HOUSE OF ASSEMBLY.

Wednesday, November 12, 1958.

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

SUPERANNUATION ACT AMENDMENT BILL.

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

QUESTIONS.

STIRLING TO QUORN ROAD.

Mr. O'HALLORAN—Will the Premier ascertain from the Minister of Roads whether work has been put in hand to improve the Stirling to Quorn Road, and particularly whether structural work has begun on what has become known as Madman's Bridge, which I understand is to be replaced as part of the road improvement programme?

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

PARAPLEGIC CENTRE.

Mr. FRANK WALSH—Has the Premier obtained a report from the Minister of Health on the question of a medical officer going overseas to be trained to take charge of the proposed paraplegic centre at the Northfield Hospital?

The Hon. Sir THOMAS PLAYFORD—I have a report, which I will let the honourable member have, regarding the establishment of a paraplegic centre, but I understand from it that a recommendation is against its establishment as a purely paraplegic centre because of the small number of cases involved. I received the report a few weeks ago and should like to refresh my mind on its contents before supplying further information to the honourable member.

HAY-DIE AND TAKE-ALL.

Mr. LAUCKE—Has the Minister of Agriculture obtained a reply to the question I asked yesterday about the incidence of hay-die and take-all in wheat crops on the Murray Flats, and the present estimate of the State's wheat crop?

The Hon. D. N. BROOKMAN—The Director of Agriculture reports:—

Reports from country advisers indicate that the fungus disease known as take-all or hay-die is fairly widespread this year throughout the wheatgrowing districts of the State, but only in a few localized areas is it likely to cause serious reduction in grain yields. The disease could account for a possible reduction of 1,000,000 bushels of wheat. The current estimate is 36,000,000 bushels from 1½ million acres.

FARMLETS FOR VEGETABLE GROWING.

Mr. BYWATERS—Recently about 750 acres of land were opened up for subdivision at Murray Bridge, and much of it was cut up for small farmlets of 2½ and five-acre lots. People desire to purchase these farmlets for development into vegetable growing areas. I understand that by means of a signed statement provided to them by the agents they have applied for water, but I understand it is not yet available. Is it possible to provide water by irrigation for these small farmlets, particularly as it is becoming more necessary for vegetable growing to take place in country areas? Will the Premier take up the matter with the department concerned? I have been told that the scheme may not stand large-scale irrigation and if that is so is it possible to enlarge the present system to provide the required water?

The Hon. Sir THOMAS PLAYFORD—In the absence of the Minister of Works I can say that an investigation will be made into the matter of a water supply. Of course, the land is in the Murray Bridge water district and a very large main passes its frontage. I am not sure whether it would be adequate for an irrigation scheme. It was not designed for one, only for an ordinary domestic supply. I will get a report from the Engineer-in-Chief. It may be ready tomorrow or early next week, but I will advise the honourable member.

RAIL CONCESSIONS ON POTATOES.

Mr. HARDING—I have received a copy of a letter from the secretary of the South-Eastern Potato Growers' Association to the Minister of Railways, and the last paragraph states:—

My committee submits for your further consideration a request for a reduction in freight on potatoes between the South-East and Adelaide comparable to concessions recently granted for other primary produce.

Will the Premier take up the matter with the Minister of Railways and obtain a report?

The Hon. Sir THOMAS PLAYFORD—Yes. The freight rate on wool was based on the value of the commodity, so it was extremely high, but the base rate for other primary commodities, such as potatoes, has been low, and

normally they were not attractive to road hauliers.

Mr. Shannon—The same applies to superphosphate.

The Hon. Sir THOMAS PLAYFORD—Yes. I will get a report for the honourable member setting out the relative charges now and prior to the alteration being made.

OPAL FIND.

Mr. LOVEDAY—Has the Premier any additional information regarding the purchase from Andamooka aborigines of opal alleged to be worth £84,000?

The Hon. Sir THOMAS PLAYFORD—The purchaser of the opal was a Mr. Sherman, a resident opal buyer in the Andamooka district. In view of the publicity given to this matter he waited on me on Monday to give me the details of the transaction. In the first place the opal said to have been purchased for £1,300 was not the matrix said to have been valued overseas at £84,000. It was a completely different transaction. The opal purchased for £1,300 was valued at £1,600 by a valuer on the field. Mr. Sherman valued it at £1,130, and, after negotiation, purchased it for £1,300. He said there was a tremendous demand for opal at present, and all parcels were greatly sought overseas. There are three resident buyers on the field and five visiting buyers, so there is a fair amount of competition. The matrix, the subject of the transaction, is not opal at all, and was purchased by Mr. Sherman for £80. It was not sold to America, but was lent to a person there who wanted to place it on exhibition because it was a large quantity of matrix. It will be coming back to Australia, it has very little commercial value, and it was purchased more as a museum specimen than as a commercial transaction. The report that it is worth £84,000 is nonsense: anyone who wishes can buy it very cheaply indeed when it is sent back to Sydney in a few days. These are the circumstances outlined by Mr. Sherman, and I believe what he told me is correct.

DESTRUCTION OF TREES.

Mr. SHANNON—I have been approached by a representative of a local government body that I have the honour to represent regarding the destruction of roadside trees. Rather a bad example has been set by two major Government instrumentalities—the Electricity Trust, which is State-controlled, and the Postmaster-General's Department, which is Federal-controlled—in cutting down trees willy-nilly for the passage of their lines along the roadside, and in at least one case a council has followed this example. There is a commercial value in these trees, some of which are mature, and even if replanted, most of us will never see them reach maturity. Their destruction is spoiling some of the beauty of our hills, and it would be wise to save them for posterity if possible. Responsible men on local government bodies are just as much interested as I in this matter. If the Premier has some say with the trust, I would like him to ensure that there is no wanton destruction. The Highways Department is very helpful in this matter. No-one may cut down a tree without the department's permission, and I am all in favour of this policy.

The Hon. Sir THOMAS PLAYFORD—I know the Electricity Trust is just an anxious as the honourable member not to destroy any trees, and it has issued definite instructions to employees to protect trees whenever possible. I am concerned at the honourable member's statement that the trust has been cutting down trees willy nilly, because I am certain that that is against its policy and the instructions issued to employees. I would like the honourable member to give me some information to identify the particular cases in which the trust has cut down trees. Although the Postmaster General's department is not a State Government department, I know that it has even gone to the expense of laying underground cables in many instances in an endeavour to preserve trees. If the honourable member will give details of where that department has injured trees, I am sure the Deputy Director of Posts and Telegraphs will take immediate action. There is, as stated, some commercial advantage in trees cut down, and in this instance the local government body concerned may have been anxious to find an excuse for what it did. I will take up this matter and obtain a report.

MILLICENT HIGH SCHOOL.

Mr. CORCORAN—On several occasions I have asked the Minister of Education what progress has been made in negotiating for the purchase of land for the Millicent high school. On the last occasion the Minister said negotiations were proceeding between the solicitor for the owner of the land and the Crown Solicitor. Members of the high school council have expressed concern at the delay and have asked whether finality has been reached, and if not, when it is likely to be reached. I point out that there is no necessity for compulsory acquisition by the department.

The Hon. B. PATTINSON—Several months ago approval was given by Cabinet for the compulsory acquisition of 20 acres of land for a new high school site at Millicent. Notice to treat was served, and, subsequently, a letter was received from the solicitor for the owners asking for a variation in the shape of the land required. The requested variation was agreed to by me, and the solicitor was informed accordingly by the Crown Solicitor on October 6 on the understanding that, if the negotiations did not result in agreement, I would proceed upon the notice to treat. The solicitor was asked the price his clients required for the area of land specified in his letter but so far no reply has been received. I share the concern of the honourable member's constituents because land for a new high school at Millicent is urgently required.

DEVELOPMENT OF PINE FORESTS.

Mr. JENKINS—Has the Minister of Forests a reply to the question I asked on September 18 regarding the acquisition of 500 acres of land near Port Elliot, at present covered with Cape Tulip, for pine planting?

The Hon. D. N. BROOKMAN—I have received the following report from the Conservator of Forests:—

A preliminary inspection has been made of the 500 acres of land near Port Elliot referred to by Mr. Jenkins, M.P. This reveals that about three-fifths of it could be classed as suitable for afforestation purposes, although the rainfall is slightly on the marginal side. The remainder is of doubtful value, but if a firm offer were received from the owners detailed inspections would be warranted. This country is some 20 miles or so from the nearest forest headquarters and in consequence administration costs would be high. The establishment of a forest officer with headquarters with such a small area would, of course, not be justified.

FLINDERS STREET SCHOOL.

Mr. LAWN—I am not sure whether this matter concerns the Education Department or the Adelaide City Council. At the Flinders Street school a rather large earthenware pipe, used for a drain from the school, has, in one part been exposed. It was formerly underground, but at the part that is now exposed there is a large break into which an adult's foot would easily fit. This represents a danger to children and adults, particularly at night. Will the Minister of Education have this matter matter investigated to ascertain whose responsibility it is to repair and cover the drain, and have it done?

The Hon. B. PATTINSON—Yes. I would think it is probably the responsibility of the Adelaide City Council, but I shall be pleased to take it up with the appropriate authority to see what can be done. If it is the department's responsibility it certainly will be done.

CARRIAGE OF BULK HANDLING BINS.

Mr. HEASLIP—Yesterday the Minister of Lands replied to a question I had asked concerning bulk bins, but there seems to be some confusion because the reply referred to the road carriage of these bins. The bins I am inquiring about have wheels and are trailed from paddock to paddock, and it is necessary for them to traverse roads in so doing. Can the Premier indicate whether the farmer is liable in trailing these bins on the road considering that under the present Act they are not defined as farm machinery?

The Hon. Sir THOMAS PLAYFORD—If the honourable member will ask this question tomorrow I should have a reply, as I shall have checked on the provisions of the Act. This matter has been raised a couple of times but as far as I know there is no difficulty connected with it.

VICTORIA PARK RACECOURSE: FLAT ENCLOSURE.

Mr. FRED WALSH—The Adelaide City Council is embarking on a programme of beautifying parks, but some months ago it was suggested that a section of the Victoria Park racecourse where the bookmakers and totalizator operate be separated from the rest of the "flat enclosure" and enclosed and a charge made for admission thereto, the idea being to extend the area somewhat and to beautify it. Will the Minister of Education ascertain from the Attorney-General whether it will be legal or competent for the council to alienate and enclose, for the purpose of making a charge, part of the racecourse known as the flat without the matter first coming before Parliament for decision and for amendment of the appropriate Act?

The Hon. B. PATTINSON—That portion of the parklands is vested in the Adelaide City Council and I do not know whether it is within the province of the Attorney-General to advise on such matters. However, I shall be pleased to refer the question to him for decision.

ADVANCES FOR HOMES.

Mr. HAMBOUR—Will the Premier explain the approach that people who are desirous of purchasing a home on 5 per cent deposit must

make? I believe it has been customary for the Housing Trust to take a second mortgage. Does that position still obtain or will it be affected by the 95 per cent advanced by the Savings Bank or State Bank under the Treasurer's guarantee? Can the Treasurer clearly explain the position?

The Hon. Sir THOMAS PLAYFORD—There has been no alteration of procedure. The procedure under the Acts is well-known. Since the Homes Act was passed three houses a day on an average have been purchased under it. Applications may be made to the Savings Bank, the Superannuation Board or to the building societies that are mentioned in the principal Act. However, the building societies, with one exception, have never exercised their right to accept guarantees under the Act.

Mr. Hambour—Will the 5 per cent deposit make any difference to the money the Savings Bank or Superannuation Board will advance?

The Hon. Sir THOMAS PLAYFORD—No. The 5 per cent deposit is on the guarantee of the Treasurer and obviously they do not take an additional risk in connection with it. With regard to the Advances for Homes Act, the application should be made to the relevant section of the State Bank. The procedure has not been altered in any way.

REIDY PARK PRIMARY SCHOOL.

