

HOUSE OF ASSEMBLY.

Wednesday, September 30, 1964.

The SPEAKER (Hon. T. C. Stott) took the Chair at 2 p.m. and read prayers.

QUESTIONS.**STATE BANK LOANS.**

Mr. FRANK WALSH: Has the Premier a reply to my question about loans made available by the State Bank from time to time for additions to houses?

The Hon. Sir THOMAS PLAYFORD: A test check indicates that the State Bank is approving additional loans under the Advances for Homes Act from Home Builders' Account and money for additions and alterations at the rate of about 40 a year, absorbing about £27,000 a year in funds.

SOLDIER SETTLEMENT RENTALS.

Mr. HARDING: Has the Minister of Repatriation further information about rentals fixed for soldier settlers in zone 5?

The Hon. P. H. QUIRKE: Following reports made by settlers in zone 5 in the South-East I appointed a committee to investigate the claims, and the findings of that committee were acted on by this Government. Recommendations were forwarded to the Commonwealth Government, the final arbiter in this matter. Our submissions, with one exception, were turned down. The exception does not have a great impact upon the whole of zone 5, but the Commonwealth Government has made counter proposals, and these are now being investigated by my accountants to ascertain the individual amounts for which each settler will be responsible. This investigation will take a short time, probably about three weeks, but, when it is finalized, settlers in zone 5 will be informed of the findings.

EXAMINATION OF SHOPPING BAGS.

Mr. CLARK: Has the Minister of Education a reply from the Attorney-General to my recent request for an opinion from the Crown Solicitor on the practice of searching personal bags and cases in supermarkets?

The Hon. Sir BADEN PATTINSON: My colleague, the Attorney-General, has supplied me with the following opinion from the Crown Solicitor:

There is in my view no legal objection to the proprietor or servant of the proprietor of supermarkets and "serve-yourself" stores asking a customer to permit inspection of personal

bags or other containers. However, I do not think such a customer is obliged to permit inspection of his or her personal bag or other carrying container unless, prior to entering the store, he or she was in some way informed that one of the conditions of entering the premises was that he or she would permit the search of such personal bag and/or other containers before leaving. This condition of entry could, of course, be communicated to a customer in the form of a notice outside the premises, drawing the customer's attention to the fact that the store made it a condition of entry that a customer would submit to such a search upon leaving.

If the notice is not given to the customer before entering the store, and in such terms that a reasonable person would construe it as binding him to submit to a search, I do not think that the store would have any legal right to insist upon a person submitting to a search. In any case, where the store had no such right, I think it would constitute a civil trespass, if any force were used in an attempt to search a customer, or if any customer were detained in the store against his will, after having refused to submit to a search. Whether any customer has, in a particular case, been given notice of a store's claim to allow admittance upon the condition that the customer submits to a search, will depend upon the circumstances of each case, and particularly upon the form of the notice and to its accessibility to a customer before he enters the store. If the notice is not in a conspicuous position and easily legible so as to come to the attention of customers, I do not think that the store could rely upon it as giving it any right to insist upon the customer submitting to a search.

TOD RESERVOIR.

Mr. BOCKELBERG: Following the excellent weekend rains on Eyre Peninsula can the Minister of Works say whether the Tod River reservoir received a substantial intake and what is the state of the water supply at Kimba?

The Hon. G. G. PEARSON: Although the rains were of great value in promoting the growth of crops and feed, they did not provide much water catchment from surface sources. At Kimba there was a modest intake into the reservoir, I think of about 1,000,000 gallons, which will be transferred, as soon as it is clarified sufficiently, to the concrete storage tanks and which will alleviate conditions there for a short time. Unless further intakes are received, however, the carting of water will have to continue throughout most of the summer. I might also mention for the benefit of the member for Whyalla that the tank at Coober Pedy received a slight intake which, although it contains much mud and solids in suspension that will take some time to clarify, will help to alleviate conditions temporarily.

JUSTICES OF THE PEACE.

Mr. JENNINGS: Last Thursday the Minister representing the Attorney-General was good enough to give me an answer from his colleague to a question I had previously asked about the appointment of justices of the peace and the way members of this House were advised of those appointments. The answer of the Attorney-General, I have to say with all due respect, gave only details of what happened regarding the last series of appointments: it did not even pretend to answer my complaints regarding the procedure adopted, which complaints I am sure, from what I have heard, are shared by most members of this side of the House and perhaps by members opposite. However, the details given by the Attorney-General certainly emphasized the complaints we had. I now ask the Minister to take up again with his colleague the real basis of my complaint, which is that the appointees are directly notified of their appointment by the Attorney-General himself, whilst the disappointees have to be notified by the members of Parliament who nominated them.

The Hon. Sir BADEN PATTINSON: I shall be pleased once again to take up with my colleague the honourable member's complaints. However, I was wondering whether, for a change, the procedure could be turned around the other way, and instead of making complaints the honourable member would put up a positive and constructive suggestion to the Attorney-General as to what he considered should be done; and, if he is voicing the opinion of a large number of other members, whether I could take it that many members would like the Attorney-General to consider some other procedure. As honourable members know, the Attorney-General is a very reasonable person, and he would be only too pleased to consider a constructive or positive suggestion as to what should be the procedure in the future in dealing with members of Parliament. The honourable member and I have the two most heavily populated electoral districts in the State, and naturally we both have many such nominations. I think it would be desirable in the interests of the whole of the Parliament if the matter were considered and, if the honourable member would suggest either putting it up again in another form or writing a letter, we could have a proper look at the problem.

AXLE LOADING.

Mr. HALL: On July 22, by letter, I made representations to the Premier on behalf of a constituent who operates a three-axle semi-

trailer in a carrying business. The manufacturer's gross vehicle weight of this trailer and prime mover exceeded what it could actually carry under the regulations in this State regarding axle load limits; consequently, even though the Registrar of Motor Vehicles reduced the gross vehicle weight in his calculations to the legal limit that could be carried on the three axles, that limit was still not down to the actual carrying capacity of the vehicle. I believe this problem has arisen with other vehicles in other parts of the State. Has the Premier any information on the position?

The Hon. Sir THOMAS PLAYFORD: Yes. I welcome the opportunity of saying a few words on this subject. The type of problem the honourable member has referred to takes another form when vehicles from this State travel to other States, because the permissible axle load on roads in other States is not as great as it is in South Australia. I have discussed this matter with the Registrar of Motor Vehicles and the Commissioner of Highways. I have gone fully into the problem and I have approved, for administrative purposes, that the front axle limit shall be regarded as $4\frac{1}{2}$ tons. That is the front axle limit provided in Victoria and it reduces the amount of tax that would be paid on some vehicles where the axle limit has previously been computed on an 8-ton basis. I make it clear that it has no bearing at all on the weight of the load that a vehicle may carry on the road. That is determined by the Road Traffic Act and, as members know, the limits in South Australia are eight tons an axle. Therefore, no vehicle in South Australia is permitted to travel on the roads with a load in excess of eight tons an axle without its driver breaking the law and subjecting himself to prosecution. To make the matter clear I shall read the submission to me by the Registrar of Motor Vehicles, which I have approved:

The problems outlined herein exist because axle load limits in this State are less severe than in other States. These problems fall into two categories:

- (1) The vehicle operating intrastate which is specified by the manufacturer to have a gross vehicle weight and consequently a load capacity greater than is allowed by the Road Traffic Act. We reduce this for road tax purposes to the amount allowed by the Act, namely, eight tons an axle, but the owner complains that the front axle is not capable of carrying the eight tons permitted.

Actually he cannot load his vehicle to get the eight tons on the front axle. The submission continues:

- (2) The interstate operator, whose vehicle is assessed on the manufacturer's specifications or axle load limit, whichever is the lesser, but whose assessed load capacity is still greater than he is allowed to carry in other States. The big majority of vehicles have manufacturer's specifications which cause them to be assessed within reason, but our present method reacts unfavourably on a few where manufacturer's specifications are high and these are the ones that bring complaints. The proposal of the Commissioner of Highways to bring our legislation on axle weights into line with other States would remove all the anomalies, but this could not be done without the adoption of their administrative practices also, namely, the provision of large staff to cope with inspection and measurement of all vehicles.

It would also place a further restriction on vehicles operating in this State. The submission continues:

I believe that, as an alternative, a simple method of overcoming most of the problems would be to adopt the Victorian limit of $4\frac{1}{2}$ tons on a front axle, despite the fact that the vehicles would still be allowed to carry more on this axle under our existing Act. For example, if a manufacturer's gross vehicle weight specification for, say, a 3-axle vehicle were 26 tons it would be reduced to $20\frac{1}{2}$ tons instead of 24 tons as at present. I recommend that I be authorized to adopt this alternative as a policy in future. If any owners consider that they are entitled to a reduction in their assessed load capacity on this basis they could submit their cases in writing to the department for consideration. This proposal should eliminate all complaints from those operating entirely intrastate and some complaints from those operating interstate.

I hope that this submission will receive some publicity. I have also instructed the Registrar that, where an assessment has already been made and a tax paid on the higher basis, he is authorized to give a refund so that the maximum assessed on a front axle in future will be $4\frac{1}{2}$ tons.

NAME SUPPRESSION.

Mr. LOVEDAY: For some time I have had dissatisfaction expressed to me about the way names are suppressed or not suppressed in certain court cases. I understand that this decision is left to the discretion of the justices or magistrates. Will the Minister of Education ask the Attorney-General whether general recommendations are laid down in this matter and, if they are not, whether he will consider formulating recommendations to justices and magistrates so that a general policy may be followed in the suppression of names?

The Hon. Sir BADEN PATTINSON: I shall be pleased to comply with the honourable member's request, but he is setting an almost impossible task for my colleague to lay down a set of recommendations, because it is clear in the various Acts that it is within the jurisdiction of the judge, magistrate and justices to exercise the law according to their discretion. I will ask my colleague whether he will draw up a recommendation.

NO-CLAIM BONUS.

Mr. COUMBE: Announcements were made last week of a no-claim bonus to be allowed by insurance companies to users of private cars. After the first claim-free year a bonus of 20 per cent would be allowed; after the second year, 25 per cent; after the third year, $33\frac{1}{2}$ per cent; and after the fourth year, 40 per cent. These reductions are a real saving to drivers, a reward to careful drivers, and a greater incentive for safety. Can the Premier say what would be the total savings involved, and whether the plan was sponsored or initiated by the Government or with the Government's active co-operation?

The Hon. Sir THOMAS PLAYFORD: The plan was submitted by insurance companies after discussions with Sir Edgar Bean, who was appointed by the Government as Chairman of the Insurance Premiums Committee. I think he helped work out this plan, but it came as a result of agitation to provide incentive for people to be careful drivers. The insurance companies should be given credit for the proposals. I do not know the actual savings involved. The companies consulted with me to a certain extent before the announcement was made. However, heavier charges are to be made for persons under the age of 25 years, which somewhat tempers the reductions. I shall ascertain the overall position of the insurance companies.

Mr. RICHES: Was the decision to impose heavier charges on people under the age of 25 years the brain-child of the insurance companies, or was it as a result of consultation with Sir Edgar Bean?

The Hon. Sir THOMAS PLAYFORD: Sir Edgar Bean sat in on all the consultations. The policy on compulsory policies has been to make the insurance paid by each class cover the cost of the insurance, as far as possible. If honourable members consider the schedule of charges they will realize that taxi-cabs are covered by a different scale from that covering private cars, and commercial vehicles in the country are covered by a different scale

from that covering commercial vehicles in the city. I believe that the premiums in respect of young people are based on the accident rate. Insurance companies have reported to me on numerous occasions that the accident rate of young people is much higher than that of other people, that the accident is invariably much more serious, and that the damage done to the vehicle is usually greater in the case of young drivers. I have no doubt that the figures can be provided, and I shall obtain them, and also the information for the member for Stuart.

BULK BARLEY.

Mr. FREEBAIRN: Can the Minister of Agriculture say whether the 1964 programme of silo construction for the handling of bulk barley will be completed by South Australian Co-operative Bulk Handling Limited in time for the coming harvest?

The Hon. D. N. BROOKMAN: Bulk barley facilities have been constructed at several terminal ports and the company has a fairly extensive plan to provide silos in country centres. At present there is a Bill before the House giving the company the sole right to handle barley in bulk. Contingently on that being passed, a fairly extensive programme will be followed. I shall obtain details of progress and inform the honourable member.

CHAFFEY CHANNELS.

Mr. CURREN: A comprehensive drainage system was recently installed in the Ral Ral Division of the Chaffey irrigation area. It has been brought to my notice that when the out-fall pressure pipeline discharging the water from a caisson to the evaporation basin was tested, under pressure far below that specified when it was installed, numerous leaks developed in the pressure line. Will the Minister of Irrigation investigate this matter, and will he assure me that the funds allocated for the concrete lining of channels in this area will not be diverted to pay for repairs to the pressure line?

The Hon. P. H. QUIRKE: I have not yet received information about the inadequacy of that pipeline, but I shall inquire. As to the assurances, that matter is outside my jurisdiction at present, but I think that money allocated for one purpose cannot be diverted for another.

MIGRANT STUDENTS.

Mrs. STEELE: I understand that some housing estate companies maintain London offices where they promote sales of houses to people who have been accepted for migration

to Australia. I further understand that, as a result of this practice, a pattern has emerged whereby, following the arrival of ships with a preponderance of migrant passengers, a considerable number of children present themselves for enrolment at schools adjacent to newly established housing estates. It seems to me that notification (by the housing development companies) of likely arrivals would be appreciated by the Education Department so that any mass increase in school enrolments could be anticipated, and accommodation and teachers provided for such an influx. Does the Minister of Education know of this position, and would it be possible for the co-operation of housing companies to be sought so that this situation could be brought under control?

The Hon. Sir BADEN PATTINSON: I am much indebted to the honourable member for that suggestion. The Education Department works in the closest co-operation with the Housing Trust, which advises the department a long time in advance of its projected housing developments in various districts, and we endeavour to make school accommodation available for the children who are expected to attend. However, some private companies and individuals have been developing large subdivisions in various parts of the metropolitan area and, unfortunately, we do not enjoy quite the same co-operation with them as we do with the trust. We have been placed in a rather embarrassing position during the last couple of years from time to time, particularly in the Elizabeth and Para Hills districts, as well as in one or two other places, by a comparatively large influx of migrants, many of them with large families of school-going age, for whom we have not made adequate provision by way of accommodation in nearby schools. Perhaps we have not intelligently anticipated sufficiently far ahead, but we might have received much greater co-operation from these companies, particularly as I understand that they have agents or direct representatives in their London offices who could have given us advance information. I intend to take this matter up personally, acting on the suggestion of the honourable member, at Ministerial level with the heads of several companies concerned.

OFF-COURSE BETTING.

Mr. FRED WALSH: Recently it was reported in the press that the committee appointed by the racing clubs to deal with off-course betting was considering a letter from the Premier, which had been termed by the press an "ultimatum" in regard to possible

legislation. It was reported that the committee would be forwarding a reply to the Premier as to its attitude to his letter concerning the 14-point plan suggested. Has the Premier received a reply from that committee and, if he has, what is the nature of it? Further, will legislation concerning off-course betting be introduced this session?

The Hon. Sir THOMAS PLAYFORD: The honourable member has been in this House for a considerable period and knows me too well now to think that I would ever issue an ultimatum. Any suggestion of an ultimatum having been issued in this matter would entirely misrepresent the situation. I explained to the racing clubs that, if we could reach an agreement and if they desired the 14-point plan to be introduced, the Government would be prepared to go ahead with its proposals, but I pointed out that the Parliamentary Draftsman had intimated through the Attorney-General that it would take some time to draft the relevant legislation. I repeat that there was no suggestion of an ultimatum: the Government was actually seeking to get some agreement from the clubs, and nothing else. I have not yet received a reply from the racing clubs. I understand that a subcommittee has met and discussed the matter, and that it will be making representations to the full committee as to what the reply should be. Therefore, as I have not received a reply, I cannot answer the honourable member's question about the introduction of legislation. I think it would be impossible to introduce legislation before the House adjourned for Christmas, but that point has not been considered because we have not reached the stage of drafting a Bill. As soon as I receive information that might be useful to the honourable member I shall let him know.

PORT RIVER CAUSEWAY.

Mr. RYAN: Will the Minister representing the Minister of Roads ascertain from his colleague when the causeway linking LeFevre Peninsula with the mainland will be open and available to the travelling public, thus relieving the present traffic congestion on the Jervois and Birkenhead bridges?

The Hon. G. G. PEARSON: I shall ask for a report on that matter.

