firearms under the Defence Act.

Amendment carried; clause as amended passed.

Remaining clauses (9 to 41) passed.

New clause 14a—"Silencers on firearms."

Mr. JENKINS—I move to insert the following new clause 14a:—

"A person who uses, carries, or has in his possession a firearm fitted with a silencer shall be guilty of an offence."

It has been reported to me by responsible citizens that silencers are becoming more prevalent in the country, and in some instances it is believed that stock have been killed as a result of their use. Sheep are being shot near homesteads without any sound being heard, and the owners have seen silencers being used by people on the roads. Silencers make it much easier for offenders to shoot sheep or stock and then bundle them into the boot

of a car without anyone knowing anything about it. It can be said that there is a law to deal with such offenders, but I point out that silencers lend immunity to such intending offenders. They make little or no noise, and they are also dangerous to people who are in the vicinity. If a person hears a shot he can get away from an area, and he at least knows that people are shooting. Silencers are not allowed under the Pistols Act, and I can see no reason why they should not be prohibited under this Act. An increasing number of silencers are no doubt being used in South Australia.

In his reply to a question of mine recently the Premier said that a second shot was sometimes needed. I agree with that, but I also think that the noise made by the weapon is very often as frightening to an animal as the noise of a bullet. I know kangaroo shooters in the northern areas have used silencers at times, and they claim they can get more kangaroos that way, because when shooting from a distance the discharge frightens them. I think my amendment would provide a good safety precaution in many ways, and I commend it to the Committee.

The Hon. Sir THOMAS PLAYFORD—I have every sympathy with the honourable member in his desire to prevent a breach of the law, but I point out that this amendment goes very much further than he has led us to believe. I presume that the consequential amendment, which he has not explained to us, is an amendment to enable a landowner to use a silencer on his own property.

Mr. Jenkins—That is correct.

The Hon. Sir THOMAS PLAYFORD—I would like the honourable member to tell me how the landowner could ever become the owner of a silencer, because the Bill provides that anyone who has a silencer in his possession to sell to the landowner, who the honourable member agrees should have one, is himself guilty of a breach of the law. It could never get to the landowner because any source of supply must automatically be cut off under the total prohibition that the Bill imposes. If the landowner happened to have one in his possession now I think he would be able to retain it. Indirectly, the Government has been informed of the most violent opposition to this clause, and many people say that it has not been proved that the offences were committed with silencers. Those people claim that there is no proof that reputable members of their association have in fact been involved in these incidents. The honourable member's amendment completely nullifies any relief that he proposes in the consequential amendment.

Progress reported; Committee to sit again.

IRRIGATION ON PRIVATE PROPERTY ACT AMENDMENT BILL.

Returned from the Legislative Council with a suggested amendment.

ADJOURNMENT.

At 5.11 p.m. the House adjourned until Tuesday, November 11, at 2 p.m.