Mr. RALSTON—About six or eight months ago the Welfare Committee of the Reidy Park school considered it desirable that free milk should be supplied to the school children. It was found that the facilities available to wash bottles that had contained milk were situated in the latrines of the school. That is an undesirable place, and it was recommended that suitable facilities be provided, preferably with a stainless steel sink. Has the Minister any information on the progress that has been made on this matter?

The Hon. B. PATTINSON—Approval was given last May for the addition of two troughs, each with 15 taps, at the Reidy Park primary school, and the docket was forwarded to the Architect-in-Chief for attention. There has been some unfortunate delay in this matter, and it was referred to the Architect-in-Chief's representative at Mount Gambier, who says that the work will be put in hand next week.

TOURIST BUREAU SERVICE.

Mr. DUNSTAN—Last night I was approached by a lady from Western Australia who had come to this State on a caravan tour and had gone to the Tourist Bureau for directions on places she should see in South Australia. She complained to me that she was given a very uninterested reception by the bureau. She was given a small brochure free, but was told the bureau was only interested in booking up people for tours and had no further information to give her about scenery and places she should see in this State. That seemed to me to be contrary to what I understood was the policy of the Government on tourists coming here. Will the Premier have an investigation made to see what information is given to tourists at the Tourist Bureau's desk and see whether this matter can be remedied?

The Hon. Sir THOMAS PLAYFORD—Yes.

BUSH FIRE DANGER.

Mr. O'HALLORAN—Has the Minister of Agriculture a reply to the question I asked yesterday about the advisability of placing a total ban on the lighting of fires in the open at present?

The Hon. D. N. BROOKMAN—This matter is in the hands of local government organizations. If a council so desires it has power under section 13 (1*a*) of the Bush Fires Act, 1933-1957, to prohibit by resolution the lighting of fires in the open air within its district council district or part of its district during the period October 31 to May 1, or any shorter period mentioned in the resolution.

Mr. O'HALLORAN—I am aware that local government authorities have power to declare prohibitions on the lighting of fires in their areas, but as this is a matter of urgency, and most councils meet only once a month, it would be up to a month before a resolution could be passed. There is also the difficulty of getting simultaneous action. Under the provisions of the Bush Fires Act the Minister has power to declare days of high fire hazard, which are announced over the radio, and the lighting of fires on those days is prohibited. Would that power enable the Minister to prohibit temporarily the lighting of fires in the open until steps could be taken by councils, or people become orientated and organized as regards the present high fire hazard? I want some precautionary measure taken to tide us over the period necessary to enable further steps to be taken. Will the Minister inquire into the advisability and possibility of doing this?

The Hon. D. N. BROOKMAN—The Bush Fires Act has been discussed so often and so many conflicting views have been given that I cannot give the assurance the Leader seeks.

He asks that councils be given adequate powers to conduct bush fire control within their districts. As he pointed out, they have power to proclaim total bans, which they know very well. Although I do not say this is the only case, so far I have been informed of only one council that is considering doing something. On the other hand, I have received requests from a South-Eastern district to extend the season. From this the Leader will realize that it is extraordinarily difficult to try to impose a total ban throughout the State. He asked whether I would declare days of extreme fire hazard, and I take it he meant that I should declare every day to be such until I have produced a total ban.

Mr. O'Halloran—Until something more effective could be organized.

The Hon. D. N. BROOKMAN—I do not agree to that. Days of extreme fire hazard are declared on a carefully worked out weather scale, and on every extremely hot day it is debated whether there should have been a ban or not. I would not like to make the practice more common than it is under the present system of declaring these days on a strictly technical weather forecast given by the weather bureau, so I cannot give the Leader an assurance that I will proclaim a total ban. Conditions vary so widely between the north, south, east and west of this State that that could scarcely be done.

WHEAT YIELDS.

Mr. LAUCKE—Has the Minister of Agriculture a reply to the question I asked recently about the use of nitrogenous fertilizers for increased wheat yields?

The Hon. D. N. BROOKMAN—I have a report which is too long to read in answer to a question, but I will make it available to the honourable member. Experiments in the use of nitrogenous fertilizers have been carried out over many years by various people, including the department, since 1905. The results have varied considerably, but have never encouraged the widespread use of nitrogen with cereal crops. The principal limiting factor is the amount of rainfall, and nitrogen would be wasted in a dry season. Recently attention has been given to the possibility of delaying nitrogen applications until it is possible to ascertain whether the crop has received plenty of moisture, and experiments are being conducted at present on that. Other fertilizers have been tried, such as pelleted calcium ammonium nitrate and urea-formaldehyde. The experiments being conducted in the United States of America are of considerable interest to the department, but do not seem to have any application to South Australia at present. Apparently the wheat referred to in the press statement was grown under irrigation, and of course moisture would not be a limiting factor, but we are following the results of experiments in America.

FRUIT FLY CAMPAIGN.

Mr. FRANK WALSH—Has the Minister of Agriculture a reply to the question I asked some time ago about the growing of loquats for commercial purposes and by other people in fruit fly areas?

The Hon. D. N. BROOKMAN—The Chief Horticulturist reports:—

In New South Wales fruit fly has become such a problem that under State legislation it is obligatory for all growers, commercial or non-commercial to strip their loquat trees by an approved date each year. Loquats being the first stone fruit of the season and a fertile breeding ground for fruit fly are regarded as an important carry-over crop, allowing the fly to breed and bridge the gap between winter citrus and summer stone fruits. In South Australia the success of the Fruit Fly Eradiction Campaign has prevented the establishment of this pest in any part of the State. Consequently, provisions of this kind do not require to be specified here. Stripping of loquats, frequent spraying of all trees, and the daily picking up of fallen fruit from the ground, would be compulsory provisions required of all growers of fruit in this State should we permit fruit fly to become established.

RENMARK COURTHOUSE AND POLICE STATION.

Mr. KING—Has the Premier a reply to the question I initiated through the Chief Secretary's office about revised plans for the Renmark courthouse and police station?

The Hon. Sir THOMAS PLAYFORD—Preliminary sketch plans for an improved design have been prepared. They will be submitted to the Attorney-General and the Commissioner of Police, and when approved working drawings and specifications will be prepared and tenders called.

LOANS FOR HOME PURCHASERS.

Mr. BYWATERS—David Shearer Ltd., of Mannum has written to three different banks in South Australia about loans for home purchasers. Its first letter stated:—

From time to time employees of the company desire to have information regarding the procedure of making application for the purpose of a loan to purchase or to build a house. It

would be possible for us to assist these employees with information if you would be kind enough to let us have any information you can give us relative to the following:—

(1) Maximum loan in regard to—
  (*a*) Building a new home
  (*b*) Purchasing an existing home.
(2) Interest and repayment price.
(3) Any other information that you are prepared to give us. If at the same time you can let us have forms of the initial application to be made this would enable us to still further assist our employees. We have at the moment one particular employee who is desirous of purchasing property, and we are anxious to be able to give him any information which we can and advise him on the most suitable steps to take.

In every instance the reply was that banks only make loans for new homes or houses that have not been lived in. The reply from the State Bank was:—

In reply to your letter of the 21st instant, I advise that at present the bank is considering applications for house finance up to £2,000 in terms of the enclosed circular. Applications are restricted to the building of houses or the purchase of new and never previously occupied dwellings.

The letter then refers to interest rates, etc. An employee had the opportunity to buy an older type of home fairly reasonably but because of the set-up he could not get the necessary finance. I understand that this has been the position in many instances. In Mannum there are many older type solid homes, and about 50 in Murray Bridge, but no money is now available from the bank for their purchase. Will the Premier indicate the policy on this matter and whether it would be possible for the State Bank to lend money for the purchase of these houses?

The Hon. Sir. THOMAS PLAYFORD—The money being made available by the State Bank for housing has been provided by the Loan Council through the State Government which has told the bank that the money is to be used for the erection of new houses. It would not help to solve the housing problem to merely use the money to change the ownership of a house. The Government takes full responsibility for the State Bank policy. In connection with the purchase of old houses application should be made to the Savings Bank under the Homes Act. The bank provides its own money and there is a guarantee by the Government. It does not exclude the expenditure of money on the purchase of the older type of house. If the honourable member will let me have the facts of this matter I will get a reply for him.

DRIVERS' LICENCES.

Mr. LOVEDAY—Has the Premier obtained a report following on my question of October 28 about the recent check on drivers' licences?

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

On October 21, 1958, a check of drivers' licences was made in compliance with section 67b of the Road Traffic Act. The total number of drivers checked was 28,635 and of these 10,404 were not in possession of licences at the time of the check. The number of drivers who admitted at the time that they were not licensed was 25. The examination and checking of persons not in possession of licences at the time of the check is still in progress and at this stage it is not possible to say how many unlicensed drivers will be detected.

BRANDING OF WOOL.

Mr. HAMBOUR—Has the Minister of Agriculture any information on the desirability of using purple paint for branding?

The Hon. D. N. BROOKMAN—Some months ago the department considered this matter because the wool brand Si-Ro-Mark was found to be the only one consistently scourable. Power to prohibit the use of other branding fluids is given to the Government under the Brands Act and it could be arranged by proclamation, but the department considered that it was of considerable importance to have the views of wool growers on the matter. I wrote to most of the wool growers' organizations in this State and in most instances I received answers favouring a proclamation about the use of this new Si-Ro-Mark branding fluid. I am awaiting answers from some organizations and I propose to take no action at present

HOUSING AT TANTANOOLA.

Mr. CORCORAN—Has the Premier a report from the Housing Trust regarding the number of houses it will build at Tantanoola?

The Hon. Sir THOMAS PLAYFORD—No, but I will get one for the honourable member.

Mr. Corcoran—I am tired of waiting for it.

The Hon. Sir THOMAS PLAYFORD—The honourable member will understand that a new industry is to be established in the area and the matter of housing must await Parliament's ratification of the agreement. Therefore, to a certain extent development in the area is speculative, but as soon as possible I will get a report.

GLENBURNIE SCHOOL.

Mr. RALSTON—Yesterday I received a letter from the secretary of the Glenburnie School Committee pointing out that the school children have to cross the main highway, which carries a large volume of heavy traffic, to get to the playing ground on the other side of the highway. An area of land suitable for a playing area is available on the eastern side of the highway. The school committee says it consists of about 1½ acres of land and that it should be acquired in the interests of the children's safety, and that the amount of money involved is small compared with the benefits gained. I understand negotiations have been proceeding for some time. Has the Minister of Education any information on the matter and, if not, will he get a report as quickly as possible?

The Hon. B. PATTINSON—The matter was referred to the department some time ago and the Assistant Superintendent of Primary Schools (Mr. Shaw) visited Glenburnie in March last and discussed the matter of the land adjoining the eastern end of the school ground. It was then referred to the Property Officer, who is at present on leave and I am not aware of the progress made in the negotiations. I shall endeavour to let the honourable member have further information before the end of the week.

LOSS OF LEAVE BY FEMALE TEACHERS.

Mr. LAUCKE—I have been told that female teachers are not granted temporary leave to marry, but must retire from the service, and on re-entering as married women they lose long service leave entitlement because a break has occurred in the continuity of employment. If this is the case, will the Minister of Education have the relevant regulation reviewed and, if possible, provide that temporary leave be not reflected in loss of long service leave entitlement?

The Hon. B. PATTINSON—The position outlined by the honourable member is in accordance with long-established practice. This matter has been raised from time to time by the Teachers Institute and other interested bodies, and would require re-examination by the Public Service Board and by Cabinet, but I shall be pleased to have the whole matter re-examined.

PETROL PRICE AT MOUNT GAMBIER.

Mr. RALSTON—A little time ago I asked the Premier a question relating to the price of petrol at Mount Gambier, and he said he would have the matter investigated. Has the Prices Commissioner concluded his inquiry into the price of petrol at Mount Gambier under Prices Order No. 657?

The Hon. Sir THOMAS PLAYFORD—The Prices Commissioner (Mr. Murphy) has been investigating this matter and has called up the accounts of the companies concerned. Some delay has occurred in getting the complete accounts from one or two companies, and Mr. Murphy has twice come to me expressing regret at the delay, and telling me that he will have a report as soon as possible. I assure the honourable member the matter has not been lost sight of.