SOLDIER SETTLEMENT RENTALS.

Mr. CORCORAN: Several times recently I have asked the Minister of Repatriation questions about negotiations between the Commonwealth and the State in relation to rentals that have been fixed for soldier settlers in

zone 5 in the South-East. I understand that the Minister has had a reply from the Commonwealth Government on this matter. Can he announce the contents of that reply?

The Hon. P. H. QUIRKE: I have already replied on this matter today when the honourable member was compulsorily detained elsewhere. That answer will be in *Hansard*, but I repeat that I have received a reply that does not conform to the requests made. The requests have not been entirely granted, although in part they have. The actual figures are now being analysed, which may take about three weeks, and when the analysis is available every settler will be notified of the new figures—if, indeed, they are new.

TIMBER.

Mr. FRANK WALSH: Has the Premier a reply to a question I asked some time ago regarding the use of South-East timber by the Housing Trust in constructional work?

The Hon. Sir THOMAS PLAYFORD: I received a report on the honourable member's remarks some time ago concerning this matter. The General Manager of the Housing Trust reports:

The trust has, of course, always used South-Eastern timber for flooring and the use of the timber in this way has undoubtedly resulted in a saving over hardwood floors. As far as structural timber is concerned, the trust has found pinus cheaper than other timbers near the source of supply and is, in fact, using it in the South-East and, as supplied from the forests at Wirrabara, at Whyalla. However, in Adelaide adequate supplies are not available, and when the timber is used no saving in cost has resulted. Unfortunately, most lending institutions still will not lend on a house having a roof constructed of pinus, although the trust does not agree with this restriction.

SPEAR FISHERMEN.

Mr. HUTCHENS: According to an article in the *Advertiser* some time ago, Mr. Newlands (President of the Surf Lifesaving Association, South Australian Branch) drew attention to the danger of spear fishing near beaches used for swimming and asked for protection. On August 27, I directed a question to the Minister of Marine on this matter and he promised to consider it and bring down a reply. Has he anything to report?

The Hon. G. G. PEARSON: The General Manager of the Harbors Board reports:

The powers of the board as regards the activities of fishermen are confined to wharves and jetties. Existing regulations prohibit:

- (a) fishing from wharves or landing places without the permission of the board's wharfingers, and

(b) bathing from metropolitan wharves and jetties except between the hours of 11 p.m. and 7 a.m.

In 1963, the District Council of Port Noarlunga sought to make a by-law prohibiting persons from spear fishing or skin diving or being in possession of loaded spears in a portion of the sea abutting its area. The Crown Solicitor gave his opinion that the council did not have the power to make such a by-law, but a proclamation under the provisions of the Fisheries Act, 1917-1962, was issued with effect that a spear gun or similar device shall not be used in the area concerned. Whilst the board does not have power to regulate for the behaviour of fishermen-swimmers in the manner desired by Mr. Hutchens, their conduct could be controlled as at Port Noarlunga, in which event the matter should be referred to the honourable the Minister of Agriculture.

ADELAIDE ZOO.

Mr. HARDING: On a recent visit to the Adelaide Zoological Gardens I was pleased to notice the improved conditions being provided for the birds and animals. I also noticed what appeared to be permanent improvements being made to gardens, buildings, toilets and other amenities. Can the Minister of Lands say whether this indicates that the present zoo site is likely to become a permanent one, or whether another location is still being considered?

The Hon. P. H. QUIRKE: The Adelaide Zoo is under the control of the Royal Zoological Society and as such is not administered by my department. However, the Government makes generous grants to the society. These grants are being used to promote the well-being of the present site, and, if I may say so, they are being used very well. As far as I know, there is no intention at present on the part of the society to transfer the zoo to another site, and the very permanence of the improvements referred to are such that I would think it did not contemplate moving the zoo. A small area will be made available to the zoo for the purpose of accommodating the surplus animals, not lions or tigers but mainly the inoffensive Australian marsupials.

QUORN ROAD.

Mr. CASEY: It is expected that the bitumen road linking Port Augusta and Quorn will be completed early next year. Will the Minister of Works ask the Minister of Roads whether it is intended to continue the bitumen on to Hawker, or whether it is contemplated bituminizing the road between Wilmington and Quorn?

The Hon. G. G. PEARSON: I will address the honourable member's optimistic remark to my colleague and get a report.

WHYALLA TECHNICAL SCHOOL.

Mr. LOVEDAY: Has the Minister of Education a reply to my recent question concerning the construction of the second Whyalla Technical High School?

The Hon. Sir BADEN PATTINSON: The schedule of requirements for accommodation and the plans for the school are being carefully examined with the object of reducing the estimated cost to a figure less than £500,000. I have been informed that the amended plans are expected to be submitted to me shortly. At this stage, no definite assurance can be given as to when tenders are likely to be called, but every effort will be made to have contract documents completed as soon as possible.

RENTAL HOUSES.

Mr. RICHES: I mentioned last week that rentals of Housing Trust houses at Port Augusta seemed disproportionately high compared with those for similar residences in other parts of the State, and the Premier undertook to get from the trust a statement of comparative house rents at Port Augusta, Port Pirie, Whyalla, and the metropolitan area. Has he that information?

The Hon. Sir THOMAS PLAYFORD: Yes. It seems to me from just looking at the report that Port Augusta may be getting a little preferential treatment in this matter. The Chairman of the Housing Trust reports:

The £3 12s. 6d. a week rental quoted by Mr. Riches, M.P. is the rent of a standard five-room semi-detached house at Whyalla. The £4 5s. 0d. Port Augusta rental quoted is the rent for a single unit and more costly house at Port Augusta. At the present time the standard weekly rents for five-room semi-detached houses are as follows: Metropolitan area, £3 12s. 6d.; Whyalla, £3 12s. 6d.; Port Augusta, £3 10s. 0d.; Port Pirie, £3 5s. 0d. These rents have been based on building costs of some time ago. No double unit rental houses are under construction at Port Augusta or Port Pirie. No such houses have been built at Port Pirie for several years.

STATUTES AMENDMENT (STAMP DUTIES AND MOTOR VEHICLES) BILL (No. 1).

Adjourned debate on second reading.

(Continued from September 1. Page 718.)

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): A Bill dealing with this matter was passed yesterday and I move that this Order of the Day be now read and discharged.

Order of the Day read and discharged.

ROAD AND RAILWAY TRANSPORT ACT
AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 29. Page 1110.)

Mr. RICHES (Stuart): I support the stand taken by the Leader of the Opposition on this Bill. The Leader rightly drew the attention of the House to the fact that the necessity for co-ordinating transport to give the best service possible to people in South Australia wherever they live is a complex matter requiring the best attention. The Bill has been introduced with but scant explanation and yet, with regard to the finances of the State and the economy of the people as well as service to them, it is one of the most important and far-reaching measures that has been introduced this session. The Premier has already referred to the £65,000,000 invested in the railways and reminded the House that considerable danger confronts the Railways Department unless some control is exercised over the operation of transport services. I believe that "control" is not the proper word: there should be co-ordination of services and a transport body should be charged with the responsibility of seeing that transport services are available to people in all parts of the State, whether those services are by road, rail, air, or sea.

The distances separating communities in South Australia are so great that no more important question faces us as a people and no provision is more essential to the development of the State than the provision of adequate means of transport. No statement has been given to the House as to what effects the Bill will have and I believe that the House is entitled to a statement on this matter. I submit that members should have had a statement saying what effect the Bill would have on the Railways Department financially and on its operation and its capacity to serve the people. I believe that we should have had a statement from a body such as the Transport Control Board or somebody in a position to advise Parliament as to what effect the Bill would have on the operation of road services now in existence. Some services being rendered to various parts of the State are not very profitable and regular services depend on continuity of operation and on some form of protection. Will the State lose any of these services as a result of this Bill? I doubt whether that matter has been investigated.

No explanation or estimation as to the ultimate effect this measure will have on private services or on the economy of the State has been given. I suggest that an authority should

be charged with the responsibility of providing the best and most economical service possible to all parts of the State and also charged with the responsibility of initiating services where there are none and where there is a demand at present. South Australia cannot remain in a situation where no service is provided unless somebody can find a good profit out of rendering that service. I fear that some areas are going to miss out rather seriously if people are to be allowed to pick the eyes out of transport and render services only when it suits the operator to render them. People are operating services with no claim on them at all to render the service when it does not suit them. It is all very well to say that competition will take care of this matter. Competition may ensure a service in some parts of the State (maybe at the expense of one of the services already operating), but other areas may well lose services that they already have. The State could lose all semblance of regular services and there would then be a scramble for the business offering on the more profitable lines with other lines being left out altogether.

This is a short Bill and has only one effective clause. The effect of that clause is to remove from the Transport Control Board or any other authority power over the haulage of goods on our roads. I do not know that that principle operates in any other State. I do not believe that any member can say what the effect of this legislation will be. I suggest to members that the Bill needs careful investigation and that the stand taken by the Leader, when he set out what in his judgment the effects of the Bill would be and suggested remedies, is worth considering before the Bill is passed in its present form. Under those circumstances, I oppose the second reading.

Mr. LAUCKE (Barossa): I support the Bill strongly. If there is anything we need to preserve with every strength at our disposal it is the spirit of free enterprise. When the original Bill was introduced in this House I supported it because I understood at that time that there would be freedom on the roads. I believed that hauliers who paid a tax would not be greatly inhibited in their movements by unnecessary control. What is being done in this Bill is to give credence to the expectancy that was in the minds of members when they accepted the original legislation in regard to road tax. I consider that the action of the Transport Control Board in extending certain permits inordinately into the future was not in accordance with the spirit of the expectations of this House at the time. This Bill seeks to give the

expected freedom to hauliers and those who use the roads with transports. The initial legislation in respect of tax was passed. I like particularly the amendment of the Minister of Works, which will give justice to those to whom have been given certain permits. At the same time there will be the least impediment possible to the free movement of transports. I never for a moment would agree to anything like repudiation, and I believe that if this Bill were not passed now a type of repudiation would occur because of the expectancies that were in the minds of members when the legislation for the road tax was passed. With these thoughts in mind I strongly support this Bill, and hope the House generally will accept it, because it is necessary as a corollary to the passing of legislation in respect of road tax some time ago.

Mr. BYWATERS (Murray): I add to what the Leader of the Opposition and the member for Stuart have said in opposing this Bill, and I agree with them about the need for correct control under a co-ordinated service. This legislation has apparently been introduced as a sop to back-benchers who have consistently criticized the Transport Control Board. I recall straight-out attacks being made on the board, particularly on the Secretary of the board (Mr. Holden). Last week another member of the House criticized a public servant, certainly outside the House, but that member was reprimanded for this attitude. The member for Gouger on more than one occasion made a strong attack in this House on the Secretary of the board. This is a case where it has been most unfair that a member under privilege has been able to criticize an officer who is doing what he thinks best. I believe this Bill has been introduced to appease these members.

Every time I have presented a case to the board that case has received the utmost consideration and courtesy. When eggs had to be transported by rail and permits were not available, the facts were put logically to the board and it readily agreed to allow eggs to be transported without a permit. These and other perishables have been given the utmost consideration by the board. I recall when washed new potatoes were formerly carried by rail: a permit was necessary and an application for one was refused. When logic was used, the board agreed that this was a just case, and now anyone with washed new potatoes readily receives a permit to transport this product. I see a distinct danger that the Railways Department will lose considerably because of this legislation.

Under the legislation introduced last year, a vehicle with a capacity of under eight tons was excluded from paying tax, but this legislation allows all vehicles under that tonnage to compete against people who are, in fact, paying this tax. Murray Bridge has a good co-ordinated service with reasonable charges applying for the transport of goods to that town. The Railways Department carries the goods to Murray Bridge and Cawte's delivers them to nearby areas. Once this legislation comes into effect anyone can start as a carrier in competition with an established carrier. This could mean retrenchment of employees from the Railways Department and from Cawte's. The newcomers do not know of the many problems associated with road transport, and could become insolvent after a short time. In the meantime, this sort of thing could cause damage to the industry. Established carriers should be protected. The railways have always been common carriers and are expected to carry all types of merchandise, including cement, super-phosphate, and grain, but other carriers are not obliged to do this and can take, in effect, the cream.

This will happen, and road carriers will be able to compete effectively by carrying the easily handled lines with the most profit and leave the other lines to the Railways Department. The department, being a common carrier, is compelled to carry whatever is given it. The member for Barossa said that private enterprise should be thought of in this instance. Apparently it is all right to consider private enterprise in respect of the good side and allow the Railways Department or the Government undertaking to handle freight that is not so profitable. This has been the policy of members opposite. When projects are profitable they say it is because of private enterprise, but when projects are unprofitable they say that the State can carry them. The State, through the Railways Department, should be allowed some of the cream.

The Railways Department, because of circumstances, has reduced the number of employees, and I know the effect of this in Tailem Bend. Although there is a State-wide shortage of houses, many houses are vacant there because of the loss of employees who have not been replaced. If this Bill is passed, the situation will be accentuated in Tailem Bend, Peterborough, and other railway towns. This legislation has been introduced to satisfy back-benchers on the Government side who criticize the Transport Control Board. As I said earlier, I have always found that

the Transport Control Board has been prepared to listen to a case and, although we may not always have been satisfied with the board's judgment, we know that wherever a good case has been established it has received careful consideration. I consider there is no need for this legislation provided that the board can give fair decisions. As the Leader stated, the board should be under the control of a Minister and road and rail transport should be co-ordinated. We should have a State-owned transport system controlled by the railways. Indeed, this would not be new, for a few years ago we had the very same thing in regard to passenger service.

The Hon. D. N. Brookman: Would you allow private enterprise to operate on the roads?

Mr. BYWATERS: Certainly I would. What a ridiculous interjection from the Minister! We believe in fair competition, but here we are allowing some people to cart goods of a select type and leave the State-owned enterprise to carry all types of goods, which makes it a common carrier. If co-ordination were achieved this legislation would be unnecessary.

Mr. McKee: You would then have true competition, too.

Mr. BYWATERS: Yes. With those few remarks I oppose the Bill.

Mr. LOVEDAY (Whyalla): In supporting my Leader in his opposition to this Bill, I point out that he drew attention to what I think is probably the most outstanding matter in connection with the Bill, namely, that the Bill, instead of moving towards greater co-ordination of transport, is simply moving in the opposite direction at a time when there is evidence on every hand that better co-ordination of transport should be the aim of every Government in Australia. This Bill will virtually destroy the co-ordination that has existed so far, after being created by the Transport Control Board. Of course, the original legislation was introduced for that very purpose, and yet at a time when it is even more self-evident that this sort of co-ordination is desirable we find a Bill that sets out to destroy it. I quote what the Commissioners of the Commonwealth and State Railways Departments have had to say on co-ordination generally in the little paper which they have recently thought fit to issue, entitled *Railways of Australia Network* (the August, 1964, issue):

Since 1954, when the Privy Council interpreted section 92 in favour of interstate road hauliers, there has followed a decade of unbridled competition between road and rail in

interstate freighting, with all that is implicit of wastage in manpower, money and materials. It could do much to explain why Australia's transport costs, estimated at a sobering 25 per cent of the gross national product, are among the highest in the world. Certainly the lessons of the past decade should remind us that a country of vast distances, sparsely populated and with little indigenous oil, cannot afford to be prodigal with its transport resources. The Sydney-Melbourne standard gauge railway line and the spectacular development of piggyback traffic on the Trans-Australia Railway have made the point for co-ordination of road and rail transport, with the former medium contributing its inherent advantage of flexibility in short haul work and the latter its economies in long distance haulage. Welcome though such co-ordination is, it is nevertheless fortuitous. There remains a great national need to look above and beyond the daily competition between available forms of transport and quickly find a common meeting ground on which a better balanced and more economical system of transport may be shaped.

Although that editorial refers in the main to interstate transport, its argument applies just as strongly to all forms of transport. Indeed, it is noticeable that it points out that the co-ordination achieved so far has been fortuitous; in other words it has not, in the main, been due to appropriate action on the part of Governments in Australia, but almost as a matter of accident. The member for Barossa (Mr. Laucke) said he was concerned only with having transport made free for private enterprise. This was his main objective; in other words, "Let them all go, no matter what the result." It is amazing that this theory should be advanced in this age, because it is obvious that co-ordination of transport is essential in view of high transport costs in this country where such long distances are involved.

Mr. Dunstan: He still wants private enterprise to be served by the railways.

Mr. LOVEDAY: Yes. There is no suggestion that the railways should be compensated because it will lose the cream of the traffic and still do all the heavy and dirty chores of transport. Private enterprise does not want to touch that traffic; it always avoids it; yet it demands immediate and prompt delivery of goods that have to be carried at the expense of the State. It is surprising that we have to listen to members opposite making suggestions that will leave the Railways Department in the lurch. Obviously, the carriers who will come into the transport business as a result of this Bill will be people able to take advantage of recent legislation providing an 8-ton limit in respect of a road maintenance tax. They will naturally use vehicles that will enable them to avoid that

imposition, so that they will be in a favoured position in relation to all the other transport people who have vehicles that will be caught under that legislation. These people will take the cream off the railways.

Mr. Casey: That will happen with the Silverton Tramway Company.

Mr. LOVEDAY: Possibly. In other words, this legislation is opposed to the best interests of the State in every way and we have every justification in opposing it to the limit. We have heard nothing in support of this Bill to give us any idea of what responsible authorities think about its effect on our railways or extra costs in respect of our roads. Carriers who will come in now will obviously not pay that extra contribution towards the maintenance of roads. They will avoid that, and so we shall have heavier road costs, less traffic on the railways, and a class of carrier who is in a favoured position in relation to all other carriers at a time when we should be increasing co-ordination of all forms of transport to reduce the heavy costs that are prevalent in this country. I have great pleasure in strongly opposing the Bill.

Mr. JENNINGS (Enfield): I, too, oppose the Bill. I have no doubt whatever in my own mind that the introduction of this Bill was designed to make the Road Maintenance (Contribution) Act much more palatable to members of the House. Speakers on this side have said it was designed to make that Act more palatable to members opposite. I think I could go further and say it was designed to make that Act more palatable to members on both sides of the House, and I think, Sir, that to some extent it has succeeded. However, we are confronted with the Bill as it stands, and we as a Parliament now must face up to our over-riding responsibility, which is to protect the taxpayer of this State from what would inevitably be disastrous losses in respect of one of our greatest assets, namely, the railways of this State.

Mr. Heaslip: It would be about the biggest liability, wouldn't it?

Mr. JENNINGS: I do not know about that. I think the member for Rocky River, in common with most of those who share his antiquated views, would like the service of the railways when it suits him, but at the same time he would like to be able to compete most unfairly with the railways when that suits him.

Mr. Casey: He was concerned about standardization yesterday.

Mr. JENNINGS: I do not think he is really concerned about anything very much except what affects the pockets of those whom

he presumes to represent, and I think he does fairly accurately represent a small minority of this State. The member for Onkaparinga (Mr. Shannon), in a most irrelevant speech made before a most tolerant Speaker, who nevertheless, despite his tolerance, had to pull the honourable member up about six times, said that the Transport Control Board (I am quoting not what he said literally but what he intended to imply) had broken faith with this Parliament because after the Road Maintenance (Contribution) Act was foreshadowed the board had had the effrontery to renew several licences for a period of five years. I for one enjoy a certain cynical glee in seeing the Government caught up at last by the actions of one of these boards that are not under Ministerial control.

Mr. Loveday: Rather a joke, isn't it?

Mr. JENNINGS: Yes, it is indeed. The Government is hoist with its own petard. I agree with the member for Murray (Mr. Bywaters) to some extent, but not completely. I agree with the honourable member that when I have had occasion (and I have had many such occasions) to get in touch with the board I have always found it most co-operative if a good case was put to it and put to it well. Unfortunately, I have often seen evidence of its acting in a fairly bureaucratic way. I know that that has sometimes influenced members, perhaps on both sides of the House, to take rather a jaundiced view of the board. I think that the only way we can maintain the interest that the State has in co-ordinated transport and avoid this desertion from co-ordination of transport, while at the same time retaining the Transport Control Board in the affections of Parliament, is to have it under direct Ministerial control.

The Minister of Agriculture made a most peculiar interjection which was answered fully by the member for Murray. I will go further than my colleague and say that this Party certainly will make no objection whatever to private railways duplicating State railways throughout the State.

Mr. HEASLIP (Rocky River): I support the Bill. I am completely bewildered by the remarks of members of the Opposition, and quite frankly I just do not know what they mean or what they intend to mean. I feel that I cannot be blamed for being bewildered.

Mr. Lawn: You can't blame us for it, either.

Mr. HEASLIP: First we get the member for Frome (Mr. Casey), sponsored by the Leader of the Opposition, decrying the 8-ton

minimum capacity, because it would mean unfair competition with the railways.

Mr. Casey: That is not true.

Mr. HEASLIP: The honourable member said that for the sake of uniformity the load capacity of the trucks should be reduced to four tons. That was what the member for Frome, as the spokesman for the Labor Party, said.

Mr. Casey: That is not quoting the true facts.

Mr. HEASLIP: If the honourable member reads *Hansard* he will see that that is so. The Leader of the Opposition said that he would leave it to the member for Frome to expound the policy, and the honourable member expounded the policy of reducing the minimum from eight tons to four tons.

Mr. Casey: For the sake of uniformity.

Mr. HEASLIP: Yes, and to the disadvantage of the primary producer.

Mr. Casey: That is not true.

Mr. HEASLIP: Does the honourable member know what a primary producer is? If he thinks that the Opposition will help the primary producer by reducing the minimum from eight tons to four tons, he does not know much about it. I am a primary producer.

Mr. Ryan: On North Terrace!

Mr. HEASLIP: Practically all primary producers use trucks of four tons and over, but not over eight tons. The legislation was introduced to help the primary producer, not to ruin him by making him pay all these taxes.

Mr. LOVEDAY: Mr. Acting Speaker, I rise on a point of order. Yesterday a speaker from the Government side pursued arguments along the same lines as those of the member for Rocky River, and he was ruled out of order. I think the present speaker is also out of order.

The ACTING SPEAKER (The Hon. B. H. Teusner): The honourable member for Rocky River can make some passing references to another Bill, but he cannot quote from another debate.

Mr. HEASLIP: Thank you, Mr. Acting Speaker. Quite frankly, I would not have been drawn away from what I was trying to say if it had not been for interjections from members opposite. I have made my point on that matter, Mr. Acting Speaker.

The Hon. Sir Thomas Playford: They did not seem to like it, either.

Mr. HEASLIP: No, and it was the truth. The remarks made by the members for Whyalla and Enfield were contrary to what was advocated by the Leader and earlier spokesmen in the debate. The member for Whyalla spoke as a champion of the primary producer and

tried to separate the West Coast from the rest of South Australia. He said that this Bill should not have been introduced. The member for Enfield is a champion of the railways and of the co-ordination of the road and railway transport control. Just what is the Labor Party's policy?

Mr. Lawn: You don't know what you are talking about; you are still bewildered.

Mr. HEASLIP: I know what I am talking about—road transport control. If ever anything has been a thorn in the side of primary producers it is road transport control. Primary producers would be far better off without it.

Mr. Lawn: Who has been trying to get rid of it?

Mr. HEASLIP: Primary producers. They are a small minority, but I represent them and they are trying to get rid of it. Road transport control has increased their production costs.

Mr. Lawn: You do not believe in control.

Mr. HEASLIP: I do not believe in road transport control.

Mr. Lawn: What about the control of the workers' wages by the Arbitration Court?

Mr. HEASLIP: That is not road transport control. I can give an instance of the effect of road transport control on primary producers. Only a few months ago a primary producer at Orroroo had a truck load of cattle that he wanted to take to the abattoirs. This would not have been over a controlled route. He rang a carrier to do the job. In his consignment were many calves which are easily knocked about, particularly on the railways. The Transport Control Board refused him a permit. This would not have been in competition with the railways or anything else. The man was looking for a means of getting livestock to market. The stock was weak and it would have been better on humane grounds, and on all other grounds, if he could have had the carrier take them. The Transport Control Board saw some need to refuse him a permit. He applied again and was told that the position would be reviewed in a week's time. In the meantime the cattle were becoming weaker. After a week the answer from the board was that he still could not have a permit.

Mr. McKee: To whom was this primary producer going to sell the stock?

Mr. HEASLIP: It was going to the abattoirs. If members opposite do not know that not only prime stock goes to the abattoirs, then they have much to learn.

Mr. McKee: That is why this matter should be under the control of the Minister.

Mr. HEASLIP: I am not talking about that. The Opposition wants to keep this control going and create more difficulties for primary producers in getting their stock to market.

Mr. Corcoran: What grounds did the Transport Control Board have for refusing the application?

Mr. HEASLIP: I do not know. If anybody can tell me I shall be pleased.

Mr. McKee: Why don't you find out?

Mr. HEASLIP: I shall be glad if anybody can tell me.

The SPEAKER: Order!

Mr. HEASLIP: The fact is that the Opposition is opposing this Bill, which lessens the powers of the Transport Control Board. Primary producers wish to be rid of this control. If I had any power—

Mr. Loveday: You would abolish the Opposition.

Mr. HEASLIP: Yes, and that would remove a thorn from the flesh of primary producers and enable them to produce more cheaply, which would be of benefit to the people in the metropolitan area. The member for Enfield said the railways were our biggest asset. He forgot to add that the Railways Department is being subsidized by over £4,000,000 a year, so our railways can hardly be regarded as an asset, although they may be necessary. In fact, the railways in this State must be kept going because they provide a service.

Mr. Jennings: So you would make them earn less profit?

Mr. HEASLIP: All I am doing is disagreeing with the honourable member and saying that the Railways Department is a liability and not an asset. The member for Enfield also said that he took certain cynical glee in seeing the Government caught up by a board not under Government control. Is it Opposition policy, too, that these boards should be free from Government control? The member for Enfield is gleeful at this position: he thinks it is lovely. I thought that the policy of the Labor Party was that Ministers should be responsible. I am utterly confused.

Mr. Jennings: There is no doubt about that; you are showing that clearly.

Mr. HEASLIP: I hope that it is clear. If this Bill is passed the Government will be rendering a service to the primary producers. It will be giving them the help they have been looking for a long time and I do not think it will be doing a disservice to the Railways Department. With a subsidy of over

£4,000,000 the department should be able to meet road competition. If the Railways Department is not able to do so then I believe we would be better off without it. Members should not forget that parts of the State have no railway service. In those areas road transport is able to give a service comparable with that given by the Railways Department. Road transport carts the superphosphate, wheat and produce to these areas at a rate comparable with that charged by the Railways Department. I am sure that this Bill will be passed.

Mr. CLARK (Gawler): I have been most interested in the remarks made in the debate, particularly those made by the member for Rocky River (Mr. Heaslip). Much was said to him by way of interjection during his speech. He began by expressing his bewilderment and I believe that from then on he proceeded to bewilder all of us, including himself. I think he is the Chairman of the Liberal Party and would have as much knowledge as anyone else of what is planned and what Liberal ideas would be about such a thing. After listening to the debate and reading the Bill I am not bewildered but I am concerned that the Government has decided to jettison the Transport Control Board. Over the years harsh criticism has been levelled at the board and the Premier has given a fair exhibition of righteous indignation about the criticism, pointing out the good and useful work that was and is still being done by the board. When the honourable member was speaking (as he said, primarily on behalf of primary producers) I thought he would have said something that would explain the reason for the change in the Government's attitude, and I think that later he did.

We seem to have entered an era in which certain Government members have a private vendetta against someone. The member for Rocky River seems to be against the member for Frome. When he drifted back into the controversy about the 4-ton and 8-ton minimum he apparently wanted to take a remark of the member for Frome and exploit it to the hilt. I am certain that he did not succeed. Once a Government member gets an obsession it seems to take much to shift him from it. The member for Gouger has what I regard as an obsession about the Transport Control Board. A year or so ago he said something that I considered uncharitable and uncalled for about the Chairman of the board and I took him to task. The member for Rocky River asked what the Labor Party wanted to do. If he does not understand Labor policy after hearing at least four or five capable speakers

on this legislation, he certainly expressed the truth when he said he was bewildered at the start. I hoped that he would say why most Government members have suddenly changed face. At least the members for Rocky River and Gouger have not done so. They have been haters, shall we say, of the board for a long time, although neither has adequate reason for this dislike.

However, the member for Rocky River said that for years primary producers had been trying to get rid of the board. I do not think that is correct. What he should have said was that a section of primary producers had been trying to do this. Apparently, the members for Rocky River and Gouger have convinced the Government that primary producers want to get rid of transport control and unfortunately the Government has listened to their plea, hence this legislation. I do not intend to rubbish primary producers. I was brought up on a small farm and for many years, until I was almost an adult, I had my holidays on my uncle's 1,000-acre farm. I have much interest in primary producers, have many friends amongst them, and have much sympathy for them. I do not believe that most of them want to get rid of transport control.

Mr. Heaslip: What section wants it?

Mr. CLARK: I am sure that the thinking people in the community want it: the people who realize the benefit of the railways to the State and who realize that co-ordination of road and rail transport is the sensible and necessary thing in modern times. We were told by the member for Rocky River of the many people who now carry their goods and produce by motor vehicle. I remind him that there was a time when these people were only too happy to use the railways. It is impossible to imagine the long journeys made today by lorry or truck being made in the old days with a spring dray or a German waggon. Many of the railways were built in areas to assist the development of the State and would not have been built by private enterprise.

We have been saying as strongly as we can that co-ordination of road and railway traffic is most essential. I have a problem in my district. If complete co-ordination of rail and road transport were carried out the people in Elizabeth, living some distance from the railway line, would be able to use a bus service to travel from their houses to places of employment in the metropolitan area. One thing the member for Rocky River condescended to say was that we had to keep our railways going.

That is a concession from a member who thinks along certain lines on a matter such as this.

Mr. Casey: Last week he said he wanted to get rid of them.

Mr. CLARK: In reply to the member for Enfield who said that the railways were an asset and not a liability, the member for Rocky River said that he thought they were a liability and not an asset. Over the years the railways have been an enormous asset to this State; indeed, the development of the State in many places right from the pioneering stage could not have been achieved without the railways. The member for Rocky River knows, as all other honourable members in this place know, that the railways must be an asset. We tend to consider the railways as a liability because over the years they have had to pay such an enormous amount of interest debt, which has perhaps obscured the splendid work it has done. Let me return to the Transport Control Board with which I have been in contact over the years, particularly when I represented an area occupied predominantly by primary producers. I often had to approach the officers and Chairman of the board, and at times I was annoyed at the replies to my requests, but when I was given an explanation I could always be satisfied that it was reasonable and that my request had been carefully considered. I am not saying that the board did not make mistakes; I believe that any organization can make mistakes at times, but in the main the board has done most effectively the job that it was set up to do. For those reasons I could not possibly support the Bill.

Mr. McANANEY (Stirling): I rise to support the Bill. Some of the best railways on which I have travelled throughout the world have been privately-owned. These include the Canadian Pacific Railway in Canada. On the English railways since they became nationalized I believe one does not receive anywhere near the same service that was available previously. I refute statements from the other side that our railways would not be here today if they had not been a State enterprise.

Mr. Loveday: What evidence do you have that it is not a good railway service in England?

Mr. McANANEY: I have spoken to many people who have travelled on the English railways since they were nationalized and I read the recent report where the recommendations of a commissioner who was put in charge stated that the best thing to do would be to close

down half the lines to make the other half profitable. I think there is plenty of evidence of this if the honourable member cares to look. The honourable member claims that this Bill would mean that private enterprise would take the cream off the railways but I would argue the contrary. I once accompanied a deputation wishing to have fat lambs taken to the abattoirs by road, which would have allowed those lambs to leave Strathalbyn 12 hours later than by rail. The deputation also concerned cattle that would have to leave Strathalbyn on Friday to reach the Monday market if the railways had to be used. In addition, we sought permission for a certain person to cart salt. That permission was denied, and as far as the stock was concerned we were told that we would be denying the Railways Department a profit and that it was necessary for it to receive the high freight costs for this carting. I might add that the man with the salt received a permit as he could not afford to pay the rail freight.

The Railways Department used to carry practically all the superphosphate to Strathalbyn but it arrived at the station without any notice being issued to farmers; they were just telephoned and told to take the superphosphate out of the yard that day, because the department wanted to use the trucks. Because of that treatment the department handled less and less superphosphate that came to our area, because it just did not provide an adequate service. This was because the board in its attempt to control traffic only hindered progress, and the farmers are now carrying an increasing quantity of goods in their own trucks. That is not necessarily the most economic way to do things, for if we study the books we would find that it does not pay many farmers to carry their own goods, but they are forced into it because of the board's restrictions. If we are to have a co-ordinated transport system, such as the Opposition suggests, we shall find farmers carting more and more of their own materials. This Bill is a step in the right direction. Nobody for a moment wants to put the railways out of business. Indeed, the member for Whyalla read to us a statement that the railways definitely had a part to play in regard to long haulage. However, with districts close to Adelaide where double handling of, say, superphosphate is required and other adverse factors operate, it is just as economic and in the best interests of the State to let private enterprise do the carrying work. Surely that must benefit the whole State.