PAYMENT OF MEMBERS OF PARLIAMENT ACT AMENDMENT BILL.

His Excellency the Governor, by message, recommended the House to appropriate such amounts of the general revenue as were required for the purposes set out in the 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 Payment of Members of Parliament Act, 1948-1957.

Motion carried.

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

IRRIGATION ON PRIVATE PROPERTY ACT AMENDMENT BILL.

Consideration in Committee of the Legislative Council's suggested amendment:—

After clause 6, to insert new clause 6a as follows:—6a. *Enactment of s. 37a of principal Act—Application of Loans to Producers Act,* 1927-1951.—The following section is enacted and inserted in the principal Act after section 37:—

37a. (1) A board of management may apply for and be granted a loan under the Loans to Producers Act, 1927-1951, as if the board were a co-operative society registered under the Industrial and Provident Societies Act, 1923-1954, and engaged in rural production.

(2) Any such loan may be granted for the purpose of enabling the board to construct any works or execute any other powers of the board under this Act.

(3) For the purpose of obtaining a loan under the Loans to Producers Act, 1927-1951, the board may mortgage, charge or give any other form of security on its interest in any land or its interest in any goods or chattels.

The Hon. C. S. HINCKS (Minister of Irrigation)—Honourable members will recall that the main purpose of the Bill is to enable irrigable highlands near the River Murray to be constituted as a private irrigation area. Owing to the substantial capital costs involved in establishing a pumping plant and other irrigation and drainage works the board of management of a new area will be faced with the initial problem of finding adequate finance for these works. Under the Loans to Producers Act the State Bank, with the object of encouraging rural production and effective land settlement, can make loans on the prescribed security to any co-operative society registered under the Industrial and Provident Societies Act, which is engaged, or is about to engage, in rural production. Section 5 of the Loans to Producers Act lists a number of purposes for which such loans may be granted.

A board of management of a private irrigation area would not under normal circumstances, wish to be a co-operative society, and would therefore be ineligible to obtain a loan under the Act. The purpose of the Loans to Producers Act is to encourage rural production and effective land settlement and there seems to be no reason why a board of management of a private irrigation area should be excluded. In 1946 the Loans to Producers Act was amended by inserting a new section 5b which authorized the State Bank to make a loan to any person (including any association of persons corporate or unincorporate) for the purpose of enabling the person to purchase or build any ship, or equipment to be used in connection with the catching, processing and marketing of fish.

This was an amendment designed to meet a particular need and is to some extent a precedent for the suggested new clause. The new clause will not make it obligatory upon the State Bank to grant any application. That will depend on the availability of money and a detailed analysis of the merits of each application. The Government supports the suggestion of the Legislative Council and I move that the amendment be agreed to.

Mr. BYWATERS—I support the suggested amendment. The Minister mentioned that this applied in instances where a new board was constituted or a new area proclaimed. Can the Minister indicate whether it would be possible for boards that have been established in respect of the private reclaimed swamps to borrow under this amendment? During the floods the boards were not eligible to borrow money. Private settlers had to make their own arrangements, but at times it would be desirable for a board to do it for the settlers and to impose charges on the individuals. If five people were concerned and four agreed to borrow, but one did not want to borrow or his credit was not sufficiently good to borrow, the area would be jeopardized, whereas if this amendment could apply to such boards the area would not be penalized.

The Hon. C. S. HINCKS—This amendment would not cover the reclaimed areas. However, the honourable member has raised an interesting point which I will examine later. This amendment relates to irrigable areas, and it may be advisable to consider whether a similar provision should apply to new areas in reclaimed areas.

Mr. SHANNON—When I introduced the original legislation in 1939 it was intended to relate to reclaimed areas. The suggested amendment will apply to highlands where it is costly to pump water for irrigation purposes. In 1939 it was not considered practicable to lift water 200ft. from the river to highlands as is being done successfully by private enterprise. The amendment is desirable and will afford assistance to groups of people in areas where suitable land is available. The officers of the Minister's department give a first-class service to the settlers, whose only risk is marketing. I think this is a worth-while extension of the principle that applied when the Act was first introduced and it will give the Murray Valley another face lift.

Mr. KING—I support the amendment because it will do much to assist the development of various sections of the Murray which are open for development. The problem that arises in these schemes is finance. People may have sufficient money to purchase blocks of land in a group scheme, but there remains the problem of financing the pumping equipment and the central distribution. That has been the stumbling block to some of the schemes that have been promoted. This will enable funds, if they are available, to be devoted to assisting such schemes. I think the important feature is that the main responsibility of making these schemes work rests with the people who subscribe to the schemes. The amendment will not only affect small schemes but quite large schemes. This may foreshadow a far greater range of development than was envisaged when the Bill was introduced.

Amendment agreed to.

INDUSTRIAL CODE AMENDMENT BILL.

Returned from the Legislative Council without amendment.

EXPLOSIVES ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

ADVANCES TO SETTLERS ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 5. Page 1578.)

Mr. FRANK WALSH (Edwardstown)—Clause 3 of the Bill provides that a district council may appoint one of its members to be deputy chairman. This raises the question of whether there will be any amendment to provide for the election of a deputy mayor of a corporation. In the absence of a mayor the senior alderman usually acts in his place, but I am more concerned about clause 4, which amends section 228. This states that a municipal council may, in respect of any financial year, fix an amount not exceeding 10s., which shall be the minimum rate payable in respect of any assessed property. The system of unimproved land value rating was designed to overcome abuses under the annual values system, and the former system was adopted so that land would be used to the best advantage instead of being held under a peppercorn annual assessment.

The position has been reached under which it is almost impossible for many people to continue to live on Anzac Highway, some sections of which are under rental values, but a different system is applied to other parts, particularly as regards service stations and used car dealers. Some people on Anzac Highway have to pay £53 a year in council rates, whereas three years ago they paid only £17. I know a widow who has lived in one street in my electorate for over 20 years, and her council rates are £37 for this year. Few widows are in a position to meet such charges. The Town Planning Act is not operating in the way that most members thought it would. The car park at the Morphettville racecourse is used only on race days, when patrons pay 3s. to park their cars. This area has been declared as open land and, as a result, the council loses about £5,000 a year in rates. It is used only for racing, and no other sporting bodies are permitted to conduct games on it. The South Australian Jockey Club is a commercial enterprise, though it says it ploughs much of its revenue back into racecourse improvements. I admit it is most generous in these matters, but it can afford to be if it has such a big reduction in council rates. This loss in rate revenue has to be made up by ratepayers generally.

I doubt whether any member thought we would be confronted by this position when we passed the Town Planning Act. I would not object so much if the Morphettville car park could be used by various sporting bodies when there was no race meeting there. There would then be some justification for declaring the area as open spaces, and Parliament should now review the position in the interests of ratepayers generally, though I have no objection to horse racing. We may have another problem soon in the district of the member for West Torrens, where land known as the polo reserve may soon be subdivided for building. This area is not far from the city or the premier seaside resort of Glenelg, so the blocks will bring high prices, and I am afraid this will result in adjoining landowners having to pay increased rates. For some time we have been told that a report will be furnished to Parliament containing a system that will be a compromise between the present two rating systems, and it will make most interesting reading. I sympathize with people on low incomes who are called upon to meet heavy rates. The Bill deletes the maximum amount that municipal councils can charge under section 228, so councils will be able to decide what is to be the maximum rate in their areas.

Further, district councils will not be limited to a maximum rate of 5s., and in view of the Government's negative decentralization policy, I wonder how many building allotments will revert to councils because their owners cannot or will not pay rates. If we delete the reference to the minimum rate and put nothing in its place, we shall give councils a difficult task in redeeming their financial position. It is proposed in clause 7 to re-insert subsection (9) of section 319, which I was instrumental in having deleted last year. The

Act provides for a moiety to cover road construction, kerbing and water table, and the maximum rate fixed for that work is 10s. per lineal foot. After the subsection was deleted last year a number of councils complained because they wanted to widen some of their roads. Mitcham was one of the councils. I was told that because of my move road construction work costing £50,000 was being held up. I do not know that the Mitcham Council or any other council has done much new road work.

Mr. Millhouse—Mitcham has done a good job.

Mr. FRANK WALSH—It could do a much better job. Now the Government wants to re-insert subsection (9). Last year it agreed with my view, but now it seems to look at the matter differently. About 20 or 30 years ago a number of people paid a road moiety of 2s. a foot but because their local council later widened roads they were charged the difference between the 2s. and 10s. now permitted under the Act, yet they are still awaiting kerbing and water table. I have no objection to the Mitcham Council or any other council widening roads and putting in kerbs and water tables. Even if subsection (9) is re-inserted the councils will continue to say that they cannot recover their working costs. It is about time some councils investigated the way their rate revenue is being spent. In my district the rates have been increased, and there seems to be a tendency to increase them everywhere.

The corporations that have been in existence for many years employ engineers and building and health inspectors. District councils that have become municipalities since the war have to do much work to catch up with what has been done by neighbouring councils, and this necessitates the employment of engineers and inspectors. I think that much of the rate revenue is being spent in connection with higher salaries. I do not want to create unemployment but it is time this matter was investigated. I wonder how long it will be before we will get an improvement in the work done by the daily paid staffs of councils. In the City of Adelaide, for instance, it would not be a bad idea to clean up some of the streets and footpaths in the interest of the ratepayers. I believe this applies generally. Although ratepayers should be getting benefits from the payment of rates, I think that in many instances they are badly treated. I strongly support the policy that was adopted up to 1954 in connection with road moieties. Where road making, kerbing and water tables are concerned, the work should be done on a percentage basis. That policy had more merit in it than the proposal in the Bill.

It is useless for me to fight this matter because 12 months ago the Government accepted my suggestion that a provision be deleted, but this year it wants to re-insert the provision. Some years ago part roads were constructed, and now it is proposed to construct strips 12ft. wide and charge 10s. per lineal foot, less something because there is to be no kerbing or water table. In 10 to 20 years' time people who now own land abutting those roads may be getting the old age pension, and they will be in difficulties if they get a bill for road widening. The rating has already been increased from 2s. to the present 10s. and it could be again increased within a few years. Councils need do only one section, leaving the rest in the hope that they will eventually be able to carry out the work. The Housing Trust, which builds in areas where there are no roads and footpaths, and therefore, I suppose, is an authority on this matter, would say, I am sure, that it could not put down roads, footpaths and water tables for a moiety of 10s. a lineal foot from occupiers of properties on each side of the road. Some councils have informed me that they do not charge road moieties, others that they charge the maximum of 10s. and do as little as they can, and others that they charge only a portion of the permitted moiety because they are not able to complete the work: I cannot complain about that. I am surprised, however, that the Government has reversed the opinion it expressed 12 months ago and has introduced this legislation. As I have two amendments on file that I will explain at the appropriate time, I shall content myself at this stage with supporting the second reading.

Bill read a second time.

Mr. DUNSTAN (Norwood) moved:—

That it be an instruction to the Committee of the Whole House on the Bill that it has power to consider an amendment relating to the power of councils to make by-laws concerning verandahs and balconies overhanging public footpaths and roads.

Motion carried.

Mr. FRANK WALSH (Edwardstown) 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 relating to electoral expenses which may be incurred by candidates for election to the office of councillor, alderman or mayor.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Appointment of deputy-chairman."

Mr. LOVEDAY—I move on behalf of Mr. Riches:—

In new subsection (3)—

(1) In the first line, to strike out "district";

(2) In the second line, after "the" second occurring to insert "deputy-mayor or, as the case may be, the";

(3) In the third line, after "of" to insert "deputy-mayor or";

(4) In the fifth line, after "of" to insert "deputy-mayor or".

My fifth amendment is:—

After paragraph (*b*) to insert the following new paragraph (*b*1)—by inserting after the word "absence" in the second line thereof the words "and if the council has elected a deputy-mayor or in the absence of both".

The clause as it stands does not cover the position when a deputy-mayor is needed. The amendments will enable a deputy-mayor to be appointed in the same way as a deputy-chairman may be appointed by a district council.

Amendments Nos. (1) to (4) carried.

Mr. HAMBOUR—The crux of the amendments is to give councils or corporations power to appoint a deputy-mayor.

Mr. Frank Walsh—And a deputy chairman.

Mr. HAMBOUR—It has been customary for ratepayers to appoint a mayor. The amendments will enable the council to appoint a deputy, and I cannot see any necessity for that. If a deputy-mayor is needed I cannot see why ratepayers should not appoint him. I am not at all keen on having a deputy-chairman of a district council, and in the past acting-mayors have been appointed by corporations.

Mr. John Clark—Several places now have deputy-mayors.

Mr. HAMBOUR—I think you will find they are acting-mayors.

Mr. John Clark—They are not. They may be in some places.

Mr. HAMBOUR—In the past acting-chairmen have acted in the absence of chairmen. Under this amendment councils will be able to appoint a deputy-mayor to take the place of the elected representative of ratepayers.

Mr. Fred Walsh—Generally it is the senior alderman.

Mr. HAMBOUR—Then why the necessity for the amendment?

Mr. John Clark—Many places have no aldermen.

Mr. HAMBOUR—Then the councillors can appoint someone to take charge of a meeting in the absence of the mayor.

Mr. JENKINS—I agree with the amendments because there is a need for them; I do not agree with Mr. Hambour that no corporations have had deputy mayors. My council has always appointed a deputy mayor either at the elections or immediately after to take part in any functions during the absence of the mayor. I think that is reasonable, and I do not think the ratepayer need come into it, because it makes for the easy administration of council business. Usually the deputy mayor appointed by a council is the senior councillor.

Mr. FRED WALSH—I have never known of the appointment of a deputy or acting mayor in the West Torrens Corporation, but recently when the mayor was on a vacation for a month it was necessary to appoint a councillor to act during his absence, because that corporation has no alderman. It is more necessary than ever to have someone to act during the mayor's absence, particularly as so many councils hold naturalization ceremonies, some quite frequently. The ratepayers are not detrimentally affected through someone's being appointed to act as mayor *pro tem.* I support the amendment.

Mr. HAMBOUR—Mr. Jenkins supports the amendment to provide for a deputy mayor but immediately says that they have had a deputy mayor for years at Victor Harbour.

Mr. Corcoran—But he has had no legal backing.

Mr. HAMBOUR—All councils appoint someone to act during the absence of the mayor, but if this amendment is carried a mayor will be elected by the ratepayers and deputy mayor by the council.

Mr. Lawn—Who elects the acting mayor?

Mr. HAMBOUR—The council, but he is not a deputy and there is a vast difference between an "acting mayor" and a "deputy mayor." The man who becomes a deputy will always be No. 2 in a council, but the acting mayor immediately loses his status when the mayor returns.

Mr. JOHN CLARK—All councillors are elected by the ratepayers so surely any councillor elected by his fellows as deputy mayor would meet with the approval of the ratepayers who elected him to their ward?

Mr. SHANNON—It is not beyond the bounds of possibility that both a mayor and

deputy mayor could be absent at the same time. If neither is present at a meeting, would that meeting be properly constituted? If there is no appointment of a deputy mayor and there is a quorum present the council could elect an acting chairman.

Mr. Jenkins—Occasions sometimes arise when there is no meeting but something crops up.

Mr. SHANNON—If there is administrative work to be done that can be wisely left to the town clerk or district clerk who has to carry out the council's policy and is responsible to the council. There appears to be little value in appointing a deputy mayor. If it is inherent in this amendment that either the mayor or his deputy must be present before a meeting can be properly constituted I see difficulties. I think we should leave things as they are.

Mr. RICHES—The practice of appointing deputy mayors has been found necessary by some councils and these officers have rendered valuable services over many years, but such service has not been recognized, nor is it provided for in legislation. There has been a deputy mayor at Port Augusta since 1932.

Mr. Hambour—Can he act at naturalization ceremonies?

Mr. RICHES—Yes. The instructions from the Federal Government specifically set out that naturalization ceremonies can be conducted by the mayor, the deputy mayor or, in their absence, by the town clerk. Port Pirie, Victor Harbour and many other towns have had deputy mayors for years. Many district councils believe it would be advantageous and have asked through the Local Government Association for the provision of an acting chairman. That is why this matter is now before us. We should legalize the appointment of acting chairmen to district councils. In many country towns departmental officers and representatives of travel agencies frequently seek assistance from the mayor or town clerk. However, in some centres when the mayor is absent the town clerk is reluctant to perform the functions of the mayor. There is some question as to how far a town clerk should go and I believe the appointment of a deputy mayor would be of considerable value. A mayor is frequently called upon to attend functions, but if he is not available it is of value to have the deputy mayor attend. The Adelaide City Council is usually in a position to obtain as mayor a man who can make his services available almost full-time, but that council is now asking for the appointment of a deputy mayor. There can be no harm in this amendment because it does not interfere with the conduct of council meetings. I urge the Committee to carry the amendment.

Mr. KING—I think the amendment is unnecessary. It has been the practice in councils for many years to appoint persons to act as deputy mayor during the absence of the mayor. This practice has proved satisfactory in the past and it has been non-restrictive. I do not know if we are going far enough in attempting to give this position some legislative authority. We have not stated under what conditions a deputy mayor would commence to function. I am wondering whether the amendment will enable a deputy chairman to share in the chairman's allowance, or any other allowance, during the absence of the chairman. I do not think the amendment will do any harm, but I doubt whether it will do much good, and it may result in complications that we cannot foresee.

Mr. HAMBOUR—It would be wrong for a council to appoint a deputy chairman to act throughout the year. Councils should appoint a person to act as chairman only in the absence of the chairman. If the amendment is carried we shall have a chairman appointed by the ratepayers and a deputy chairman appointed by the council.

Mr. Loveday's amendment to insert new paragraph (b1) carried.

Clause as amended passed.

Clauses 4, 5 and 6 passed.

Clause 7—"Contributions to roads."

Mr. FRANK WALSH—I move—

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

(*a*1) by adding at the end of subsection (10) thereof the words "If previous to the notice being given as aforesaid to the owner of any ratable property any other amount or amounts have been payable under this section towards the cost of any work by the owner of the ratable property or any predecessor in title of the owner, the notice shall specify the amount or amounts as the case may be, which have been so payable in respect of the ratable property and the time or times when the amount or amounts became so payable and, if no such amount has been payable, the notice shall specify accordingly."

If a council has made a charge for road moieties and a further charge is to be made under section 319 the council, under this amendment, will have to indicate on its notice

what amounts have been paid, so that when land changes hands the new owner will know what has been paid.

Amendment carried; clause as amended passed.

Clauses 8 to 13 passed.

Clause 14—"Application for postal vote."

Mr. BYWATERS—On June 18 I was approached by the Murray Bridge Corporation to see whether this clause could be included, and I am pleased that the wishes of the corporation have been met.

Mr. COUMBE—The omission of this clause last year caused considerable confusion and some hardship to ratepayers who wished to exercise a postal vote. The clerk of the Walkerville Corporation approached me on this matter, and I am pleased that the anomaly has been rectified.

Clause passed.

Remaining clause (15) passed.

New clause 3a—"Enactment of Part VIIA of principal Act."

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

3a. (1) The following Part is enacted and inserted in the principal Act after Part VII thereof:—

PART VIIA.

ELECTORAL EXPENDITURE.

142b. In this Part, "electoral expenses" includes all expenses incurred by, or on behalf of, or in the interests of, any candidate at or in connection with an election, excepting only the personal and reasonable living and travelling expenses of the candidate.

142c. No electoral expenses shall be incurred or authorized by a candidate in respect of his candidature in excess of—

(*a*) twenty-five pounds in the case of an election of a councillor;

(*b*) thirty-five pounds in the case of an election of an alderman;

(*c*) fifty pounds in the case of an election of a mayor.

142d. No electoral expenses shall be incurred or authorized except in respect of the following matters:—

I. Purchasing the voter's roll;

II. Advertising and broadcasting;

III. Publishing, issuing, distributing and displaying addresses, notices, posters, pamphlets, handbills and cards.

IV. Stationery, messages, postages, telephones and telegrams;

V. Committee rooms;

VI. Public meetings and halls therefor;

VII. Scrutineers;

VIII. One election agent.

142e. Every electoral expense, except where less than two pounds, shall be vouched for by a bill of particulars and by a receipt.

142f. (1) Within eight weeks after the result of any election has been declared, every candidate at that election shall sign before a justice and file with the returning officer a true return of his electoral expenses (with the vouchers therefor) showing—

(*a*) all electoral expenses paid; and

(*b*) all disputed and unpaid claims for electoral expenses.

(2) The return shall be in the form prescribed by regulation. The Governor may make regulations prescribing such form.

(2) Section 131 of the principal Act is amended by adding at the end thereof the following paragraph:—

III. Any contravention of Part VIIa.

(3) Section 3 of the principal Act is amended by inserting after the line "Part VII —Elections" the line "Part VIIa—Electoral Expenditure".

I do not know how big the wards of country councils are, but most metropolitan wards are of a reasonable size, though some in Mitcham are fairly big, but not thickly populated. I desire to limit the electoral expenses of candidates because some are in a better position financially than others to conduct expensive campaigns. All candidates should be given an equal opportunity to become councillors, and I do not think the provisions of the amendment are too stringent. A query may be raised in connection with the purchase of voters' rolls. I understand that on application candidates can obtain copies, and that they are distributed free of cost. The new clause means that all candidates for the positions of councillor, alderman and mayor will be on an equal basis in connection with expenses.

Mr. QUIRKE—I shudder to think that this Committee would for one moment consider accepting the new clause. It is just as silly as the provision in the Electoral Act, which goes back to the days when we had open elections and the man who had the biggest barrel of beer on his trolley was the successful candidate. The man whose beer ran out first was always unsuccessful. In order to reduce the capacity to buy beer, the authorities introduced the wretched return that candidates have to submit after every Parliamentary election. Just imagine an election for a district council where all the rigmarole mentioned in the proposed new clause applied! If a candidate increased his expenditure on any of the matters mentioned he would no doubt be threatened if he did not put in proper receipts.

After the last Parliamentary election I lost two receipts for money I had paid for hall hire. Because I did not submit them I was threatened with all sorts of penalties and I

had to get duplicate receipts for an expenditure of £4 or £5. At that time I asked in this place how long we had to put up with this sort of thing. The provisions in the new clause will apply to people who offer themselves for voluntary local government work and I will not agree to imposing restrictions on them. I hope Mr. Walsh will realize that acceptance of his new clause will work to the detriment of local government; that he will see the error of his ways, and that the rejection of the proposed new clause will be unanimous.

The Hon. Sir THOMAS PLAYFORD—The Government's view on this matter is that before restrictions are imposed it must be proved that they are necessary in the interests of the general public. If there is a need to restrict expenditure on advertising it must be proved. I do not think the mover of this amendment has been able to substantiate that the amendment will serve any good purpose. I would have thought this was one of those matters that would regulate itself. In the first place, as the last speaker has said, all this service is purely voluntary. Who is going to spend £1,000 or some other outrageous amount, on something that would not be a remunerative service in any case? I cannot see why we should bother about this particular type of amendment. It seems to me to try to impose a further control where no control is necessary. I oppose the amendment and ask the Committee to reject it.

Mr. JENKINS—I oppose this amendment. We may have a half a dozen or a dozen wards in a municipality with a half a dozen candidates for each ward, and if they all put in their claims we can imagine what an impost that would be on the corporation. It would be another tax on the ratepayer. I oppose the amendment.