Mr. HUTCHENS (Hindmarsh): I oppose the Bill and in so doing I express my appreciation to the personnel of the Transport Control Board for the magnificent service they have rendered to this State. I would not have risen to speak had it not been for a remark of the member for Stirling, when he said that the rail transport in many parts of the world was privately owned and very efficient but that the railways in the United Kingdom, since becoming nationalized, were not providing a good service. While not having made an extensive study of railway systems in other parts of the world, I have had the pleasure of travelling on the private railways of the United States of America and on the railways of England. I can say without hesitation that the latter leave nothing to be desired. Every aspect of travelling on the English railways was plush, and everything was being done to encourage people to use those railways.

Mr. Fred Walsh: Have you travelled on the Canadian Pacific Railway?

Mr. HUTCHENS: Yes. I have also travelled on the railway running from New York to Washington, and I could tell a story or two about that journey. It took us three-quarters of an hour to get our baggage on to the train. When we arrived at Washington at about 8 p.m. and claimed our baggage by producing our checks we were told that we would not be able to collect it until 1 a.m. That is private enterprise, and that is what they call service!

Mr. Fred Walsh: They must have thought you were a tramp.

Mr. HUTCHENS: Yes. We were not told about these things. We had to put our baggage on the train the night before we left to go back to New York in the hope that we would be able to collect it when we arrived in New York. We had to manage with a very limited amount of baggage. Finally, when we arrived back at New York station it took over an hour to collect our bags.

The ACTING SPEAKER (Hon. B. H. Teusner): Perhaps the honourable member will get back to the Adelaide railway station.

Mr. HUTCHENS: Yes, Mr. Acting Speaker. Liberty was given an honourable member opposite to make the statements he did, and I thought I might have the right of reply. This is the sort of prattle we get from members opposite. They say they have been told certain things. I can tell honourable members something now from real experience.

Mr. McAnaney: I have had the experience, too.

Mr. HUTCHENS: The honourable member may have had some experience, but he did not say that: he said he had been told.

Mr. Fred Walsh: He probably did not speak the same language.

The ACTING SPEAKER (Hon. B. H. Teusner): Order! The honourable member for Hindmarsh.

Mr. HUTCHENS: I wish to reply to some of the comments, particularly those made by the member for Rocky River (Mr. Heaslip), regarding the railways. I appreciate the spirit in which the remarks were made, because the honourable member, like some of his colleagues, is a hater of State enterprise; he just simply has no time for it, and he has no power of reasoning whatever regarding any State enterprise until election time arrives, and then he tells everybody what a wonderful job public enterprise is doing under the Playford Government. The fact remains that we are a State that is in its infancy. We have a long way to go to develop this land of ours fully, and it is acknowledged that only public enterprise and public transport can open up the land and provide a service to the remote areas of the State. Private enterprise cannot go in and give this service unless it is able to make a profit. I think every honourable member of this House would agree that private enterprise has to make a profit to survive. If we allowed private enterprise to operate and pick all the profitable cargo (and that is the only cargo it will carry and the only cargo it can carry) that would damage the railways in South Australia even further. That fact must be acknowledged by every member. The big bulky cargo would be left to the South Australian Railways to carry.

Mr. McKee: And the extra cost would be passed on to the consumer.

Mr. HUTCHENS: Yes, and to the taxpayer. Therefore, we have a responsibility in this House to protect the majority of the people. In giving that protection we always create some hardship for those people who wish to exploit the majority of the people. I ask members to be a little South Australian-minded on this occasion and consider the welfare of the State. If they do that, they will oppose this Bill outright.

Mr. FERGUSON (Yorke Peninsula): I support the Bill. I believe that if ever we had a board that operated to the detriment of primary producers, and those on Yorke Peninsula particularly, it has been the Transport Control Board. It does me good to hear members opposite talk about the co-ordination of road and rail transport, because I am sure

that none of my constituents will be happy to hear them talking in this way. Yorke Peninsula has never had a railway, and I am sure that it has been quite privileged not to have had one. Members opposite today have been saying much about the co-ordination of road and rail transport. Let me give the House some instances of the co-ordination of this transport under our Transport Control Board. Many of the products produced by primary producers on Yorke Peninsula which have to be carted by carrier to the metropolitan area have not been allowed to proceed by road beyond Port Wakefield; the carriers have had to unload the goods there and come on to the metropolitan area empty simply to pick up their back-loading. I think it would have been more practical for the carriers to have continued on to the metropolitan area with their products on their vehicles.

In many instances when primary producers have gone north to purchase sheep to replenish their supplies they have asked for a permit to bring the stock from perhaps Peterborough or Burra, but they have been refused a permit to take that stock to Yorke Peninsula and consequently the stock has had to be railed. Stock bought at Burra on a Thursday would not arrive at Kadina by rail until some time early on Sunday morning. Members can realize that stock that has travelled from Burra via Dry Creek and has been on trucks for perhaps two or three days would not arrive in the same condition as if it were carried by road transport. This is an example of what road and rail transport co-ordination would mean for primary producers if it applied throughout the whole State. Before and since I came into this House I have often heard primary producers on Yorke Peninsula say that they would do anything if they could only get rid of the Transport Control Board.

Mr. CASEY (Frome): I oppose this measure. Although I appreciate the feelings of members on both sides of the House, particularly in respect of the primary producer, I consider that many anomalies referred to by members opposite regarding the Transport Control Board would be minimized if the board were under Ministerial control. Indeed, that is the Opposition's policy. Permits should not be refused to allow livestock, particularly calves, to be taken to the abattoirs by road if rail transport is to the detriment of the animals or primary producers. No member would want to see livestock treated badly. This would be contrary to the principles of the Royal Society for the Prevention of Cruelty to Animals. I

spoke about this some years ago when legislation was before the House dealing with the change of market days at the abattoirs. I pointed out then to the Minister that these animals should not be subjected to harsh treatment. I do not believe that the Transport Control Board would refuse a permit out of spite to any primary producer. However, the board would function much more effectively if it were under Ministerial control because these matters could then be spoken about in Parliament.

Mr. Shannon: Of course, members can do that, and have done that, in this place already.

Mr. CASEY: The Premier was responsible for forming this board and for appointing its officers.

Mr. Jennings: Government members will say that we have denied them the right to appoint another Minister.

Mr. CASEY: That is not the point. If the officers appointed to the board by the Premier are incompetent the Government should replace them.

Mr. Loveday: The board has operated for 20 years.

Mr. CASEY: Yes. I can remember the case of a man in the Far North who wished to send a mob of stock to the South-East, transferring them from one property to another. He complained to me about the service he had received from the Railways Department in the transport of about 2,500 ewes. As I thought that this was a serious matter, I took it up with the Railways Department. I asked an officer whether this man's complaint was justified and the officer immediately knew to whom I was referring. He showed me a letter from this man in which the man had praised the department for the wonderful service it had given him. The stock had been transported in record time and this could have been done more quickly if the stock had not been spelled at Dry Creek. Nevertheless, this man complained to me and I thought he had a genuine grizzle until I found out that he had really been completely satisfied with the service provided by the Railways Department. I cannot say why he complained. The member for Rocky River (Mr. Heaslip) said that he knew of a case where the Transport Control Board had refused a permit to a primary producer at Orroroo to bring calves to market. He said that this man was told that the board would reconsider his application in a week's time.

That is not true, and I defy the member for Rocky River to prove it is.

Mr. Heaslip: It is correct.

Mr. CASEY: It is not. I have just telephoned the Transport Control Board and an officer assured me that nobody in the office would ever make such a stupid statement in dealing with an application for a permit to transport stock. The board would not put off a decision for a week: it would give a definite answer. However, the member for Rocky River has made such a statement, which I consider is contrary to all ethics.

Mr. Lawn: He said he was bewildered.

Mr. CASEY: It is said that this Bill benefits the whole of South Australia, but every section of the State is different. The district of the member for Yorke Peninsula (Mr. Ferguson) does not have a railway service. His district is therefore in an unfortunate position. I represent an area that is served by the Railways Department, and I know that the department has helped considerably in the development of the north of the State. I believe that the Railways Department is doing its best, but I think it could do much better. It is not being helped by Government members, for a start. The annual report of the Railways Commissioner shows that the department is gradually whittling its costs down. Some of the young officers in the department have the right ideas and the Premier can expect that the deficits of the department will have been further reduced next year. The younger people in the department are looking ahead more than are some of the older officers. I believe the Railways Department has a great future. Years ago a position in the Railways Department was highly regarded and officers of the department were respected.

Mr. McKee: They still are.

Mr. CASEY: Yes. Years ago a position in the department was looked on as being one of the best positions in the State. However over the years regard for the department has tended to decline. The Government has not encouraged respect for the department one iota.

Mr. McKee: To hear the way Government members spoke this afternoon that is to be expected.

Mr. CASEY: I have explained how the position was in the past. I hope that in future the Railways Department can give a better service. Recently I had the pleasure of meeting the Railways Commissioner of Victoria. I had met him previously on the train from Adelaide to Broken Hill and during the trip he invited me to examine the change of bogie system in

Victoria. I met other officers in Victoria, and they assured me that under the co-ordinated road and railway system in Victoria they were putting private enterprise out of business. That is true. I can see the member for Mitcham is smiling. Perhaps he doesn't believe it.

Mr. Millhouse: Who said I did not believe it? However, I find it hard to believe.

Mr. CASEY: The honourable member can take it from me that what I have said is true.

Mr. Clark: If it is true, it is a frightful thing for the honourable member for Mitcham.

Mr. CASEY: That has been brought about by the change in the system that has eliminated the handling of goods from one gauge to another so that one can rail goods from South Australia and they will arrive in Brisbane with the boxes completely sealed. That is what one calls co-ordination between the railway services of the States. Unfortunately, we have many gauges in Australia, to the detriment of our transportation system. It is important that we should co-ordinate road transport with the rail services existing in Australia. I oppose the legislation, and I hope that members opposite will see the light and do likewise.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): I would not have spoken except for the remarks of the member for Enfield. He said that this Bill was the result of a hasty decision by the Government trying to placate its back-bench members about the road maintenance tax.

Mr. Jennings: You had better read *Hansard*.

The Hon. Sir THOMAS PLAYFORD: Or words to that effect. I do not pin the honourable member down to those words on this matter.

Mr. Riches: You picked the wrong man.

The Hon. Sir THOMAS PLAYFORD: The remarks of the member for Enfield are completely wrong and I rather wonder why he made them, because if he had been listening closely to the proceedings of Parliament over the period he has been here he would have known that they were wrong and that there was documentary evidence to show how completely wrong were his assumptions. If I may refer to the documentary evidence, I shall quote from page 1593 of last year's *Hansard* when this matter first became the subject of active politics. Last night the member for Onkaparinga, when discussing this matter, was not, in my opinion, out of order in as much as this matter is irretrievably and irrevocably tied up with the road transport charges.

If I may say so, the Road and Rail Transport Act was passed on the ground that road transport was competing unfairly with the Railways Department and, whereas the department had to provide the running track and all expenses for maintaining it, road transport had assistance from the State Government that built the roads.

When I introduced the Bill last year dealing with the road maintenance charges, I put into the Bill clauses dealing with the discontinuance of road transport, and I explained them. They were in the Bill last year, and they were explained last year. They were not overlooked by the Leader of the Opposition, who referred to them. The honourable member who has just resumed his seat, the member for Frome (Mr. Casey), who is now so opposed to this legislation and thinks it a bad thing, also referred to them. It is rather interesting that in each instance, after referring to the legislation, the two speakers immediately said that they supported the Bill. They supported a Bill that had these specific matters in it, and the only complaint of honourable members opposite last year, that I can see, was that the Bill did not go far enough.

Although some have been to the confessional since then, the comments last year were that the Bill did not go far enough. No member said that the Transport Control Board would go overboard. To ensure honourable members that the matter was placed before them, apart from the terms of the Bill, let me quote, first of all, from page 1593 of last year's *Hansard*. I thank the honourable member for Enfield for bringing this matter up and for making his statement because it gives me the opportunity to answer the question. As I am obliged and indebted to him, on a future occasion I shall see that he is suitably rewarded.

Mr. Jennings: I won't accept a knighthood.

The Hon. Sir THOMAS PLAYFORD: Perhaps something better. This is what I said in explaining the Bill last year:

When that happens the provisions of the Road and Railway Transport Act relating to the operation of vehicles for the carriage of goods on controlled routes will cease to apply; in other words, the road will cease to be a controlled route so far as the carriage of goods is concerned.

That is clear: there is nothing ambiguous about it, and there was nothing under the lap about it. It was a complete and utter statement of Government policy and it was understood as such because, when the Leader was addressing himself to the Bill, he referred to

the fact that it was included. He stated at page 1725 of *Hansard*:

Clauses 10 to 13 deal with various offences and penalties and formal matters of evidence to which I do not object, and clause 14 of the Bill is a machinery measure that states that this legislation will in due course replace the special transport permits that at present are issued by the Transport Control Board.

He knew what he was about. His only complaint was that he thought the Bill should apply not to 8-ton vehicles but to 4-ton vehicles, and, if I may say so, that was the general tenor of the speech of our friend opposite. The member for Frome, had something to say on this. I quote these examples to show that the provisions last year were well understood by my friends opposite and that they were not objected to. This is what the member for Frome said:

Originally this type of legislation was directed at preventing the Broken Hill mines from transporting ore traffic by road to Port Pirie. New section 39 (d) states: "When all the licences in force to operate vehicles on a controlled route for the carriage of goods for hire have expired the Minister shall by notice in the *Gazette* declare that as from a date specified in such notice that controlled route shall be a route in respect of which the provisions of this Act relating to the operation of vehicles for the carriage of goods for hire shall not apply."

Then the member continued in his own words:

This means that in future there will be no controlled routes, and so there will be increased competition with our railway system. I support the second reading but hope that the Premier, in his wisdom, will reduce the tonnage from eight to four tons.

He did not object to it whatsoever, but he now comes along and says, "This is going to be a most disastrous thing." Having quoted in full what the provision was and having said that he clearly understood what it meant, and after giving a better explanation of what it meant than I have given, he supported the Bill. Yet when we bring in a Bill to give effect to the very thing that he wants, the honourable member gets up and is most indignant. Why this change of heart? I think we are entitled to know. Sometimes honourable members opposite assert: "We are subject to undue pressure on this side of the House." Has any undue pressure been applied to honourable members opposite? Has any misrepresentation occurred? Or, to use the word of the member for West Torrens, has there been an "ultimatum" issued on this question?

I rise merely to answer a question raised by the member for Enfield on this matter. When the Government introduced this measure

it clearly stated its intention, and honourable members understood because they referred to it, as I have pointed out in two instances. The leaders of the Party opposite who spoke on the Bill knew conclusively what it was about and did not move an amendment. They supported it; I, too, support it.

Mr. FRED WALSH (West Torrens): I must oppose the Bill because it is completely unnecessary.

Mr. Jennings: And nobody delivered an ultimatum to you!

Mr. FRED WALSH: No. Members on this side might be over-zealous in their desire to protect the interests of the railways and co-ordinated services, but that has been the practice throughout our Party's history. The Premier rose in his customary style to ridicule any opposition that had been raised to the Government's proposals.

Mr. Millhouse: He did it pretty well, too.

Mr. FRED WALSH: The fact remains that whenever opposition is advanced he gets up without any knowledge of the basis of that opposition and attempts to ridicule us. On this occasion he was able to quote from a couple of speeches, and he referred to *Hansard*. I shall not attempt to question what appears in *Hansard*. However, we consider that no reason exists for the passing of this Bill. The Transport Control Board should have this discretionary power, at the moment anyhow. I have approached the board in the past to try to obtain permits, the same as those which this Bill authorizes the board to give. I agree with the member for Yorke Peninsula (Mr. Ferguson) that if anyone in this Chamber has a case, he has, because no railway serves his area.

I once approached the board on behalf of a constituent of mine who ran a transport service and who wanted to provide a service to Yorke Peninsula as far south as Stenhouse Bay. He agreed not to carry goods between Adelaide and Maitland so long as he was granted a permit to carry goods beyond Maitland. The board refused the permit. That man's estate now runs an extensive service, but the board refused a permit because a service already existed as far as Maitland, although certainly nowhere near as far south as Stenhouse Bay.

Mr. Ferguson: Other services went down there.

Mr. FRED WALSH: They did not then. Much has been said about oversea railways; I challenge any member who claims to have had

more experience in travelling on oversea railways than I. The member for Hindmarsh (Mr. Hutchens) mentioned the Canadian Pacific Railway and the railway from New York to Washington. I have travelled on those railways; I have also travelled across South Africa from Cape Town to Durban by rail and have used countless other railways on the Continent. I have even travelled by rail from Vladivostok to Holland.

It is difficult to compare railway services; there are far better services in other parts of the world than we have in Australia, and we have good services in Australia if one picks out our best. Throughout my entire career, which extends over a long period, I have tried to emphasize to the rank and file members in the Labor movement the necessity for them to give the best of their ability in order to show the public what State-owned instrumentalities can give in the way of services, to show how efficient those services can be, to show what an advantage they can be to the general public, and to set them up as an example compared with private enterprise. Whether my efforts have been of value is another matter, but that has been my object.

When we are speaking we have a tendency to exaggerate. I have often heard the Premier, when he has been opening something or other, whether it be a jam factory or a big power station, say, "This is the best in the world." We know the Premier has had too much experience to really believe that any such thing is the best in the world. That is an example of what I mean. Let us get away from that sort of thing and let us look at things as being just average. When I have made presentations to boys at school or at sporting functions I have often said to them, "If at first you don't succeed, remember you are only about average." That goes for all of us; it goes for us as a State; and it goes for us as Australians compared with the more advanced countries of the world. It is the same with our railways: they are just average.

I say to members who come from the country and advocate the entitlements of the country people that they must remember that if it were not for the railways the State would not be developed and that the whole of the State has borne the expense not only of operating the railways but of constructing them. I said in an earlier debate that I did not want to pit the city against the country. However, it must be borne in mind that the people in the metropolitan area had to bear that earlier expense. I do not deny that it paid dividends. The

railways have developed the country, and they were a necessary adjunct to that development. Again at the expense of the State, roads have been laid and sealed, and I agree that those roads are necessary. We find now that there is a switching from the railways because of the more convenient method of transporting goods and livestock by road. People are prepared to neglect the railways (for their own personal convenience, when all is said and done) and they are not prepared to recognize the charge against the State which the railways constitute. That is what I want members opposite to recognize, and that is why we on this side are so jealous of the preservation of the railways and the recognition of their cost to the State. If anything is said by members on this side which members opposite wish to criticize, those members should recognize the facts I have outlined.

I recognize the arguments of the member for Yorke Peninsula as well as the arguments of those members representing Whyalla and the northern parts of Eyre Peninsula. However, I consider that while we allow the Transport Control Board to exist we should put on the board men who have the confidence of the public. If they do not have the confidence of the people, they should not be on the board: they should be replaced. The members of the board should be given the authority that they had in the past to enable them to carry on. In the circumstances I have mentioned there would be no need for the legislation now before the House. They are my only objections. If the position were not as I have stated it, there would not be much harm in the legislation.

Mr. HALL (Gouger): Members of the Opposition are obviously suffering greatly from indigestion when they consider this Bill, and I conclude that that is because basically the Labor Party is reactionary and opposes change. This Bill ushers in a major stage in transport operation in this State. Over the last few years, particularly since the war, we have seen a great upsurge in the efficiency of road transport, not only in respect of the vehicles being used but also in the fact that those vehicles deliver from point to point. Hand in hand with that we have seen the construction of the very fine roads we now have in this State. The fact remains that in many instances now the Railways Department plays second fiddle to road transport. It is high time that we realized and recognized this efficiency of road transport and its position in today's economy, and this we are doing by putting forward this Bill.

Many carriers have got around the operations of the Transport Control Board by becoming merchants. Many carriers throughout the country buy and sell goods as merchants, and in so doing they have built up and maintained good, efficient carrying businesses. While some can do this and some cannot do it, we have a most unrealistic operation of the board. I believe that the change in policy of the speakers opposite from that which they put forward when the Road Maintenance (Contribution) Bill was before this House must be the result of outside intervention. My only conclusion is that they have received instructions from the political side and not the Parliamentary side of the Labor organization.

Much has been said by several members opposite about the co-ordinated service of interstate railways, but this has little or no bearing on the relatively short-haul rail and road carriage within this State. All members can point to many instances where the compulsory use of railways for transport over a short journey has resulted in much economic waste. I know of a case where the purchasers of roof tiles were forced to use the railways to transport the tiles 50 miles. Tiles require much individual handling and by the time they had arrived at their final destination the cost was almost double what it would have been if they had been taken by road transport. Besides this far more tiles were broken because of double handling. This is one of many instances that have been raised by members and it is high time the position of road transport was properly recognized.

I am indebted to the Government for introducing the Bill and to Opposition members who have stated their attitude to it. I am sure that transport operators who carry on their own businesses in South Australia will not take kindly to the suggestion of the member for Murray (Mr. Bywaters) that South Australia should operate a State-owned motor transport business. They will view that proposal with alarm and I hope they will consider that speech when looking at the debate on this Bill. The member for Murray, in his speech, revealed the restricted thinking of the Labor Party on these measures. I suggest that the support given by Opposition members to the legislation introduced last year was given because they viewed it as a taxation measure and did not realize how much freer the transport industry would become because of the introduction of a Bill that would lift road transport controls. I believe Opposition members are having second thoughts

on this Bill because they now realize it is offering freedom to transport operators. They are suffering from the same indigestion suffered by members of the Chifley Government just prior to the Liberal Party taking office in Canberra in 1949. They cannot support a measure that lifts control. I hope the people of South Australia will realize that this is happening in this Parliament.

The Hon. G. G. PEARSON (Minister of Works): I wish to make a few remarks in concluding this debate. Very little was said when the Bill was introduced, but as the debate has developed it has become obvious that some matters need clarifying and, although much light has been shed on them, I shall make one or two comments myself. Over the years I suppose that few public or statutory authorities have been more criticized than has the Transport Control Board. I believe that the board has had a most unenviable task in endeavouring to interpret the provisions of the Act under which it has operated and in endeavouring to arrive at decisions, in line with the power given to it by the legislation, that would satisfy the desires of people who required relief from the provisions of the Act. Actually the board found itself faced with a task that was impossible to perform while pleasing all parties concerned in the operation of the Act. I wish to say that at the outset because, although I have been a trenchant critic of decisions of the board on problems I have taken to it from my constituents, I believe that it has had a difficult task and in the main it has probably carried out the intention of its Act fairly satisfactorily.

On Eyre Peninsula I had an opportunity to observe two angles of this legislation. This afternoon one member said that the elimination of the board would result in chaos in the transport industry because carriers would set themselves up in business, operating a truck or fleet of trucks, without much experience in administration, management and costing, with the result that a kind of cut-throat competition would drive the road transport industry into the ground. In the area of Eyre Peninsula south of Whyalla, the Transport Control Board has not operated. There have been no controlled routes south of Lincoln Gap and Iron Knob and, therefore, transport within this part of Eyre Peninsula has not been subject to control. No evidence has appeared that, even under these free conditions in this large slice of South Australia, transport operators have done anything like

what was suggested by the honourable member. Cut-throat competition has not taken place, but there has been a reasonable and co-ordinated approach to it and the system generally has operated very well and given good service to the people of Eyre Peninsula without any control or interference by the board in the internal transport there.

I had experience in transport on Yorke Peninsula when I lived and farmed there. I was active, when I went over to Eyre Peninsula, in suggesting to the carriers and transport operators that they should copy the type of organization that had been operating on Yorke Peninsula for many years. I suggested that they should form themselves into an association which would rationalize the activities of road hauliers on Eyre Peninsula. I succeeded in persuading them to invite representatives of the Yorke Peninsula Carriers Association to attend a meeting and explain to carriers from Eyre Peninsula how the organization worked on Yorke Peninsula. They patterned their association on the Yorke Peninsula organization and it has operated ever since. That does not suggest to me that the absence of control would mean that the industry would over-equip itself and that every Tom, Dick and Harry would rush into buying a truck and go on the road as a carrier. It suggests to me that carriers possess the ordinary amount of common sense and business acumen, know how to run their businesses and do not need the guiding hand of some paternal controlling body to tell them how to rationalize their affairs.

I have also seen the Transport Control Board operating very much to the detriment of Eyre Peninsula in respect of the carting of goods to the mainland. Any vehicle carrying goods for hire over the controlled route between Port Augusta and Lincoln Gap and Iron Knob was travelling on a road that became subject to the control of the board. In hundreds of cases my constituents have come to me and said that they wanted to engage a carrier to do a specified urgent job, a job that perhaps required a special form of transport or was required to lift a specialized piece of equipment, machinery or material, that they had asked the board for a permit for a carrier, and that the permit had been refused. I report with regret that I often sought such a permit from the board but was unsuccessful.

Mr. Jennings: You haven't got the right approach.

The Hon. G. G. PEARSON: I listened carefully to what one honourable member said

about the right approach because I thought I might learn something from it. I fall far behind the member for Murray (Mr. Bywaters) when it comes to persuasive eloquence. I was unable to get what I thought was a just and proper appreciation of the urgency and justification of my case when I made representations to the board. I do not blame the board entirely for that as such a case becomes a matter of interpretation. The board has had a most unenviable task in interpreting and applying the legislation which it was its duty to administer. I believe that throughout the length and breadth of South Australia there was an insistence and a wide-spread clamour and demand for either the elimination of the board or for some better appreciation of what was desired (I shall not say necessarily, required) by people who applied for special permits to carry goods. Having that in mind the Government has, for some time, been considering how this matter could be rectified, and how the wishes of country people, in particular, could be met to adjust this legislation in a way that would provide what was necessary to some extent, that is, more protection for a public utility, and at the same time give a greater freedom to those who want to operate road transport as a private concern.

This Bill has been designed to remove a doubt that obviously has been in the minds of the board for many years as to exactly what the legislation means. The Bill now before the House makes it perfectly clear that the duty of the board is not merely to make adjudication that will protect the railways regardless of other considerations. What it states is that the board shall have regard to the existence of certain licences which are at present extant and which have some time to run. Apart from that it has no other duty to perform in respect of goods transport. The member for Barossa raised the question of existing licences, and he said correctly that the terms and conditions of those licences must be preserved because the people who have had the licences issued to them have made certain provisions to carry out the terms of the licences. Indeed, the licence becomes a contract between a statutory authority and the person concerned, and the contract must be observed. This legislation makes clear that the board's function in this matter is only to interpret what the terms of the licence mean as a contract, and that the board has no other duty to perform. That is a perfectly simple matter to decide. I did not want to engage

in political controversy on this matter and I did not speak for that purpose. I have commented mainly as a member for a country district, and I have expressed my views. I hope the second reading will be carried.

The House divided on the second reading:

Ayes (18).—Messrs. Bockelberg, Brookman, Coumbe, Ferguson, Freebairn, Hall, Harding, Heaslip, Laucke, McAnaney, and Millhouse, Sir Baden Pattinson, Mr. Pearson (teller), Sir Thomas Playford, Messrs. Quirke and Shannon, Mrs. Steele, and Mr. Teusner.

Noes (17).—Messrs. Burdon, Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, Riches, Ryan, Frank Walsh (teller), and Fred Walsh.

Pair.—Aye—Mr. Nankivell. No—Mr. Hughes.

Majority of 1 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—“Enactment of section 40 of principal Act.”

The Hon. G. G. PEARSON (Minister of Works) moved:

After “40” to insert “(1)”; and to strike out all words after “this Act” and insert:

any person may operate a vehicle for the carriage of goods for hire on any road in any part of the State: Provided that a person so operating a vehicle shall not except in accordance with a permit issued by the board pursuant to subsection (2) of this section pick up for carriage for hire any goods or set down any goods carried for hire on any road or within any township in respect of which a licence or permit to operate vehicles for the carriage of goods for hire is for the time being in force. Penalty: Fifty pounds.

(2) The board shall, upon application therefor, promptly issue to an applicant a permit authorizing the applicant to pick up or set down goods to be carried, or carried for hire, on any road or within any township in respect of which a licence or permit is for the time being in force, except when the issue of any such permit would operate to the detriment of the holder of a licence or permit for the time being in force. If the board refuses to issue a permit under this subsection, it shall forthwith make a report to the Minister setting out details of the application and the reasons for its decision.

Mr. FRANK WALSH (Leader of the Opposition): I consider this amendment to be the real crux of the Bill. Whatever may have been said about the Transport Control Board, I point out that it was under the jurisdiction

of the Government. In relation to another matter that was before this House recently, I might also point out that we had not been fully informed on every aspect, and I need not mention anything other than Eyre Peninsula to qualify that statement. We were informed that the Broken Hill Associated Smelters Proprietary Limited would be engaging in road transport, thereby creating competition with the railways. I blame the Government for this position. I know that it does not agree with the policy that I outlined in my opening remarks on this Bill, but there will be no solution to the transportation problems of this State until the Government makes every effort to achieve a co-ordinated transport system.

What we have before us today, and particularly what the member for Gouger would argue, is kindergarten stuff. A tremendous investment (£65,000,000 where the railways are concerned) is at stake both in regard to the owners of equipment, who work as individuals, and the companies. Why should we continue to play the road transport system against the railways? Surely we could hear some better arguments than the ones we have heard today from Government members! We have the people who could design the type of equipment that could permit the loading of trailers on to the transportation system owned by the Railways Department. Those who are connected with road transport to other States (and I refer to the drivers particularly) are working long hours and jeopardizing their health as well as their safety. I oppose the amendment.

The Committee divided on the amendment:

Ayes (18).—Messrs. Bockelberg, Brookman, Coumbe, Ferguson, Freebairn, Hall, Harding, Heaslip, Laucke, McAnaney, and Millhouse, Sir Baden Pattinson, Mr. Pearson (teller), Sir Thomas Playford, Messrs. Quirke, and Shannon, Mrs. Steele, and Mr. Stott.

Noes (17).—Messrs. Burdon, Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, Riches, Ryan, Frank Walsh (teller), and Fred Walsh.

Pair.—Aye—Mr. Nankivell. No—Mr. Hughes.

Majority of 1 for the Ayes.

Amendment thus carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

DENTAL HOSPITAL ADDITIONS.

The SPEAKER laid on the table the final report (No. 2) by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Dental Hospital Additions.

Ordered that report be printed.

CITY OF WHYALLA COMMISSION ACT
AMENDMENT BILL.

A message was received from the Legislative Council requesting that the House of Assembly give permission for Mr. R. R. Loveday, a member of the House of Assembly, to attend and give evidence before the Select Committee on the Bill.

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

That Mr. R. R. Loveday have leave to attend and give evidence before the Select Committee of the Legislative Council on the Bill if he thinks fit.

Motion carried.

PHYSIOTHERAPISTS ACT AMENDMENT
BILL.

Received from the Legislative Council and read a first time.

LIBRARIES AND INSTITUTES ACT
AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 17. Page 907.)

Mr. CLARK (Gawler): The shouting and the tumult of the previous debate has died down, but all the so-called captains and kings have not departed yet! I cannot imagine that this Bill will cause serious controversy. It is my firm opinion, and I believe the opinion of most members, that over the years a very important part has been played in this State by our institutes and the libraries associated with them, particularly in country towns and villages. I was brought up in the country and when only a youth went out in charge of a small country school. I then had, as I have had since, the opportunity to realize that the institute or the little town hall (usually the same place) was a centre of real importance and value in the community.

I believe one of the best things done in the last few years in the Education Department has been to bring many small schools into one centre. When I went out as a teacher into the Mallee, the country school was a centre of activity in the district. Possibly this has not been so since schools have been consolidated. However, I think the value of consolida-

tion has outweighed this disability. There is no doubt that over the years institutes throughout South Australia have had a very important influence. It is saddening to think that possibly their influence is not as great as it was. I believe that motor vehicles, television, radio and the like have made a difference to the support that institutes get, and I regret this. Although much support is still given to them, it is not enough. I should be happy to support any measure to make their administration easier. I am sure these amendments do that very thing. The other day I read the annual report of the Institutes Association and found that in South Australia there were 207 institutes on December 31, 1963; there were 23,453 members; and there were over 761,000 books in institute libraries and on issue. The books issued during the year totalled nearly 2,000,000. The value of the real property of the institutes was £1,455,139 and the value of personal properties of the institutes was £293,336. These figures show that a prominent part in the life of the community is still being played by our institutes.