Mr. COUMBE—I oppose the amendment and ask the House to reject it completely. As previous speakers have said, this strikes at the very basis of local government representation. We in this House and the public generally owe a great debt to those people who voluntarily, week after week, put much time into local government without any reward, in their desire to serve the general public. Now we have a move to restrict them. What is the trouble with local government today? It is not only the difficulty in getting suitable candidates, but the apathy of ratepayers at election time that results in not necessarily the best representation being obtained. This amendment is not going to help in that direction. If this were a suggestion to improve the representation of ratepayers, I would probably support it, but it does not improve the position one iota. The amendment provides that a councillor shall not spend more than £25, an alderman not more than £35, and a mayor or chairman not more than £50. That may be reasonable in some small council areas, but this would apply to every council in South Australia and if we take the extreme case we could cite the example of the Adelaide City Council. Would anyone suggest that a councillor could successfully run a campaign for £25 in any of the wards of the Adelaide City Council? Could candidates for the Lord Mayoralty successfully conduct a campaign for £50? How farcical can we become? It is ludicrous to suggest that this would help in improving the standard of representation. Instead of raising the level of the type of candidature we would be bringing it down to the lowest level. This suggested clause is introducing a new type of legislation entirely into local government, and I am entirely opposed to it.

Mr. FRED WALSH—I support the amendment, and in doing so I point out that it did not originate in the Labor Party, although some members on the other side may think so, I do not expect the amendment to be carried, because of the "hear! hears!" that greeted the member for Burra when he expressed his opposition to it. The Labor Party as such does not interest itself these days in any municipal or district council election, and that shows that this is not a Party matter from the Labor Party's angle. The question arose out of a letter from the West Torrens Corporation. That corporation, when it knew that amendments were coming forward, asked me to see if it were possible to obtain this amendment to the Act. It did not arise from any decision of the Labor Party.

Mr. Coumbe—I do not think that was suggested.

Mr. FRED WALSH—It may have been thought. Rightly or wrongly, one tends sometimes to endeavour to read the thoughts of people who are sitting opposite.

Mr. Shannon—That crystal gazing business is not very popular.

Mr. FRED WALSH—It is anticipation, not crystal gazing. What the member for Burra used as his strongest point in opposing the motion is the strongest reason why it should be carried. The one who used to supply the most beer was the one who won the election, and the one who could not supply it inevitably

lost. We are endeavouring to see that there will be no discrimination between those who are able to afford to pay expenses in a municipal election campaign and those who are not. To suggest that any small addition to the Local Government Act would affect the legislation in any way is ridiculous, because I do not know of any Act of Parliament that is more difficult to interpret than this Act.

I have had no experience in local government matters other than my contact with the councils within my area, but I have heard various members in this Chamber who have been in local government for many years express different opinions on the interpretation of a particular section of the Act. Year after year amendments are brought down, and always at the closing stages of the session. Very rarely is an amendment introduced early in the session. I was most surprised that this particular Bill passed the second reading with only the Deputy Leader speaking to it, apart from the Premier who introduced it. Government members should be grateful for the advice the Premier gave us, for it was a lead to them on just how they should vote on this matter.

The member for Torrens (Mr. Coumbe) referred to the Adelaide City Council, but that was the worst argument one could imagine. In that council, with the exception of Grey ward, everything is determined within the Liberal Party. That Party says who will be Lord Mayor and who will run for every other ward but Grey ward. It has tried to say who will run for Grey ward, but it has not been successful. Nobody has a chance of becoming Lord Mayor without L.C.L. backing. After three years a Lord Mayor usually becomes knighted and then has to go into the background. We want to give every candidate for municipal office an equal chance and to ensure that shortage of ready money will not prevent that. The candidate with the most money has the better chance of winning; this often happens in Parliamentary elections, although it is done under the lap. I do not think that this amendment will impair the quality of candidates for municipal elections; indeed, under the present position we have not always got the better candidate—the one with the money is not always the better. The amendment has been moved as a result of a request from the West Torrens Council, and some other councils feel the same as this council.

Mr. HAMBOUR—The mover of this amendment makes no allowance for petrol for a candidate, yet expects him to do his electioneering. To deal with the amendment in detail would be impossible; I oppose it.

Mr. LAWN—As far as I know the Act provides for petrol. I can understand members opposing the amendment on the ground of the amounts. I have never objected to filling in expense returns after elections, not only because it is obligatory, but because I feel it is my duty to fill them in. It has been said that in the past as much as £100,000 has been spent by candidates for unpaid jobs in England. I could name one person who obtained free land in this State. In reply to my allegations, I was given a full list of land transferred by previous Governments to his family. He admitted that the lands Titles Office had no record of payment for portion of that land, and that 640 acres was obtained for 10s. This happened when members of Parliament were not paid; by spending much money for an unpaid job some people were able to vote land for themselves or their friends. I cannot understand the ridicule of members opposite to this amendment. They have suggested that even the provisions of the Electoral Act should be rescinded, but I would bitterly oppose any attempt to change them.

Mr. Quirke—You do not think those provisions are abided by, do you?

Mr. LAWN—Not wholly, but I know that I spend the money in the way provided for in the Act. I do not provide transport, and I do not think trucks should be provided to take electors to the polls, which the candidate with money can do. That is why the Act prevents this. I see nothing wrong with a ceiling on the amount a candidate for municipal elections may spend. It is already provided that he must not supply transport. The member for Light presumably would permit transport.

Mr. Geoffrey Clarke—He spoke about transport for the candidate in canvassing.

Mr. LAWN—He was speaking about what was spent on petrol.

Mr. Geoffrey Clarke—He said the man could not spend money on petrol when canvassing.

Mr. LAWN—If he did, he did not make himself clear. I do not agree with the member for Burnside because when I told Mr. Hambour that the Act provided for a prohibition on transport he was surprised. He was talking not about transport for the canvasser but

about transport for electors. I wholeheartedly support the amendment.

Mr. FRANK WALSH—Section 130 (1) IV of the Act, in relation to acts of bribery and corruption in connection with an election states:—

> The treating of an elector, or the supplying him with meat, drink, or lodging, with a view to influencing his vote, or the supplying him with horse or carriage hire or conveyance hire for the purpose of going to or coming from a polling booth, with that view.

Did the member for Light have that in mind?

Mr. Geoffrey Clarke—No, he—

Mr. FRANK WALSH—The honourable member has every opportunity to take part in this debate. I do not ask him to defend Mr. Hambour.

Mr. Geoffrey Clarke—I am correcting a misapprehension.

Mr. FRANK WALSH—I do not accept that. It would be in the interests of this debate if some members examined the Act. Mr. Hambour spoke a lot of rubbish and his contribution to this debate was far from meritorious. Mr. Jenkins expressed grave concern that if there were six candidates for a ward in Victor Harbour the council would not be able to finance the expenditure. I do not believe he read the amendment.

Mr. Jenkins—I did not understand it.

Mr. FRANK WALSH—It means that when a candidate nominates for a particular ward his expenditure shall not exceed £25 and he finds it. Mr. Coumbe's chief concern was with the lack of interest in municipal affairs. I gathered he would support the amendment if he thought it would promote interest. Let us consider the importance of elections, and one is proceeding at the moment in connection with the Federal Government. What percentage would vote at that election on November 22 if they were not compelled by law to do so? What happened in our State elections before it was compulsory to vote? In 1941 I was elected at a voluntary election and my majority of 1,000 over my nearest opponent was reduced to 103, simply, I suggest, because it was not compulsory to vote. Municipal elections are most important in the interests of the public. If a compulsory vote applied I contend it would be essential to extend the expenditure beyond £25. We should do everything possible to make local government effective and to promote interest in it.

Mr. Coumbe—This amendment won't improve the position.

Mr. FRANK WALSH—It won't do it any harm. If Mr. Coumbe wants to cure the apathy he should support adult franchise with compulsory voting for council elections. Section 23 of the principal Act provides that if a candidate receives the prescribed number of votes (one-fifth of the number of votes polled by the elected candidate) his deposit shall be returned, otherwise it shall be forfeited. The Labor Party has indicated that it does not endorse candidates for municipal elections, but the member for West Torrens (Mr. Fred Walsh) has reminded me that for Adelaide City Council elections the Liberal and Country League endorses its candidates for all wards except Grey ward. If we are to cure apathy in council elections we must have adult franchise with compulsory voting. By including varying amounts for electoral expenses for councillors, aldermen and mayors I have attempted to put the position on a basis of equality.

The Hon. Sir Thomas Playford—Does the honourable member realize that some wards have hundreds of electors whereas in others the number is comparatively small?

Mr. FRANK WALSH—In the Corporation of Mitcham, for instance, certain wards are small and thickly populated whereas others are calculated in square miles with only a small population. I believe I have said sufficient to show that my amendment should be accepted.

The Hon. Sir THOMAS PLAYFORD—As far as the Government can ascertain, this amendment has not been asked for by any local government authority. We should leave local government to the people responsible for it.

Mr. O'Halloran—Mr. Fred Walsh said his council had asked for this amendment.

The Hon. Sir THOMAS PLAYFORD—The Government has received no request for it. Some members said that local government Bills are always introduced late in the session, but that is because the Government considers all requests for amendments sent in by councils. I ask the Committee to reject the amendment on the ground that it has not been requested by councils.

The Committee divided on new clause 3a:—

Ayes (15).—Messrs. Bywaters, John Clark, Corcoran, Dunstan, Hughes, Hutchens, Jennings, Lawn, Loveday, O'Halloran, Ralston, Riches, Stephens, Frank Walsh (teller), and Fred Walsh.

Noes (17).—Messrs. Bockelberg, Brookman, Geoffrey Clarke, Coumbe, Goldney, Hambour, Harding, Heaslip, Hincks, Jenkins, King, Laucke, Millhouse, and Pattinson, Sir Thomas Playford (teller), Messrs. Quirke and Shannon.

Pairs.—Ayes—Messrs. Davis and Tapping. Noes—Mr. Pearson and Sir Malcolm McIntosh.

Majority of 2 for the Noes.

New clause thus negatived.

New clause 16—"Verandahs and balconies over public footpaths and roads."

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

16. The following subsection is enacted and inserted in the principal Act after subsection 48 of section 667 thereof:—

48a. For enabling the council by notice in writing to require the owner or occupier of any land within the municipality or any township within the district on which land is erected any building to which is attached a verandah or balcony which overhangs any public street, road or place to convert the said verandah or balcony to a form of balcony or verandah specified by the council or to remove the balcony or verandah in lieu of such conversion.

The new clause will give councils the power to make by-laws concerning verandahs and balconies, and, of course, they will be subject to disallowance by Parliament. Therefore, I have not provided for every contingency in the new clause; for instance, as regards time limits in relation to notices that may be given by councils.

This amendment has been requested by the Kensington and Norwood Council. On Norwood Parade some building activity is steadily improving the appearance of the shopping centre. Many of the buildings were erected a long time ago. The Council has no power to require the conversion of some of the not very pleasant looking verandahs overhanging the footpath to verandahs of the cantilever type now universally required when a new building is erected. It has been suggested by the Government that if Part XIII of the Building Act, which provides for licences for balconies and verandahs overhanging could be revoked where proclaimed in relation to the city of Kensington and Norwood, it would rectify the situation, but that part of the Act does not apply to buildings in this case because they were erected before the Act was passed. Certain buildings could not come within the purview of that Part.

The only way to meet the position is for the council to be able to require, after a reasonable period or on reasonable notice—the Kensington and Norwood Council proposes a 10-year notice to owners and occupiers for conversion or removal to give them plenty of time to make their arrangements—that balconies and verandahs overhanging the Parade should be cantilevered. This seems reasonable. Parliament will have the power to scrutinize all by-laws under the section so, although the power may seem a little wide, the council will still have to satisfy us when it submits the by-law it proposes to make under this section. I ask the Government to accept the amendment.

The Hon. Sir THOMAS PLAYFORD—This was the subject of a deputation that waited upon me from Kensington and Norwood headed, I believe, by the honourable member. They brought along expert legal opinion that had been obtained by the council, which, I understand, desires to remove the verandah posts from Norwood Parade. For some time the council has placed a limit on licences granted so that new verandahs erected will be of a cantilever type. I do not object to that but point out that this amendment goes a little further than we usually go in legislation. For instance, the Building Act sets out the conditions of building for the future. It enacted that certain provisions for fire safety and so on should be maintained but did not impose an obligation on existing buildings. This House has always, as far as I know, maintained existing rights. I make it clear that if a corporation desires to improve the standard of a street, it is not unreasonable, but we have to be careful about imposing new obligations.