I was sorry to see comparatively recently that the *South Australian Institutes Journal*, which had been published since August, 1900, had its last issue in May, 1964. For a long time this was a most interesting and informative journal, but rising costs made it awkward to continue with it. Committees and offices are now informed, on all the things they need to know, by newsletter, which is a saving. The provisions of this amending Bill will all help institute administration. Clause 6 provides for retaining possession of records and the removal of records for examination. Any people who have had much to do with institutes, particularly in isolated areas, know that there are instances where such a provision is necessary.

Clause 4 makes it no longer necessary to make an annual return of all real property held by an institute. Formerly, this had to be done every year and most institutes had to go through the rigmarole of filling out the same form in the same way year after year. By this amendment it will be necessary to furnish returns only upon acquiring new property or upon disposing of property. Clause 6b provides for the deposit with the Institutes Council not only of copies of mortgages (which had to be done in the past) but of the transfers of leases. They, too, will be deposited so that all official institute transactions will be in the official files at a central place.

Clause 7 prevents institutes being wound up too readily. I support this provision most heartily. I have known of instances where, unfortunately, institutes have been dissolved, particularly in country areas, without enough thought being given to the matter, and it has been regretted afterwards. The institutes perform a most important function in our community. Now, under this amendment, no dissolution can take place without a three-quarters majority of the members present at a meeting, and that has to be confirmed by a simple majority at a subsequent meeting. The Minister, in introducing the Bill, detailed a number of amendments, but I have mentioned these few to remind honourable members that this amending legislation will assist institutes greatly in their administration.

There are minor provisions in other clauses. At first glance, honourable members may tend to say, "These are not very important," but I assure those who have not studied the Bill that they are particularly important for the continued satisfactory running of institutes. A check by honourable members will reveal that far too many institutes over the last 20 years in South Australia have gone out of existence altogether, which means that their libraries have gone out of existence with them. I hope that these amendments will, to some extent, help prevent that. I was interested to see in the annual report of the institutes these words:

The council is grateful to members of Parliament for the interest which they have always displayed in the welfare of institutes in general. They refer particularly to the Library Committee. I thank them for their kind remarks. This committee of members of Parliament (their names are well-known so I need not mention them; I happen to be one of them) would, I am sure, show even more interest if they were given a little more opportunity to do so. In the annual report of the Institutes Association I find these words, which I quote because they are important:

In March, 1963, representatives of the council—

that is, the council of the Institutes Association—

inspected the Brighton and Burnside public libraries with the Minister of Education and members of the Libraries Board, the council and the institutes. A further meeting between representatives of the council and the board was held in June 1964 when the possibility of institute buildings vested in trustees or incorporated bodies being used for expanding facilities for the free lending of books was further investigated and found acceptable in principle, but with some qualifications. The report has yet to be considered by the respective

boards. A further meeting will have to be held before the scheme can be placed before institute committees for consideration and possible adoption by them.

Anything that will increase our reading habits has my support. I commend the committee for having these discussions. I hope that this will lead to the introduction in South Australia of something that I think is becoming more popular, something that we shall find most helpful, one of the healthiest and most instructive forms of recreation—reading.

Honourable members know that I am a keen reader. Most people in the community can obtain immeasurable good from the reading of books. I hope that this move, which should lead to the extension of the free libraries system, will continue and be acceptable. The facilities at the two free libraries at Elizabeth are being extensively used by the people. They are particularly well run and I should be happy to see such facilities available not only in Elizabeth but also in many other areas of the State. These can and will be provided through the institutes. I notice also in the report that members of the committee refer to these amendments now before us. They conclude by saying:

All are the results of administrative experience over a number of years. It is hoped that they will be passed by Parliament in the form submitted.

They have nothing to fear from me. In fact, I express my complete agreement with this amending Bill.

Mr. LAUCKE (Barossa): Mr. Acting Speaker, I, too, support this amending Bill. I cannot see anything contentious in the amendments, which are of a machinery nature and which have been recommended by the Council of the Institutes Association of South Australia to make for more effective administration. The amendments were fully explained by the Minister of Education, whose interest and assistance in the affairs of the association are, I know, greatly appreciated by its members and by the council of which I have the honour to be a member. The whole tenor of the amendments is that of intention to facilitate the smoother working of the Act and to allow the more efficient control of the many institutes comprising the association.

The member for Gawler (Mr. Clark) referred to the number of institutes, the membership, and the capital assets belonging to the association or members of the association collectively. I wish to refer particularly to the many books that have been issued by those institute libraries. The institutes over the

length and breadth of this State constitute important assets to the communities they serve.

For the year ended December 31 last no fewer than 1,967,099 books were issued by institute libraries, which clearly indicates the demand for the type of literature provided by these libraries. They provide, in the main, recreational reading, an avenue for relaxation which I consider should be encouraged. To help this encouragement this year's Budget allocates £24,000 to the association, £12,000 being for management expenses and the cost of books and their distribution, and £12,145 being for subsidies to institutes on subscription income and local government authority contributions. A praiseworthy aspect of the institutes system is the tremendous amount of voluntary service rendered by committee personnel and members generally.

I have noticed through the years that it has been the policy of the Government to help those who are prepared to help themselves, and I can think of no finer an example of an organization that has been prepared to help itself, and through that obvious intention and desire so to qualify for Government assistance, than the Institutes Association of South Australia. The subsidy granted is of great assistance to the individual institutes, and it encourages those who serve selflessly on many committees throughout the State. I hope that the future importance of institutes will not wane with the passing of years but rather be enhanced. There is a place in the scheme of things for institutes, particularly in rural areas. We have these libraries which provide recreational reading, and they are the centre of community activity within given districts. In fact, through the years they have come to be accepted as the focal point of culture in a given area.

Whilst I note the increased number of public libraries established throughout the State, which I personally very warmly welcome (and I know all members of the Council of the Institutes Association welcome the coming of these public libraries, which are serving an admirable purpose and which doubtless will serve greater purposes in the future), I consider that we can have both systems of libraries in this State. We have those who are prepared to pay a subscription to become a member of an institute, thus qualifying to take books of the recreational type provided, and we have those who desire books of reference from the public library set-up, but without at this stage going very deeply into the matter I should like to see a greater liaison between the two systems. I have no doubt, Sir, that there is a place in the

scheme of things for both systems; but liaison between them, with institutes as avenues for libraries, would be a major step forward in the wider dissemination of library books at the most economic cost of administration, rentals, and such expenses.

As these matters are being very closely studied, and as firm and constructive work is being done to produce a situation that will benefit the general education of the people of South Australia, both regarding formal studies and also in the lighter reading relaxation facilities of the subscription library, I see that we can do much collectively. I consider that the ground is being prepared excellently for greater co-operation in this matter than perhaps has been the case in the past. I have pleasure in supporting the second reading.

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

JURIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 17. Page 908.)

Mr. DUNSTAN (Norwood): I support the second reading. I am glad that at last the Government has given belated assent to the necessity of putting women on juries in South Australia. This is not the first time the Juries Act has been before Parliament since I have been a member. Previously, when legislation was introduced to amend the Juries Act, I immediately gave notice of a contingent Notice of Motion on behalf of Opposition members. The Premier asked me what my motion was about and I said it was to put women on juries; that was the last that was heard of the Bill because it was never brought on to be discussed further. I am glad that the Premier has now seen the light and that the representations made to him by women's organizations in South Australia and by other enlightened citizens have had the effect of having the Government agree that women should take their place on juries in this State.

The view taken by members on this side is that a jury is the body that represents the country. A man, when he is presented to a jury on an indictment, is presented to his country: he is said to have placed himself upon his country. The jury is the representative of the country: the judge decides whether a man be guilty or no. That is so in South Australia because we do not, in practice, have an institution of juries for anything other than criminal inquests. If a man is to be placed upon his country he must be placed upon an

effectively representative country. The jury must be effectively representative of the people in the community and the community (thank heavens!) does not consist of people of the one sex only. Therefore, if a jury is to be effectively representative, members of both sexes in the community must be represented upon it in due proportion.

There are some cases where, obviously enough, it will be a hardship on some women jurors summoned to serve and the Bill very properly provides for this. The proposal in the Bill in requiring women to sit upon juries is somewhat different from the provisions in some of the other States, as in the other States women have to take the action of putting themselves on the jury list. Here, they are on the jury list unless they choose to be taken off it. I believe that the Government was wise in that procedure also and that it is a better procedure than that which exists in some of the other States that have long provided for women on their juries. I can only repeat that I am glad that this has been done, albeit belatedly. From memory, I believe we are the last State to make this provision. This is unfortunate because South Australia was, I think, the first State to give franchise to women and in this way to recognize the place of women in this community. However, it is time it was done and thank goodness it is being done. I support the second reading.

Mrs. STEELE (Burnside): It is with some pleasure that I, too, support this Bill. Honourable members know that, with my colleague from another place and others, I introduced this legislation to the Premier some time ago. This deputation consisted of representatives of women's organizations and the case in support of women serving on juries was presented by Miss Roma Mitchell Q.C. I believe she presented a very good case. It is rather interesting in retrospect to realize that seven women waited on the Premier (we had decided beforehand that Miss Mitchell would be the only speaker) and I think that it came as a surprise to him that, when Miss Mitchell had presented her case and completed what she had to say and he turned and asked each of us if we had any comment to make, we did not say anything. We felt that Miss Mitchell had done a good job, that we could not improve on what she had said and we left it at that. Probably the Premier was surprised that we did not all want to say something about this Bill.

Like the member for Norwood (Mr. Dunstan) and probably many other members, I am

glad that at last legislation of this kind has been introduced. South Australia has lagged behind in this respect.

The Hon. Sir Baden Pattinson: We have gone further ahead now because we have real equality.

Mr. STEELE: I was going to make that point and I thank the Minister for drawing my attention to it. The Bill refers to persons and not to men and women, and women will be pleased that they are being accorded their rightful place and title in that they have equal responsibility and privileges. Of course, trial by jury is a very ancient institution and I think it dates back to the days of King John and the Magna Charta.

Mr. Dunstan: Prior to that.

Mrs. STEELE: It is considered that trial by jury is trial by one's peers. I believe trial by jury probably epitomizes British justice at its best and it has been adopted by many other countries in the world. Because I had realized that I would be more or less expected to say something on this Bill I have done some research into the question of when women were given the right to serve on juries in other parts of the world. In the United Kingdom I think this dates back to about 1919. If one watches television and the court plays presented on it almost always one sees one or two women on juries and this has probably led to the belief that women have always had these rights in the United States of America. Of course, this is not so.

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

Mrs. STEELE: I understand that 13 of the States debar women from jury service. In Georgia, for instance, although they have the right to serve, there has been no enabling legislation put through since the Act was enacted, to enable them to do so. In one of the States of America, as early as 1870 women had the opportunity to serve on juries. One anomaly in America is that in certain States women do not have the right under a Federal Act but have it under a State Act and, conversely, they have it under a State Act and not under a Federal Act. Some State Acts allow women to serve on juries and others do not.

In New South Wales an Act was introduced in 1947 amending the Juries Act and giving women the voluntary right to serve on juries. In Western Australia much the same legislation was introduced in 1957. I have derived much interest from doing research into the various Acts that have made jury service possible for women, and I find that in most

instances a clause exists that permits them to voluntarily withdraw from jury service if they do not want it. It seems that women are given with one hand the right to serve but this opportunity is taken away with the other hand.

The Hon. P. H. Quirke: From themselves!

Mrs. STEELE: Yes. One member said earlier that men did not have this privilege: in this respect women are privileged people because men willy-nilly have to serve on juries whereas women can elect to take themselves off if they so desire.

The Hon. P. H. Quirke: You are not complaining about that?

Mrs. STEELE: No. It is interesting to realize that when the Government announced its intention of introducing legislation to amend the Juries Act some outcry came from women in this State who did not want to serve, and some expressed the desire to withdraw themselves from the Legislative Council roll. I have discovered that in most instances the age at which women can serve is much the same in most countries of the world and in most States of Australia where the right to serve has been granted to women. This is between the ages of 21 and 65. I found also (and my attention was drawn to it because of the amendment on the file in the name of the member for Norwood) that here we have always had the Legislative Council roll as the basis for men being drawn to serve on juries. I am glad to note that a clause has been inserted in this Bill permitting people to withdraw themselves from jury service if, as a matter of conscience, they consider that they do not want to do it. I have had representations from women who have considered, as a matter of conscience, they did not want to serve on a jury and did not want to be placed in the position where they had to judge a member of their community. I consider that this escape clause has rightly been placed in the Act for these people. I am particularly interested in the fact that this Bill is to operate by proclamation, and I realize that the time-honoured excuse of having to provide adequate facilities for women is really the main excuse for this. I notice that the Sheriff is to have time to prepare the rolls and that they must be prepared in December so that they can be utilized in January. Suitable accommodation for women has always been one of the main arguments advanced as to why women cannot do certain things that men can. I should like some assurance from the Minister that this matter

will be attended to as soon as the Bill is passed and that plans will be prepared for the provision of adequate facilities for women in the Supreme Court (which, incidentally, is specifically mentioned in the Minister's second reading explanation) and in other courts where juries are empanelled. This will then allow women to take their rightful places as members of juries sitting in criminal cases. The Bill provides that a judge may declare that certain cases be heard only by an all-male jury, or an all-female jury. I believe this has been included as a protective measure, because it is considered that women should not hear some cases.

Mr. Millhouse: It is necessary, too.

Mrs. STEELE: I understand why the honourable member makes that interjection, and I know that this clause is provided in women's best interests, but I point out that women who are nurses in hospitals have facts of life to face up to similar to those that emerge in some court cases. While I appreciate the gesture, women accept the fact that if they are to be treated as equals in this respect then they must accept the fact that they can be called upon to hear certain unpleasant cases. Finally, I again appeal to the Government that the proclamation will not be long delayed and that the factors that have led to this provision will be attended to as soon as the Bill passes the House. I have much pleasure in supporting the Bill.

Mr. HEASLIP (Rocky River): I shall not oppose the Bill, but I support it only because I would otherwise deny the right of women to serve on juries. This Bill has been introduced at the request of women's organizations, but I point out, as a country member living near a court where men are called on to serve on juries, that it is a hardship to those people to have to travel about 40 miles, be empanelled for perhaps a week at a time, and forced to neglect their farm work. Exemptions can be obtained if they can be justified, but in my district many people have complained that they have been called on to serve on juries at the Port Augusta court not once but twice a year, and sometimes more often than that. That is brought about because of the wide exemptions that can be granted under the Juries Act. Exemptions extend to members of both the Commonwealth and State Parliaments, dentists, doctors, tramway employees, railway employees, solicitors, clergymen, bank officers, members of the Naval and Military Forces and, of course, members of the Police Force. Aircraft pilots were added to that list in 1937.

By the time those exemptions are taken into account (and none of the people I represent is exempted, with the possible exception of clergymen and doctors) very few people are left from whom the panels can be selected. However, primary producers and the people of the town are not exempt and are called upon more often than should be necessary under ordinary circumstances. It seems wrong that railway employees and some other people living in the town should be exempted from jury service while primary producers living 40 or 50 miles away have to give up their work, go to Port Augusta, and lose much time. This often occurs at a most inconvenient time, perhaps in the middle of harvest, seeding or shearing, but they are still called and have to serve. This Bill will not help us in any way because I am sure that there is not one woman in my district who, although called upon, will serve on a jury. I say unreservedly that it will not make more people available for jury service.

Mr. Coumbe: What about the people in Crystal Brook?

Mr. HEASLIP: They are not affected. Not 1 per cent of the women in my electorate will be serving on these juries.

Mr. Coumbe: Why not oppose the Bill?

Mr. HEASLIP: I will not oppose it as some women's organizations (and I would say that they are all in the metropolitan area) have expressed a desire to serve. Just how many women will serve I do not know, but this legislation is not going to help at all in my area. Clause 10 of the Bill states that the names of all women on the Legislative Council roll will automatically go on to the jury panels if the women are under the age of 65 years. If a woman does not cancel her registration within three days she will be called upon to serve on the jury. The member for Burnside (Mrs. Steele) said the idea that prevailed in America was that women should have the right to serve, and I think that would be preferable to women having to deregister after being registered. This would overcome the necessity for all the people who will not serve having within three days to write to the Sheriff saying they are not available. For the reasons I have mentioned, and because a few women's organizations desire that women shall serve on juries, I shall not oppose the Bill. However, it does not mean anything to the people I represent.