There is another matter I want to look at because it appears to be at variance with the other provisions of the clause. It may only be a question of drafting, but I may be wrong. The amendment appears to raise a new type of regulation in its administration, and one that I fancy is contrary to the view the Joint Committee on Subordinate Legislation recently brought before Parliament, because it enables the council by notice in writing to require an owner to do something. Therefore, the council will not necessarily refer to all owners in its by-law. It could from time to time as it thought fit and reasonable, or unreasonable as the case may be, say, "We will serve a notice on Mr. Jones to remove his verandah."

Mr. Geoffrey Clarke—Mr. Smith next door may have the same type, but they may not demand its removal.

The Hon. Sir THOMAS PLAYFORD—Exactly. I may be wrong and I speak subject to correction, but it seems to me to give a complete discretion in the administration of the regulation. The honourable member said that we would have the regulation before Parliament prior to its becoming the law. That is correct. I would never vote for a regulation that, without any general lines of policy, gave a complete discretion to the council to impose an obligation upon one person and not upon another. The council said it wanted power to prescribe that after a period of 10 years everybody should do it. I could understand it; but to prescribe that the council may by notice in writing place an obligation upon a person appears likely to cause much difficulty in administration. Unless it applied to all in exactly the same way, there would always be charges that some ratepayers had preference over others. On the other hand, if it were stated that they were all to do it then we could look at it from that point of view. On balance, I feel that a case has not been made out for councils to be given this power. As soon as an area becomes an important one, competition itself and the value of the properties immediately start to affect the question of alterations. In the area in question, some premises in Norwood Parade have already been altered. In other parts where there is very little shopping and very few shops no changes have been made.

I do not think the House should accept this amendment. By the nature of its drafting it places a very difficult discretion in the hands of a council from the point of view of administration, and I believe that that is not necessary. It is suggested that the councils should be able to compel people to alter verandahs simply by sending them a notice in writing. That could be provided in a by-law, and the House would then have the by-law before it to see whether it was prepared to agree to it. The Subordinate Legislation Committee would hear the objections to or the support for the by-law, and would recommend to Parliament accordingly, but I think it would be of the opinion that a by-law that gives a council power to compel certain persons and not others to alter premises is a very invidious one. I ask the House not to accept the amendment.

Mr. MILLHOUSE—On the face of it I am not prepared to accept the amendment. The member for Norwood said it would be necessary for a by-law to be introduced, and undoubtedly under his proposed new subsection that would be so. If this new provision were allowed and a by-law following the wording of the subsection itself were made the Subordinate Legislation Committee would feel that it had a very difficult job in front of it and would probably feel that it could not recommend the disallowance of the by-law.

I entirely agree with the Premier's view that this provision would trespass upon rights already established by law. It would give the council power to order a property owner to alter his verandah. Altering a verandah is very expensive, and it may well be that many property owners on whom the notice was served would not be in a financial position to comply with the notice. I remind members that one of the instructions given to the Joint Committee on Subordinate Legislation is that it must consider whether a regulation or a by-law unduly trespasses on rights previously established by law. In fact, that committee has been directed to consider the very power the member for Norwood has asked should be given to councils. I do not agree that that power should be given.

The member for West Torrens in an interjection mentioned what the Melbourne City Council had done. I know that the Melbourne City Council took certain steps, and I also remember the storms that swept over Melbourne when this power was enforced. One celebrated building—I think it was the Oriental Hotel in Collins Street—had a verandah which was of some architectural attraction; it had been there for many years and was an ornament to the building and to the street. The Melbourne City Council compelled the owners of that hotel to pull the verandah down, and that created much hardship and feeling. While they may do it in Melbourne it has not been done very successfully, and I do not suggest we follow that course.

The Premier also raised the question of the discretionary power which such a by-law would, in fact, give to a council. The council could serve a notice on the occupier of one building and not on the occupier of the building next door and, as far as I can see, there would be no redress at all. Part VI of the Building Act gives power to a council to serve a notice, but as far as I can see there is also a right in the person upon whom the notice is served to have the matter referred to referees. Under the proposed amendment,

however, the owner of the building upon whom notice is served will apparently have no redress at all.

Mr. Dunstan—Could he go along and say it was a good thing to keep the verandah? What does the referee have to referee?

Mr. MILLHOUSE—I merely mentioned that to show that under certain sections of the Building Act there is provision for a reference to a referee. Unless the member for Norwood can satisfy me on the points I have raised I will oppose the amendment, which unduly trespasses on a right already given by Parliament, namely, the right to keep verandahs already erected before the passing of the Building Act. Under that Act a council only has rights regarding new buildings and alterations. The member for Norwood referred to the intention of the City of Kensington and Norwood to pass a by-law giving a 10-year period, but of course that may or may not be done by the municipality when the time comes. This subsection does not suggest that any period of grace be given, and there is nothing to suggest that any other council would allow such a period. A council could arbitrarily order these things to be done within a month or a few weeks.

Mr. Dunstan—We could demand a time limit.

Mr. MILLHOUSE—It is difficult for the Joint Committee on Subordinate Legislation to recommend a disallowance of a by-law that follows substantially the sub-section. Unless the honourable member can satisfy me on those points, I am not prepared to support the amendment.

Mr. DUNSTAN—The Premier said this amendment will trespass on existing rights, but much of the legislation passed by this House does that. Unless we did that, there would not be any improvements to anything. We must give the appropriate authority power to lay down certain standards, not only in relation to buildings to be constructed in future, but also to those in existence. Mr. Millhouse spoke about the architectural beauty of the verandah of the Oriental Hotel in Melbourne, but there is no verandah on the Norwood Parade that can lay the slightest claim to architectural beauty. It is true that Part XIII of the Building Act was concerned only with licences to be granted from the time of the passing of the Act, but that did not cope with the situation that exists here. Most of the people gained a right by prescription, as the buildings had existed for 100 years, but that does not mean that we should retain the rights gained by prescription. The Law of Property Act forbids rights by prescription. It is by no means unusual to change existing property rights; much Government legislation cuts across the principle the Premier enunciated.

As to discretionary power, I am at a loss to frame a provision for a by-law that will not enable a council to pick out the properties concerned. The provision would be entirely unnecessary in many parts of the district, such as at Sydenham Road, so I do not see how it could be framed without having a discretionary power. It is all very well for Mr. Millhouse to say that the Joint Committee on Subordinate Legislation could not recommend something that went beyond the terms of the enactment.

Mr. Millhouse—I said it would be difficult to do that once Parliament gave the power.

Mr. DUNSTAN—I cannot see why that Committee is unable to exercise its powers of recommendation in accordance with the justice of the matter, as it is required to do under Standing Orders. In addition, it has not the final say—that is for members of this House. Not only members of the Committee, but other members of Parliament, move motions for disallowance. If the City of Kensington and Norwood were to pass a by-law that could bring injustice to any of my constituents, I would be the first to move for its disallowance. However, I am certain it would not do so and that this House would exercise its discretionary power if it did. There is nothing in the amendment to give an inordinate or unjust power to councils, and I ask the Committee to accept it.

The Hon. Sir THOMAS PLAYFORD—What the honourable member says sounds all right, but we do not know how this power will be used when it is handed over. Verandahs in themselves are not undesirable; the Adelaide Town Hall and the South Australian Hotel could come under this very by-law, and I believe the Norwood Town Hall could also come under it. If this amendment were passed, we would be handing over power to a council to make a by-law with discretion as to what it would do. We would be deliberately saying that the council was to have that discretion. It is not a matter of giving a council a by-law to do a specific thing, which could be disallowed as a specific thing, but giving power to exercise a discretion, and that is a wide power. When the honourable member brought up this matter by deputation, it was closely examined by the Government,

because I agree that an unsightly or badly kept verandah is a bad thing for an area. However, it is unwise to give councils a discretion to pick out buildings, which they will have to do, because there are many places in an area where it would be unjust to have verandahs pulled down. Few structures would stand cantilever verandahs, and an order to this effect would mean that the existing verandah would be pulled down and there would be a much more unsightly building. People who construct verandahs over footpaths are providing a convenience to the public—that is the only reason for their construction in many cases. I do not think the Committee should accept this amendment, because it gives a wide discretionary power to councils, and I think its administration would embarass them. It will bring into local government, more than anywhere else in the Act, an increasing discretion.

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

The Committee divided on new clause 16:—

Ayes (8).—Messrs. Bywaters, Corcoran, Dunstan (teller), Hutchens, Loveday, Stephens, Frank Walsh, and Fred Walsh.

Noes (15).—Messrs. Bockelberg, Brookman, Geoffrey Clarke, Coumbe, Goldney, Harding, Heaslip, Hincks, Laucke, Millhouse, Pattinson, Pearson, Sir Thomas Playford (teller), Messrs. Quirke and Shannon.

Pairs.—Ayes—Messrs. Davis, Tapping, O'Halloran, Lawn, and Jennings. Noes—Sir Malcolm McIntosh, Messrs. King, Hambour, Jenkins, and Stott.

Majority of 7 for the Noes.

New clause thus negatived.

Title passed. Bill read a third time and passed.

FIREARMS BILL.

In Committee.

(Continued from November 6. Page 1631.)

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"—moved by Mr. Jenkins.

Mr. JENKINS—The Premier had three objections to the banning of silencers: firstly, that there was no explanation of my consequential amendments to clause 8; secondly, that this new clause constituted a direct prohibition on silencers in any form; and thirdly, that there had been a violent reaction by outside interests to the proposed banning of silencers. I think his first two objections will be met by my consequential amendments to clause 8, the relevant part of which reads:—

(1) In proceedings for an offence against subsection (1) of section 6 or against section 7 it shall be a defence for the defendant to prove—

(*a*) if he is charged with using a firearm in contravention of either of those provisions, that he used the firearm in a shooting gallery which was under the personal supervision of a reliable person who was in charge thereof;

(*b*) that he carried on or was employed in the business of a manufacturer or repairer of firearms or dealer in firearms and that he used, carried or had in his possession the firearm in the ordinary course of such a business;

(*c*) that he carried on or was employed in the business of an auctioneer, carrier or warehouseman and carried or had in his possession the firearm in the ordinary course of such business;

(*d*) that he—

(i) carried on business on any land as a farmer, grazier, orchardist, agriculturist or horticulturist; or

(ii) resided with or was the servant of a person carrying on any such business.

I believe that with my consequential amendments this will meet the Premier's objections. His third objection was that the new clause imposed a total prohibition on silencers being manufactured, handled, distributed, sold, or being in a person's possession. To meet the Premier's objection to my amendment I am prepared to delete the words "carries or has in his possession." The amendment would then read "A person who uses a firearm fitted with a silencer shall be guilty of an offence." I ask leave to amend my amendment accordingly.

Leave granted.

Mr. JENKINS—The effect of my amendment would be to allow a person legitimately using a firearm on his property to use a silencer and would allow exemption to the manufacturer, distributor or person who handles the sale of silencers. It would curtail to an extent the manufacture and distribution of silencers and I hope that it will meet with the Premier's objection. Silencers are becoming more prevalent and there should be some curtailment of them. There is much support for the total ban, which I am not seeking in this amendment. The police force definitely favours such a ban. I have talked to members of the C.I.B. and the police force, and even

the Commissioner of Police himself, and I understand that in 1949 a conference of chiefs of the C.I.B. from New Zealand and the Australian States agreed unanimously that there should be a total ban not only on the use of silencers, but on their manufacture and distribution. That agreement was confirmed at a conference of the chiefs of the C.I.B. in Victoria in 1956, and although it may be said that there has been no move to put it into effect, it must still have some bearing on the case. I believe that their opinions should be regarded as valuable.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—Some difficulty is attached to the amendment. The honourable member previously said that a number of persons were using silencers and therefore were able to shoot sheep and remain undetected. Under those circumstances he submitted the amendment, which is fairly wide in its application and which will be difficult to administer. I doubt whether the amendment would be effective. The position would be that if a person had in his possession a rifle fitted with a silencer he would be able to carry it around. Only when he used the rifle would he be committing an offence. Objections to the amendment have been raised by town interests. The honourable member is substantially correct in his statement that the police force supports any provision that will eliminate silencers, and their support would go to the extreme of prohibiting anyone from having a silencer in his possession at any time. They want a total ban on the manufacture, use or possession of any silencer. So that honourable members will have some opinion on this subject from the other side, I submit the following report sent to me by Mr. Donald J. Fleetwood, whom I believe is commercially associated with the sale or production of silencers:—

Wishing to add to your report on the use of rifle silencers the writer is most anxious over any action to ban same, which may only cause to introduce a doubtful gun law. May I humbly ask the Assembly, will the banning of sound moderators do any good, as there are some 8,000 of these attachments in use within this State today. Points to consider are as follows:—

1. In the U.K. similarly with our own Police Department, there are no records where silencers have been used to commit a felony.