Mr. MILLHOUSE (Mitcham): I support the second reading of this Bill and do it much less grudgingly than the member for Rocky River (Mr. Heaslip) has done. Indeed, I do

not do it grudgingly; I am pleased to support the second reading. I was surprised at the honourable member's remarks. I must say that the outlook they portrayed is not uncommon in the community, and it is not confined to women serving on juries. Many people begrudge the fact that they are obliged to serve on juries, and I point out to honourable members that jury service is an obligation of citizenship. It is one of the duties that we, as citizens in a democratic society, ought to be prepared to undertake willingly. I deplore the fact that so many people, both men and women, do not like the idea of serving on juries and, in fact, many men now go to great lengths to get out of serving. I cannot altogether agree with the member for Burnside (Mrs. Steele) in her implied criticism of proposed new sections 60a and 60b, which provide for segregated juries.

Mrs. Steele: I did not say that.

Mr. MILLHOUSE: I said "implied criticism". I think these provisions are necessary. It is all very well to say that women called upon to serve on juries would not mind serving on cases that might have disagreeable features, but I think the real feature is that the men involved—fellow jurors and officers of the court—could feel acutely embarrassed by the presence of women in court when some of the evidence was heard. The member for Burnside may wag her head in unbelief, but that is the experience that I and, I think, most practitioners have had at one time or another.

Mrs. Steele: I did not criticize the idea of having separate juries.

Mr. MILLHOUSE: I am glad to hear that, because I understood the honourable member to have some implied criticism of that. I point out to her, if it is necessary to do so (and she is now denying that it is), that so long as there are any shreds of gallantry left there will be some things that men would rather women did not hear or know about. Honourable members may laugh about that and say it is silly, but it is one of the facts of life, and I am afraid we must put up with it. I think the proposed new sections 60a and 60b contain wise provisions. There is another provision that has not had much publicity. I am glad that there is a provision in clause 11 to amend section 16 to allow people to be excused from jury service on the ground of conscience. There are people in our community (and I have people in my own district who believe this) who do not think that one should judge one's fellow men.

Mrs. Steele: I did specifically mention it.

Mr. MILLHOUSE: Yes. I think it only proper, because I think those people are entirely genuine in their belief, although I do not possess it myself, that they should not be obliged to do something that is against their conscience. I am glad that the Government has taken this opportunity to insert the amendment to allow those people to be excused by the judge when he is satisfied that they genuinely have an objection to serving, on grounds of conscience.

Mr. Lawn: It wouldn't affect you.

Mr. MILLHOUSE: No. I am out of it, anyway.

Mr. Lawn: Conscience wouldn't affect you. You wouldn't object on the grounds of conscience.

Mr. MILLHOUSE: I think I see the drift of the honourable member's remarks. I think he is saying I do not have a conscience.

Mr. Lawn: We all know that.

Mr. MILLHOUSE: We can argue about that at another time and in a proper place, but I do not think this excuse will be abused. After all, it is for the judge to decide and he is usually a pretty cunning old bird, who is not easily taken in by people who try to put things over. There is only one other matter I desire to raise and I am surprised that the member for Norwood (Mr. Dunstan) did not raise it because I know that he diligently reads through the Bills upon which he is to speak. I should have thought that he would pick this up. I point out that the amendments purported to be made in paragraphs (a) and (f) of clause 14 have already been made to the original Act. They were made, if my researches are not wrong, by the Second Schedule of the Statute Law Revision Act of 1957. They are not particularly important; they merely alter "subdistrict" to "subdivision". Unless I am wrong, those amendments have already been made. It will be interesting to ask the Chairman when we get as far as the Committee stage what the procedure will be when there are provisions in the Bill purporting to make amendments that were made about seven years ago. However, that is just a small point that I mention in declaring my support for the Bill.

Mr. LOVEDAY (Whyalla): I have pleasure in supporting the Bill because, although some minor faults may be found in it as time passes, I am sure that it represents a particularly good start. I am pleased that women will have the opportunity to serve on juries. After all, society is composed of both sexes and their is every good reason why juries should have

women on them to present the woman's point of view in cases that come before the courts. I am certain that the attitude of juries to many things will be influenced by having women on juries. The change will benefit society generally. It has been very much a man's world in this respect for all time past and this particular move will be of advantage to all concerned.

Mr. SHANNON (Onkaparinga): I was interested in the remarks of the member for Mitcham (Mr. Millhouse) in which he drew the attention of the House to the privilege that we as a community enjoy in having trial by jury and to the fact that as a result of that privilege the obligation rests upon us all to accept our responsibilities in the matter. I thoroughly agree with that; I think it is a very proper sentiment to express. However, it appears to me that the honourable member omitted to take note that we give one sex the right to elect not to accept that responsibility whereas we do not give a similar right to the other sex. I may be wrong, but I understand that the organizations behind this move favour equality of the sexes; they believe there should be no differentiation between the sexes in either the privileges or the obligations.

Although there is much common sense in that, I do not intend to argue that aspect for the very good reason that I would not get on too well with my wife, and I want harmony to prevail in my own home at least. I get harmony mostly by adroitly dodging the sticky things. Here, I am afraid, we have a differentiation in clause 22.

Mr. Speaker, there are other aspects of this Bill upon which I should like to comment, and the first of these is the one referred to by the member for Burnside (Mrs. Steele) and the member for Mitcham (Mr. Millhouse) concerning juries of one sex only. I am not a lawyer and I avoid, as far as is humanly possible, anything to do with courts of law, for they are unprofitable things for anybody: whether you win or whether you lose, you lose (as far as I can gather) if you go to law.

I believe that mostly the judge himself is a very good adjudicator as to who should and who should not be empanelled. If we give this privilege to the women to elect to have their names removed from the obligation to serve on juries, who have we left? Are we so restricting the field that we get only a few ultra-feminists? I do not want to be rude to those people, and I do not want to be mean about this; I want to be factual about these things.

In the empanelling of a female jury, do we leave out those people who have perhaps a little different outlook on women's rights from what we would call the normal outlook? This provision opens the door to all responsible women (some of whom would be ideal from the point of view of good, balanced judgment to serve on a jury) to say, "We are not interested; we do not want to be on a jury", and thereupon they can elect not to serve on a jury without any other say-so at all. I am not too sure that that is a good thing.

Mrs. Steele: I think there would still be plenty of women with a due sense of their responsibility.

Mr. SHANNON: There may be, but we are giving the opportunity to women to elect not to serve on juries, and I point out that we do not give that same opportunity to men. If men fall within certain categories they are not empanelled. In this Bill provision is made for the excuse (if it may be called an excuse) not to serve on the score of conscience, the judge being the arbiter of whether that it a good reason not to serve.

However, it appears to me that if we are to have equality of the sexes then let us have equality. Women are given that in the franchise for this House. They are now seeking the obligation that falls on men in the community, who are not within certain categories, to serve on a jury. If women want that right then let them accept the full responsibility. I believe that we are bending over backwards to make a privileged few entirely free from service. It may be that only very few will want to serve and it almost boils down to the situation that the member for Burnside said applied, I think, in the United States of America where women can elect to serve. I have some reservations about whether or not that is a good thing.

Mrs. Steele: I think that was in Australia.

Mr. SHANNON: I do not care where it was; I do not think it is a good thing. I have reservations about people electing to serve. There may be a good reason why they would elect to serve on a particular trial. I think that we should endeavour to be as clear in our conscience as possible and that the people who are finally empanelled on a jury to decide the guilt or innocence of a person should be as impartial as it is possible for them to be. I think that that is a must if our courts are to continue to be accepted and looked up to by the people as arbiters for all of us. Obviously the Bill will be passed, but I wish to point out that in my view it does not go as far as

it might. I do not know whether it will be amended in Committee to include some of the things that I have suggested. I wanted to express my views and I have done that; I will take the raps that may come to me from women's organizations in my district. I will point out to them, as I pointed out to the House, that if they want this right they should accept the full responsibility.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

FAUNA CONSERVATION BILL.

Adjourned debate on second reading.

(Continued from September 17. Page 911.)

Mr. CURREN (Chaffey): I am pleased to support this Bill having in the past raised the question of game reserves in particular, the first instance being during the Address in Reply debate last year. I shall deal later with two sections of the Bill to which I object. During the past 12 months I have introduced to the Minister of Agriculture a deputation from members of the Field Sportsmen's Association residing in my district. These gentlemen have taken much interest in fauna conservation and have offered to do much work to assist this good cause.

Last year a fauna conservation conference of interested persons was held in Adelaide which represented a wide variety of organizations, including the Australian Primary Producers' Union; Country Women's Association; Murray Mallee Soil Conservation Board; Field Naturalists Society of S.A.; Wheat and Woolgrowers' Association; Murray Valley Development League; South Australian Group of the Australian Banding Scheme; South Australian Field Sportsmen's Association; National Trust; Stockowners' Association of South Australia, Royal Geographical Society, and representatives from the Adelaide and Monash universities. A wide range of resolutions was dealt with at the conference and, in the main, they were carried. Four were submitted by the Field Sportsmen's Association as follows:

1. To examine closely all existing wild fowl sanctuaries in order to determine their usefulness or otherwise.

2. To encourage wherever possible the regeneration of natural vegetation in sanctuary areas.

3. To discourage grazing of animals in sanctuary areas.

4. To persuade the Government that properly managed game reserves and sanctuaries throughout South Australia will do far more for wild fowl than second-rate sanctuaries.

I agree entirely with the objects set out in those resolutions, but the conference, not having considered the advisability of game reserves (a new approach to fauna preservation and propagation in South Australia), decided to defer a decision on these resolutions pending further investigation. The Minister of Agriculture when explaining this legislation said:

It will be appreciated that there are conflicting interests in the matter of fauna conservation, and it would be impossible to satisfy all demands which may be made. It will be readily understood that persons within South Australia approach conservation laws from widely different standpoints. It is a subject on which emotional arguments are frequently in evidence.

During the past couple of weeks since this Bill was introduced and explained by the Minister, several letters have appeared in the press, one of which is evidence of a misunderstanding of the aims and objects of the Field Sportsmen's Association in its advocacy for game reserves. Portion of the letter which appeared in the *Advertiser* of Saturday, September 19, and which was signed by Mr. A. Cockington, President of the Field Naturalists' Society of South Australia, states:

Field naturalists, however, strongly oppose the provisions which allow the establishment of game shooting reserves on Crown lands. It is felt that the conservation of our native fauna and the interests of game shooters cannot be reconciled. The decision to object to game shooting reserves was reached at the recent annual meeting of the Field Naturalists' Society (reversing a previous decision).

It seems that these gentlemen, whatever their objectives might be, are in two minds about the provisions that we are considering at the moment. The letter further states:

It is considered that game reserves are not conservation and the allocation of large areas of Crown lands for the exclusive enjoyment of a very small group of people is not in the best public interests.

To set this gentleman's thinking right, I shall place on record some of the objectives of the Field Sportsmen's Association, quoting from one of its publications:

The S.A. Field Sportsmen's Association is a fully constituted body representing responsible sportsmen from all parts of the State. The objects of this association are: (a) to develop South Australian facilities for wild life in general by promotion of game conservation and management projects; (b) to inform and educate the field sportsman in the value and ethics of his sport; (c) by united voice to present proposals in co-operation with Government departments for increased management of wild life and fisheries for the benefit of all; (d) to foster and maintain friendly relations between members of the association and landholders; (e) to promote good sportsmanship

and fellowship among members; (f) to promote public appreciation of the activities of the association and to affiliate with other outdoor associations having similar aims or objects.

Another object is "to teach young people to handle firearms safely", and one of the association's principal aims is "to arrest the decline in the population of water fowl in this State which has been brought about by the encroachment of civilization, thus reducing their natural habitat". The aims and objects of this association are along similar lines to those of a successful organization that has been operating in Victoria for many years, namely, the Victorian Field and Game Council. The Victorian organization has established a fine set-up of sanctuaries, game reserves and "particular species" reserves. It works in very close collaboration and co-operation with the Victorian Wild Life Division, and the work it has done is, to put it mildly, really staggering and the results obtained have been to the benefit of all concerned. One of the publications issued by this body of Victorian sportsmen and departmental officers states:

For conservation bodies and Government departments to be able and willing to put scientifically planned efforts at conservation into effect, security of tenure is required, and also a set of rules favouring wild life. Wild life reserves provide these conditions, and the areas should be decidedly free from insecticides and poisons, which are taking such a heavy and disastrous toll of wild life in the highly-gearred agricultural areas. Australia is only now beginning to realize the need for a firm control of dangerous sprays, etc.

Field sportsmen have mentioned to me that great dangers are associated with the indiscriminate use of the poison 1080, which has a long toxic life. After one bird or animal has been killed by this poison, if that bird or animal is eaten by another the poison is transmitted to the second bird or animal, and so on. It has a cumulative and lasting toxic effect. The article continues:

In all cases of vanishing wild life species, the overwhelming problem is the continually vanishing habitat. With denser settlement, habitat will continue to diminish. Wild life reserves must not only offset this decrease but must be efficiently managed to increase their carrying capacity if sufficient wild life is to be preserved. The labour problem of such a programme is acute. This can be overcome by using the voluntary labour of duck shooters and conservationists. National parks in this context are passive where wild life reserves cannot afford to be, and we have no intention of letting them be passive in their role.

If the gentlemen who have expressed opposition to the concept of game reserves in the fauna conservation programme in this State would study

the aims and objectives of the association and find out what it is prepared to do, I think they would have a better appreciation of and a little less hostility and opposition to the proposal for the establishment of game reserves. The amount of support forthcoming in the Murray River districts for the establishment of game reserves can be gauged from an article that appeared in the *Murray Pioneer* on August 6, 1964. It reports a visit to the area by the Minister of Agriculture and the Director of Fisheries and Game, Mr. Bogg. The report states:

On Saturday morning in company with the Minister of Agriculture (Hon. D. N. Brookman), and Mr. Bogg, representatives of the field sportsmen's association made an inspection of Woolnook Bend and the Winkie evaporation basin. Also present were members of the Winkie progress association, the Paringa district council, professional fishermen's association, the boy scouts association, the Barmera gun club and the National Trust.

That represents a wide body of support for the ideal of game reserves and I commend it to the members. I hope that honourable members who have expressed opposition to the proposal will note the support in country districts for this further step in fauna conservation.

As well as becoming an aid to the conservation of wild life in this State, these reserves will also become a tourist attraction. Sportsmen do not intend to make the reserves their exclusive preserves when shooting is permitted, as it will be permitted only after a considerable build-up of the game birds in the area. However, game birds will not be the only ones nesting or breeding there. About 40 varieties of water fowl occupy the waters and back waters of the Murray River. Seeing, near civilization, wild fowl in vast numbers in their natural state would be a popular tourist attraction.

Regarding the two clauses of the Bill to which I object, the first, clause 14 (1) (c), referring to the rights of inspectors under this Act, states that an inspector may—
enter and search any land, building, structure, vessel, boat, vehicle, receptacle, place, or thing in which he suspects, on reasonable grounds, that there is any animal, bird, carcass, skin, device, record or other thing which is likely to afford evidence of an offence against this Act . . .

That gives the inspector powers that are rather too wide, in my opinion. In Committee I will move to limit the right of search without a warrant, and also to provide for a search with a warrant.

My second objection is to clause 52 which, as I understand it, prohibits the shooting of

ducks, mainly, from a fast-moving boat. It reads:

A person shall not shoot at a protected animal or bird from a boat or other navigable vessel moving at a speed of more than five miles an hour.

I fail to see that there is much sense in that provision, as nobody is permitted to shoot at a protected bird or animal irrespective of whether he is in a boat or on land.

Mr. Freebairn: He would need a permit first, wouldn't he?

Mr. CURREN: There may be a provision that grants permits to people to shoot protected birds or animals on the land, although I think that protected birds and animals are not to be trapped or shot at. I intend to move an amendment on this, to which I understand the Minister is prepared to agree, to delete "a protected" and insert in lieu thereof "an". That will check these so-called sportsmen who, whilst they are in their speed boats, flush a flock of wild duck and as soon as they have flushed it and got it into the air give the boat the gun and then they are right underneath the ducks, so that the ducks are practically sitting on the end of the barrel. If the "gentlemen" who practise that kind of shooting consider it a sport, I am afraid I cannot agree with them. I do not think any of them will be proud to admit that that is how they get their ducks. They are not sportsmen if they carry on like that.

In conclusion, I commend the Director of Fisheries and Game and his keen and enthusiastic officers for the work they have put into the preparation of this Bill and the wide scope of its provisions. It is a far-reaching measure that will be of immense benefit to the preservation and propagation of wild life, particularly water fowl, in this State. I commend the Bill to honourable members.