2. To produce silence in any firearm a criminal has only to wrap a scarf around the weapon's muzzle.

3. Once a sound moderator is fitted to a concealable weapon our present laws render the offender liable to imprisonment.

4. A silencer is only effective on very low powered .22 calibred ammunition. Property owners appraise this type of hunting weapon to the more dangerous high velocity calibres.

5. Professional kangaroo shooters receive better and safer results when shooting close-in on dams.

6. Sound moderators increase the efficiency in eradicating rabbits and crows.

7. The U.K. "Bodkin Report," a statutory definition of firearms and ammunition shows proof of silencers being allowable in that country.

8. It is impossible to silence any form of shotgun or military weapon; therefore shooting bird-game out of season can be dismissed.

9. The banning of sound moderators would be an injustice to 8,000 law abiding sportsmen who have so far "played the game."

The writer is an authority on ballistics and a student of overseas gun laws; he has on many occasions assisted the Police Department with ballistic reports and has demonstrated silencers to the Commissioner. He had been asked by the Gun Owners Association to put the silencer case before the proper authorities. One or two points in that report merit consideration. I am particularly impressed by the fact that the silencers are capable of being used only on low powered weapons. I believe that many of the shooting accidents occur with high powered weapons rather than with .22 rifles, and then only the low velocity .22 weapons: and this also applies to the use of firearms by criminals.

Mr. Jenkins—They don't shoot lambs and kangaroos with those weapons.

The Hon. Sir THOMAS PLAYFORD—They do, and they use silencers. I am impressed with the comments of the writer of that letter, but the honourable member has modified his amendment considerably and, as a result, the Government is prepared to accept it. I doubt whether it will now do what he wants it to do, but its effect will be watched closely, and if it has any undesirable repercussions I think he will raise the matter again in the future.

Mr. HAMBOUR—The amendment will only prohibit honest sportsmen from using a silencer, and in its modified form it will not achieve its purpose. Anyone using a weapon with a silencer unlawfully will not be detected. In the eastern end of my district we have many kangaroos, and many young people shoot them with the permission of the landowner, but they will be liable if they use a silencer. It could be their livelihood, but they will not be exempt. I oppose the amendment.

Mr. HEASLIP—I am sorry that Mr. Jenkins has seen fit to modify his amendment, for in its original form it would have been effective.

I have had much experience in rifle shooting, but have never had any need to use a silencer. Those who use silencers usually do so because they are shooting illegally. Few people use .22 rifles to shoot kangaroos, but I think silencers would be effective on high velocity rifles, too. Last Saturday's *Advertiser* reported that a horse was shot at Blackwood. It stated:—

A six-year-old racehorse was shot while grazing at Blackwood on Thursday afternoon. Mr. A. P. Leaney said the wound had apparently been made by a bullet from a .22 rifle.

The article continues later:—

A pony was shot in the forehead while grazing near the Adelaide Zoo last Saturday. Mr. P. Hindle of Tribal Street, Hillcrest, reported to police last night that a bullet had pierced the roof of his house, gone through the ceiling of his son's bedroom and penetrated bedclothes of an unoccupied bed. The bullet is believed to have ricochetted from a pole in the street outside the house.

In the first two shootings mentioned in that article .22 rifles were used. According to yesterday's *Advertiser* a report from Melbourne stated:

Craig Ronal Kohn, nine, of Broadmeadows was killed when an old rifle accidently discharged today. The boy was playing with a 15-year-old friend in a neighbor's home when the .22 rifle they were handling fired into his stomach.

It is possible that these weapons were fitted with a silencer and, as a result, the police have not been able to trace where the shots came from.

Mr. Hambour—Did they find who shot the horse?

Mr. HEASLIP—No, but they found that a .22 rifle had been used, and it might have been fitted with a silencer. People using firearms legitimately do not need to use a silencer. Many people shoot rabbits in the Adelaide hills, and if the area is thickly wooded people cannot see anyone using a rifle and do not know his whereabouts unless they hear a report. If silencers are used people will not hear any report and there will be more accidents. Why do these people want silencers fitted to their rifles if they are being used legitimately? If used legitimately there is no need to deaden the reports. They should not be afraid of being heard by their neighbours or a landholder. They want to suppress the explosion because the silencer is illegally used in most cases. Everybody is not excluded because under clause 8 there are exemptions for pastoralists, graziers, orchardists, agriculturalists or horticulturists, or anyone residing with a person who owns property. They are permitted to use firearms that suppress the noise of the explosion. People should not be ashamed or afraid to use firearms. They should not be afraid of people knowing they are using them unless they are being used for an illegal purpose. I am sorry that the honourable member for Stirling (Mr. Jenkins) has amended the amendment. It was effective as it was.

The Hon. Sir THOMAS PLAYFORD—If one point is cleared up the purpose of the amendment will not be altered, but it will be clear as to what a person can or cannot do. The honourable member suggests that a person using a firearm fitted with a silencer shall be guilty of an offence, and it would be taken as a prohibition, whereas that is not what is sought by the honourable member. There is no reference to section 8. Therefore, I suggest that the honourable member prefaces his amendment with the words "Subject to section 8," so that it will be understood that the prohibition is subject to some modification.

Mr. JENKINS—I ask leave to amend my amendment by adding the words "Subject to section 8," as suggested by the Premier.

Leave granted.

Mr. SHANNON—As the honourable member for Stirling appears to be in an amenable mood, I suggest another small amendment to his amendment, to the effect that a silencer can be used where a silencer is properly attached to a firearm. The honourable member agrees that there are occasions when a silencer can properly be attached to a firearm. Otherwise, he would have proceeded with his first amendment for a total prohibition on silencers. If he is reasonable in this matter, he may get my qualified support, because I have some doubts about it being possible effectively to police this provision when there are so many excuses for a man using a rifle with a silencer.

I listened with some interest to the report read by the Premier from the ballistic expert, in which he said that mostly a silencer was used on low-powered weapons. I point out to honourable members that the use of the low-powered weapon is the least costly method of destroying vermin, particularly rabbits. There is no cheaper method than using a .22 rifle to get rid of rabbits. After waiting at the edge of a rabbit warren hoping for a shot or two at dusk, a man is lucky to get more than one shot without a silencer, for after the first shot all the rabbits dive into their holes and are not seen again that evening. They are too

shrewd to be about after one shot. On various occasions I have tried, with the Premier, to shoot the ubiquitous rabbit, with varying success. We were invited by an owner to go on to his property and clean up as many rabbits as we could. On one Saturday we shot 400 of them. The owner could well afford to be without them. I have no doubt that if the honourable member for Rocky River were pestered with vermin on his property he would be glad to have somebody shoot them. Why do people shoot game that have a price on their scalps? It is for profit, and the honourable member for Rocky River knows that. The man who goes out after dingoes is nearly always an expert rifleman who makes his living that way. I suggest it is unreasonable to prohibit a landowner from inviting people to shoot vermin on his property and using the most effective method of getting rid of the vermin. The use of a silencer on rifles results in more than one shot at a group of rabbits.

I have listened rather hopefully for a valid reason why we should not be interested in this aspect of the Bill. The honourable member for Rocky River referred to three cases, none of which appeared to have had anything to do with a silencer. They could or could not have been fitted with silencers. I have not heard of any untoward happening through the use of silencers. They certainly would be an advantage to criminals, but as the Premier rightly points out there are other methods of deadening the sounds of the explosion.

Mr. Fred Walsh—Criminals would carry them anyhow.

Mr. SHANNON—That is so. The criminal will not carry it on the weapon but in his pocket, and will fit it to the weapon at the psychological moment. In the prevention of crime I think this amendment is almost valueless. A person criminally inclined will not baulk at the modest breach of the law in using a silencer on a weapon with which he intends to kill. For that reason I suggest to the member for Stirling that he puts in a third category in clause 8, paragraph (*d*), by adding after the word "business" in subparagraph (ii) the word "or" and then a subparagraph (iii) reading "had permission of the owner of the land." That would permit the owner of any property who wished to have his vermin destroyed to invite a skilled rifleman to do it for him. If we leave the member for Stirling's amendment as it is, an owner will not be able to give anyone permission to use a silencer on his land.

Mr. Hambour—Only a servant.

Mr. SHANNON—I doubt whether the law would support that subterfuge. The giving of a nominal daily sum to a person for doing the shooting, and in effect making him a servant, is a subterfuge which I think a court would not accept if the police took action. If we favour the owner of the land having the right to permit a person to come in, the only way out of the difficulty I think would be to put the exemption in clause 8, and I suggest it to the member for Stirling.

Mr. HAMBOUR—New clause 14a says that a person who uses, carries, or has in his possession a firearm fitted with a silencer shall be guilty of an offence. That is a token ban. The new clause is related to clause 8.

The CHAIRMAN—We are only dealing with new clause 14a.

Mr. QUIRKE—I suggest the easiest way out of the difficulty is to vote against the amendment, because it will not serve any useful purpose. I have looked at the modern silencer, which is a very small tube about 6in. long with a few baffle plates inside. Its object is to disperse the gases in exactly the same way as they would be dispersed by putting a handkerchief over the muzzle of the rifle, with the difference that the silencer would give an accurate shot whereas a piece of cloth over the muzzle would not necessarily provide accuracy. One seller of silencers said that he would not care if he never sold another. He said he personally did not like them from the sporting angle, because he was a very good shot himself. He pointed out that half the sport in using a high powered rifle was the crack and recoil of the rifle. As pointed out by some members, there is a distinct advantage in very rough country that is infested with rabbits to be able to squat, use a silencer and pick the rabbits off as they come from the burrows.

A ballistics expert told me that silencers were only effective on low powered rifles, but I think he meant that they were only effective with low powered cartridges. A long barrelled .22 rifle using long rifle cartridges is an extremely high powered weapon, and will kick the brains out of a man at three quarters of a mile without any difficulty at all. The silencer suppresses the sound on a high powered rifle but not so much as with the low charged cartridge. When fitted to a long barrelled rifle with a .22 long rifle cartridge the silencer

still has a deadening effect, and does not have the crack report of a high powered cartridge in a long barrelled rifle. It has some effect, but not so much in suppressing the sound as with the low powered cartridge. I do not see any necessity for the amendment. From what the member for Rocky River said one would think that the 6,000 or 7,000 people in South Australia that have silencers fitted to .22 rifles intend to break the law.

Mr. Heaslip—Or use them just for the novelty.

Mr. QUIRKE—If that is so, why refuse to allow their use?

Mr. Heaslip—They are dangerous.

Mr. QUIRKE—They are no more dangerous than a rifle without one. A silencer does not suppress the kick behind a bullet: it only suppresses the sound. Has everyone who does not like the report of a rifle and wishes to subdue the sound an instinct to break the law, or does he wish to stop the impact on his ears? People who desire to use silencers should be allowed to do so. There is no evidence that fatal accidents have been caused by their use. All the legislation in the world will not stop the foolish person who pulls a trigger without inspecting a rifle. If we made it necessary for every person to have instruction on elementary safety precautions before obtaining a licence, we would be doing some good. Rigid controls over the handling of rifles are exercised in the army, and the rules are simple. Before being granted a licence to own a rifle, a person should be examined on the rules the same as an applicant for a driving licence is examined.

I see no purpose that will be served by the amendment, because we cannot legislate for fools, and there will always be accidents while they have access to weapons. The mere fact that rifles are fitted with silencers will not increase the number of accidents. I refuse to believe that every person who has a silencer wishes to break the law. A bullet from a high powered rifle can kill with a ricochet, so there is no evidence that wounds caused to stock are deliberate. A ricochet causes much more damage than a direct hit. Anyone deliberately shooting at stock will shoot at short range, because he would know he is guilty of an unlawful action that he would wish to hide. I oppose the amendment.

Mr. JENKINS—I thank members for their attention to the new clause and the consequential amendment. We have been asked whether the 6,000 or 8,000 people who have silencers are potential criminals. I have never suggested any such thing but have moved this new clause because one of my constituents told me that he had had sheep and geese killed by people who got away in cars. I have had similar reports. If we make it hard for people to use silencers on the roads these incidents will be prevented. I am satisfied with the new clause as it stands, but I would agree to extend the right to use silencers to people invited by landowners to shoot on their properties. This would not alter the effect of the new clause. I hope the Committee will pass the amendment.

Mr. STEPHENS—We should prohibit the use of silencers unless persons who wish to use them are granted permission to do so by the Commissioner of Police the same as they must obtain a licence to use a gun. We have enough criminals now, and enough damage has been done by the use of silencers and knives, so the Commissioner of Police should have the right to say whether or not anyone is a fit and proper person to use a silencer.

Mr. LAUCKE—I am not in favour of legislation that imposes restrictions on the individual unless really valid reasons are advanced for it. Mr. Jenkins has argued against himself. He mentioned an occasion when sheep were destroyed and carcasses taken away by shooters who used silencers, but subsequently he said that the man saw the sheep being shot although he did not hear the report of the guns. He is seeking to impose unnecessary restrictions and his arguments are not sufficiently strong in support of his amendment, which I oppose.

Mr. HEASLIP—I have had considerable experience with firearms and I can see no valid reason for a person using a silencer. Mr. Shannon suggested they might help in eliminating rabbits but any person who seeks to rid a property of rabbits with a firearm knows little about rabbits. Any man who sits on the brink of a rabbit warren with a rifle waiting for the rabbit to appear is not a sportsman. In any event it is not the rabbits that come out from the warren first, but the kittens which are not fully grown.

Mr. Quirke said that some people might use silencers because of the impact on their ear drums of the report of a rifle. I have never heard of any one suffering from the effects of a rifle report on their ear drums. The report of a .22 is just a crack which would not affect anyone. If silencers are permitted we will only

encourage people to do things they should not do. The vanes of windmills on my property have been shot to pieces and water tanks have been ruined by so-called sportsmen. With silencers on their rifles they could do infinitely more damage. I support the amendment.

Mr. RICHES—If there is a greater pest than rabbits it is the irresponsible and promiscuous shooter. Thousands of tanks and signs in the country have been ruined by bullets. This is a menace and the fact that there are 8,000 silencers in use in South Australia clearly indicates that this legislation should have been introduced long ago and it is sufficient to merit my support for their prohibition. It is not safe for hikers and people seeking fresh air to roam in the hills nowadays because of the danger from irresponsible shooters. Stock has been killed and property damaged by them. Mr. Jenkins is to be commended for introducing this amendment but I regret that he has watered it down so much. Sooner or later Parliament must deal with the problem. The best contribution to this debate came from Mr. Stephens who suggested that if a person had a valid reason for wanting to use a silencer he should state his case to a licensing authority. After all, one must have a licence to listen to a wireless and to do many things much less dangerous and harmful. If the honourable member had adhered to his original amendment I believe it would have been of greater use. However, I commend him for his move.

Mr. HARDING—I agree with the remarks of the previous speaker regarding vandals. The crack of a rifle without a silencer attached would at least warn unsuspecting people of the presence in the vicinity of vandals or some thoughtless person. For that reason alone, I support the amendment. If silencers were banned it would provide a greater chance to detect irresponsible people who shoot at anything.

Mr. JOHN CLARK—According to what I have heard tonight I do not think that the amendment has any hope of accomplishing what Mr. Jenkins set out to do. We have been told that a silencer may be easily and quickly attached or detached. As far as I can see, we must first detect the culprit with the silencer fitted, and that would be difficult. It is not likely that a person with criminal intentions would be caught with a silencer attached to his firearm; if he had it in his pocket he would not be liable. If the amendment means that, I can see no sense in it.

The Committee divided on the new clause.

Ayes (14).—Messrs. Bockelberg, Brookman, Geoffrey Clarke, Coumbe, Goldney, Harding, Heaslip, Hincks, Jenkins (teller), Pattinson, Pearson, Sir Thomas Playford, Messrs. Riches and Shannon.

Noes (15).—Messrs. Bywaters, John Clark, Corcoran, Hambour, Hughes, Hutchens, King, Laucke, Loveday, Millhouse, Quirke, Ralston, Stephens, Frank Walsh (teller) and Fred Walsh.

Majority of 1 for the Noes.

New clause thus negatived.

Title passed.

Bill reported with an amendment.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL.

The Hon. C. S. HINCKS (Minister of Irrigation) brought up the following report of the Select Committee, together with minutes of proceedings and evidence:—

The Select Committee, to which the House of Assembly referred the Renmark Irrigation Trust Act Amendment Bill, 1958, on 4th November, 1958, has the honour to report:—

(1) Your Committee met on two occasions and examined as witnesses the Assistant Parliamentary Draftsman (Mr. J. P. Cartledge) and Mr. A. C. Gordon, Director of Lands.

(2) The secretary of the Renmark Irrigation Trust (Mr. R. H. Waters) was contacted and he signified the Trust's support for the Bill.

(3) There was no response to advertisements inserted in the *Advertiser*, the *News* and the *Murray Pioneer*, inviting interested persons to give evidence before the Committee.

(4) Your Committee is of the opinion that there is no objection to the Bill, which it recommends should be passed in its present form.

Ordered that report be printed.

Bill taken through Committee without amendment. Read a third time and passed.

MENTAL DEFECTIVES 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 deals with a number of unconnected matters which have for some time been a cause of concern to those administering the Mental Defectives Act. Clause 3 alters the short title of the Act from the Mental Defectives Act to the Mental Health Act. To medical authorities throughout the world the expression "a

mental defective'' means a person with a defective brain who is a congenital idiot or an imbecile or feebleminded. A mentally sick person should not be regarded as a mental defective. His illness is in many respects the same as a physical illness and is often cured by suitable treatment.

It is most important in the cure of the mentally ill that they should be treated in the very early stages of the illness, and experience has shown that patients and their relatives often avoid proper treatment in the early stages for fear of the stigma of being labelled as a mental defective. The suggested amendment follows a trend in the other States and in other countries to give a title to the Act which is more descriptive and does not necessarily imply mental deficiency. The Superintendent of Mental Institutions, Dr. Birch, has reported to the Government that the whole question of the care of the mentally ill is under extensive review in all English-speaking countries. In the United Kingdom the work is being carried out by a Royal Commission on the law relating to mental illness and mental deficiency, and its recommendations which were published this year will provide material for a comprehensive review of the principal Act in this State with the object of classifying patients under kindlier and more accurate titles than apply at present. However, at the moment, all that is being suggested in this regard is a change in the title of the Act.

Clause 4 is a consequential amendment. Clause 5 amends paragraph (*b*) of subsection (2) of section 33 of the principal Act which deals with the method of transferring a patient from a receiving house or ward to a mental hospital. The paragraph provides that when a patient is transferred and received into a mental hospital the certificate of the superintendent of the receiving house or ward certifying that the patient is a proper person to be detained in a mental hospital and the order of the justice of the peace authorizing the transfer, must be delivered to the superintendent of the mental hospital before he receives the patient. The effect of the amendment is to require additional documents to be delivered to the superintendent, namely, the order, statement and certificate upon which the patient was originally received into the receiving house or ward. The purpose of the amendment is to ensure that all the patient's official documents will accompany him to the mental hospital and not be separated in two institutions as is the case under the existing law.

Clause 6 amends subsection (5) of section 37 which deals with the transfer of a patient from a receiving house or ward by order of the superintendent. The effect of the amendment, which is similar to that proposed in clause 5, is to provide that all the patient's official documents shall accompany him to the mental hospital.

Clause 7 will overcome a difficulty which has arisen under section 46 of the Mental Defectives Act in dealing with children who are certified to be mentally defective or in need of mental care and attention whilst under detention in a reformatory or industrial school. When a child while detained in an institution controlled by the Children's Welfare and Public Relief Board appears to be mentally defective, the Minister's only power under section 46 of the Act is to order the child to be removed to a hospital for criminal mental defectives. Under section 47 the Minister, upon receipt of a medical certificate in the form of the tenth schedule (to the effect that the child is apparently mentally defective but that the symptoms are not sufficiently marked to enable a certificate to be given that the child is mentally defective), may order the removal of the child to a receiving house. The child is, however, still classified pursuant to subsection (2) of section 47 as a criminal mental defective and can be transferred to a mental hospital only by invoking section 51 of the Act which requires the giving of a certificate that the child does not suffer from any homicidal propensities or from a mental defect of such a kind as to render his detention in a hospital for criminal mental defectives desirable.

The Superintendent of Mental Institutions has pointed out that a number of young children admitted to the Enfield Receiving House pursuant to section 47 are found to be in such a condition that they should be in a mental hospital. The delay in obtaining the necessary transfer for the child is not conducive to the good management of the hospital, it has a bad effect on the other patients and it is certainly not in the best interests of the child.

The Children's Welfare and Public Relief Board and the Government are of the opinion that children should not be classified as criminal mental defectives and placed in an institution with hardened offenders from the Yatala Labour Prison merely because the children happen to be in an institution controlled by the board when they require treatment. The anomaly is apparent when it is considered that, should a child require mental treatment whilst

released on probation by the board, he can be admitted to a mental institution under the relatively simple procedures laid down in sections 31 and 35 of the Act and transferred from one institution to another by order of the Director-General of Medical Services given pursuant to section 74 of the Act.

Clause 7 enacts a new section 37a, which provides that State children may be received and detained in mental institutions in the same way as other children. Clauses 8, 9 and 10 make amendments which are consequential to clause 7. Clause 11 amends section 98 of the principal Act which deals with the powers of the Public Trustee to manage patients' estates.

Section 43 of the principal Act provides that a patient who escapes from a mental institution may be retaken within three months of the date of his escape. If the patient is still at large at the expiration of that period, he is no longer liable to be retaken. Subsection (2) of section 98 lists the circumstances in which the powers, duties and functions of the Public Trustee shall cease in respect of the estate of any person.

Clause 11 provides that a person who has escaped from an institution and is no longer subject to being retaken may regain control of his estate by submitting certificates from two medical practitioners each of whom has separately examined the person and formed the opinion that he is able to manage his own affairs. In the absence of a provision of this nature, there is no means whereby such a person may regain the control of his estate from the Public Trustee.

Mr. FRANK WALSH secured the adjournment of the debate.

COLLECTIONS FOR CHARITABLE PURPOSES ACT (CHEER UP SOCIETY INC.).

Consideration in Committee of resolution received from the Legislative Council (for wording of resolution, see page 1352).

(Continued from October 23. Page 1383).

Resolution agreed to.

MAINTENANCE ACT AMENDMENT BILL.

Committee's report adopted. Bill read a third time and passed.

WRONGS ACT AMENDMENT BILL.

Consideration in Committee of Legislative Council's amendment—

After clause 5, add new clause 6 as follows:—

> 6. *Operation of Act.*—This Act shall apply only in relation to deaths occurring after the passing of this Act.

Mr. FRANK WALSH (Deputy Leader of the Opposition)—In the absence of Mr. Dunstan, I ask the House to agree to the Legislative Council's amendment, which relates to the operation of the legislation.

Amendment agreed to.

ADJOURNMENT.

At 9.10 p.m. the House adjourned until Thursday, November 13, at 2 p.m.