Mr. HALL (Gouger): Briefly, I support the general objects of the Bill, realizing that in my district at present it will have very little impact. I appreciate the remark of the member who has just resumed his seat that his district is concerned with this type of legislation. However, my support of this Bill is conditional upon the changing of several of its provisions in regard to its implementation. Many areas at present made by proclamation should be made by regulation. In some areas of the State the establishment of reserves, sanctuaries and prohibited areas by proclamation has a big impact. If it is intended to use Crown lands, they should be so used by regulation, so that the regulations can be

reviewed by Parliament. The class of animal or bird, the controlled species, the prohibited species and the protected birds mentioned in the Second Schedule should be dealt with by regulation. I think it is just too much to ask that we sign a blank cheque to enable all these powers to pass to the administrative side of government. I think we have enough time in Parliament to consider these matters if we so desire. Although I believe that most of the decisions would pass and not provoke any argument, we do not know but that in the future some of the decisions under this legislation would be dealt with by proclamation and be controversial, and it may be that we as members would wish to air some views upon them. If these provisions are to be proclaimed we cannot do that unless we endeavour to amend the Act, and this would be too lengthy and too drastic a procedure. Perhaps some provision would affect a private member or even a group of private members. I believe we should leave the Act as it is and control the legislation by regulation.

I realize that where a private landholder agrees with the Director to establish part of his property as a reserve or sanctuary it becomes a private matter and does not really affect this Parliament. I believe that those matters should be left to be dealt with by proclamation. This would also apply to the rescinding of such an agreement. I believe most of the other matters should be dealt with by regulation. I have drawn up a lengthy set of amendments substituting "regulation" in most places where "proclamation" appears in the Bill. The provisions relating to private lands and the declaration of open seasons are not affected, for I agree that these are matters for administrative procedure. The effect of an open season would be felt before this Parliament could do anything if it were a matter of regulation, and in any event I believe that is more a problem of day to day management which should rest with the administrative authorities. However, I believe that all the other provisions should come under review of Parliament if necessary, and I support the Bill with that thought in mind.

I am reminded of one instance in my time here of how a servant of the Government clashed strongly with a local government body on a particular matter. Although I believe that that man was wrong, we had no redress and no opportunity to air a grievance in this place. I do not wish that to occur in this legislation, and I think the best way to avoid such a possibility is to substitute "regulation" for

"proclamation" where necessary. With those reservations I support the Bill.

Mr. LOVEDAY (Whyalla): I am pleased to support this Bill. It is a pleasure to see South Australia coming into line with some of the other States regarding the establishment of wild life reserves. The Minister in his explanation of the Bill, made it clear that this measure had been closely examined by the Flora and Fauna Advisory Committee on which are represented agriculturists and conservationists from widely different groups, and that it has the approval of members of that committee. I notice that four types of area are to be provided for, namely, prohibited area, fauna reserve, fauna sanctuary, and game reserve. I consider that this is a most desirable feature of the Bill, because all of these areas have a specific function.

As the member for Chaffey (Mr. Curren) said, there seems to be much emotionalism about this question, and I think probably that is so because many people do not understand the specific purposes of these different sorts of areas. It does not seem to be generally understood that shooting can go with conservation of wild life in a proper wild life reserve. At the same time, there is a need for a sanctuary, for a fauna reserve, and for a prohibited area. All these sorts of area are necessary to properly carry out the work of fauna conservation.

The Land Settlement Committee was fortunate recently in having a visit from Mr. Butcher, the Director of the Victorian Wild Life and Fisheries Reserve, and the committee gained much valuable information from him regarding what is being done in Victoria. It is obvious that that State is far ahead of South Australia in regard to fauna conservation. The member for Chaffey (Mr. Curren) pointed out that some people think that shooting is not consistent with a wild life reserve and that the two cannot be reconciled, but, in fact, where there is a wild life reserve it is essential that there should be shooting for the best results to be obtained on that type of reserve. There is not the slightest doubt that the reduction in the numbers of game (ducks, for example) is not due to shooting as much as to the tremendous variations in climatic conditions, which cause what might be called an explosion amongst the ducks at that time. There could be a great decline in numbers owing to the seasonal variations in the habitat of the ducks. The effects of these climatic variations are far in excess of anything that may be done to them by way of shooting.

I believe this points to the fact that it is not the question of properly controlled shooting in wild life reserves that is the main factor in the reduction of wild life. In fact, the disappearance of so much of the natural habitat of wild life is really the reason for the decline of fauna generally in South Australia. I suppose that the human race has been extremely destructive in regard to all types of fauna, so much so that from time to time steps have to be taken all over the world to try to preserve species that are fast disappearing. In fact, numbers of species have disappeared completely because of the destructiveness of man. The time has arrived in South Australia when we should take steps to preserve our fauna. I think it is of interest to notice what the Victorian Wild Life Authority regards as the purpose of wild life reserves. It states:

The old sanctuary system merely emphasized the protection already afforded the majority of species of wild life under the provisions of the Game Act, and it afforded complete protection for certain species of native game (ducks, quail and snipe) for which there is normally an open season each year. It did nothing to preserve and protect the habitat which is fundamental to wild life conservation and management.

The wild life reserves system places areas of land under the physical control of the Fisheries and Wild Life Department so that not only is the environment itself preserved and managed but even more effective protection of wild life is made possible through new forms of regulations. The wild life reserves system counters all the weaknesses of the sanctuary system.

The wild life reserves system permits the physical management of areas of land and, where necessary, the habitat may be so manipulated as to compensate for the loss of habitat elsewhere. That is, the carrying capacity of any area of land may be controlled. The provision of cover where it has been lost; the provision of food plants; the control of water levels; the control of predators, particularly of introduced species; the management of wild life populations; the effective control of harvesting where this is considered desirable and/or necessary; all these activities are possible on managed areas such as wild life reserves and all are basic to sound management of wild life.

That is the experience of the Victorian Government and I think we could benefit by taking advantage of it and learning the lesson set out there. The member for Gouger (Mr. Hall) said that he felt that this Bill would have little impact on his district. It may not at present, but I venture to say that it could have in the future if the State adopts something of the policy followed in Victoria. We were informed that at a place called Serendip that a farm had been taken over with a view to educating farmers on the possibilities of making fauna reserves of their farms without in any

way interfering with the farming process. Already this farm has been developed on these lines and it will be demonstrated on the farm that it is practicable to foster fauna without its being detrimental in any way to normal farming procedures.

If this is successful, and there is no reason why it should not be, we would not only preserve our fauna but would make the countryside much more attractive than it is now. One has only to go through South Australia to see the terrible ravages of early settlers and the destruction of the natural timber and other features that protected fauna in the early days. No doubt there would be a possibility of restoring much of the countryside by proper management. It is desirable to restore, to some extent, the balance of nature that has been upset by the over-clearing of land, and the destruction in other ways of the natural habitat of much of the original fauna.

I am sure that if we followed the example of Victoria much could be done in this direction, with an all-round improvement in the State and the preservation of fauna. The committee was informed that the planned development of the wild life reserve system in Victoria provided for the staffing of the major reserves and the supervision of the other reserves within a region from the major reserves. Management manuals are being finalized and these will provide direction for the basic management of the reserve. Procedures will be modified to meet special circumstances. The physical management may involve tree planting, the control of water in respect to levels, depth and seasonality, the provision of food plants, breeding cover, and any other special requirements. We may learn much from the experience of the Victorian authorities, and from a perusal of the Bill it seems that their general ideas have been followed. This leads one to think that we shall embark now on a fauna preservation policy that will be particularly successful. The amendments suggested by the member for Chaffey should receive the support of the House. I support them and the Bill because it is a particularly good measure and one that will be of great benefit to the State.

Mr. McANANEY (Stirling): I have had considerable experience with a sanctuary on my property, and I consider that this Bill generally copes with the provisions necessary to have good practical fauna reserves throughout the State. I agree with the member for Gouger

that in some cases the necessary provisions can be implemented by regulation rather than by proclamation. In most sanctuaries around water areas in my district, which includes part of the Murray River and Lake Alexandrina, considerable practical difficulty has been experienced in keeping the sanctuaries free from shooters. At least 90 per cent of shooters would observe the existence of sanctuaries but there are always the few who will enter such areas at any cost just to shoot ducks. Some of them make this practice a commercial proposition and it is difficult to stop them from entering sanctuaries. I think the Bill adequately covers the area surrounding the lakes, for it states:

“land” includes waters over which the legislative power of the State extends:

We also have the definition of “waters”, as follows:

the sea and every lake lagoon river creek anabranch and stream whether on Crown land or private land;

Much erosion has occurred around the lake in my district and in other areas reeds have spread to areas outside the gazetted land, where it is difficult to prosecute anybody who unlawfully enters these sanctuaries, for one cannot always ascertain whether they have been precisely inside or outside boundaries. I think the Agriculture Department is adopting the policy, when gazetting land containing water, that 10 or 20 chains be included in addition to the actual area to facilitate prosecutions against people invading sanctuaries. I think the member for Whyalla suggested that fauna sanctuaries can be established on farms, which I hope can be done. Difficulty has been experienced around the lake to which I have referred because swans often invade crops. It is not satisfactory to have to destroy them, despite the relevant provision in the legislation; gun scares have been used around the lake this year to keep the swans away from crops, but at considerable expense. A fauna reserve on a farm property would present certain difficulties.

I entirely agree with the portion of the Bill that provides a five miles an hour speed limit for boats carrying shooters. Indeed, I would advocate three miles an hour, for I have often seen men with automatic guns speeding across the lake and shooting at everything they see, but they often disappear before we have a chance to apprehend them. An area at Chaunceys Line is scrub country that has been set aside as a sanctuary, and at present a few hundred kangaroos are living in the area between Langhorne Creek, Murray Bridge and

Strathalbyn. If this is to remain a satisfactory sanctuary, however, it must be fenced and some area of the scrub cleared and crops planted so that fauna can feed. It is all very well to have an area of scrub set aside, but the fauna is forced on to adjoining farmlands for food if it is not growing on the sanctuary. Some money must be spent on such areas in future. I commend the Bill; it has been well drafted and contains many provisions that are new and necessary if we are to protect our fauna. It has my wholehearted support, with the reservations I have made in relation to spending money on sanctuaries to maintain them at a satisfactory level.

Mr. BURDON (Mount Gambier): In rising to speak to the Bill I wish to indicate that I give the measure my wholehearted support. For too long in this country, whether it has been in South Australia or in any other State, we have seen the wholesale destruction of our native fauna and flora. This Bill is designed principally as an attempt to preserve the native fauna of this State. The wholesale destruction of the natural habitat of our wild life species over the years has reduced their numbers to such an extent that many species in this State, and indeed throughout Australia, are faced with extinction. This applies not only to bird life but to many species of animals. In its early days, Australia possessed many unique animal and bird species. The wanton destruction that has occurred through the years must put many people to shame. In this country's development there has been a wholesale destruction of fauna and flora, and I commend the Government for introducing this measure, which may in some way preserve the wild life of this country and be a means of building up species that have almost become extinct.

I believe there will be a few initial difficulties with this legislation, but I firmly believe that through the education of shooters and the co-operation of the department we shall educate people that it is necessary to preserve game, and that, through the provision of game reserves, sufficient numbers will build up to allow good sporting opportunities throughout the State. I understand that for several years the Victorian Wild Life Section has been concentrating on preserving the species, which is now proposed in South Australia by this Bill, and that great progress has been made in ascertaining how and where these species migrate and their breeding habits. That section has concluded that one of the main reasons for the decline of Australian wild life

has been the destruction of the natural habitat of birds. Before Australia was settled, natural swamplands ensured that the number of birds would increase. During the draining of the natural swamps the natural habitat has been destroyed, and this combined with indiscriminate shooting has depleted their numbers.

In some areas in this State, particularly in some of the fresh water soakages along the Coorong, duck shooting is not a sport; at certain times of the year it is an absolute slaughter. It has been stated that well over 100 ducks have been shot with two barrels, and that certainly is not a sport. If one lines them up in a straight line and puts a couple of barrels down, there is not much hope for them. One can put a bag down at the other end and collect them all in one shot. What has been outlined here this evening by the member for Chaffey (Mr. Curren) covers adequately the provisions of this Bill. While one or two amendments have been foreshadowed to clean it up, I feel that over the years further amendments will be necessary for the preservation of particular species or animals in their natural habitat. I have much pleasure in commending this Bill to the House. It is a pity it was not introduced many years ago. I hope that it will produce the desired beneficial effects.

Mr. HARDING (Victoria): This is one Bill upon which we should be unanimous. It is an important measure. In the South-East most of us are conscious of the need for such reserves. Others, who are land-hungry, will object to any land that could be used for pasture, particularly in an assured rainfall area like the South-East, being used for these purposes. A few people will be opposed to the establishment of any reserves. I congratulate Mr. Alan Bogg and Sir Edgar Bean upon the drafting of this Bill. I myself see nothing wrong with it. We are conscious of the value of bird life. At Bool Lagoon nesting facilities for the ducks have been erected. No doubt the black swan does foul many pastures but, after all is said and done, what is lost in that way is gained in other ways.

It was stated in the second reading explanation that the duck-shooting season for 1965 would not be altered. It is anticipated that, after that season, consideration will be given to bringing the duck-shooting dates into line with those obtaining in Victoria. I personally recommend that, because I know it has the whole-hearted support of the people interested in duck-shooting. I am not one of them. This year in the South-East being a normal season, thousands of acres now are inundated,

though not to a great depth, so there are probably more ducks and ducklings there than there have been for the past eight to 10 years. I am pleased that that is the case. I do not think it is possible to evaluate the worth of the ibis at Bool Lagoon. There are not thousands: there are tens of thousands if not millions of them. This matter was discussed here last year. Photographs have been taken of the nestings. Cinematograph shots have been taken and recorded.

Bool Lagoon is the home of not thousands but millions of birds. What they mean to the growers in that area, and the benefit derived from them by the growers, is any man's guess. It will mean thousands and thousands of pounds in savings to the producer through not having to spray his country because of the usefulness of the ibis in the South-East.

I congratulate the people who have purchased land in the South-East, a valuable portion of the State because of its assured rainfall, and who have set aside sanctuaries or reserves; that is, reserves similar to areas set aside by the Minister of Lands. I am grateful to the Minister that a portion of Fairview has been set aside where there is a vast area of water and a scenic area. Attention is given to this area each year and a fire-break ploughed around it. Part of Kilanoola Station consisting of 7,000 to 8,000 acres unsuitable for soldier settlement has also been set aside, and this will make a fine reserve.

In the absence of the member for Millicent, may I say that near Millicent thousands of acres is to be set aside for its coastal scenic beauty and an adjoining area with thousands of acres covered with valuable native flora is to be reserved. I have pleasure in supporting the Bill.

Mr. MILLHOUSE (Mitcham): I, too, support the second reading. I draw the attention of the Minister to one matter and I am surprised that the Bill was introduced in this form. I am also surprised that no other member has picked up some rather obvious mistakes in the First Schedule to the Bill. On page 25 I draw the attention of honourable members to the fact that the fifth Act mentioned there is the Statute Law Pension Act. I do not know what that is, but I think it is a mistake and that it should be the Statute Law Revision Act, 1934. Also, I think there should be added after that Act the following words, otherwise it is meaningless:

so much of the Second Schedule thereto as relates to the Animals and Birds Protection Act, 1919, the Animals and Birds Protection

Act Amendment Act, 1927, and the Animals and Birds Protection Act Amendment Act, 1932.

Amendment No. 1833 of 1927 is not mentioned and I think there is also a mistake in one of the other numbers. These may be regarded by the House as trivia, but if we are to have an Act it should be correct, and I suggest that in Committee an amendment will be necessary.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Interpretations."

Mr. HALL: I move:

In subclause (1) (b) to strike out "proclamation" and insert "regulation".

This is one of the least important of the amendments I have listed. However, I believe that any alteration in the class of animal that is to be subject to this Act could be important, depending on the circumstances at the time. This part of the clause refers to any other class of the animal kingdom declared to be a class of animals within the meaning of the Act. Even though it is a small issue, I believe that it would be more appropriately dealt with by regulation, because we do not know how important it may be at some time in the future.

The Hon. D. N. BROOKMAN (Minister of Agriculture): The honourable member has given me a long list of amendments dealing, in almost every instance, with the substitution of the word "regulation" for the word "proclamation". I have been through these amendments as carefully as possible and tried to sort out what actions are related to legislation and what are related to administration. I agree with the honourable member that the Act should provide for a regulation where subordinate legislation is involved. However, there are certain acts of administration which the honourable member wishes to make a matter of regulation, and I do not accept his amendments in those instances. The present amendment is one in which there is no harm in its being a matter of regulation, and in fact it may be a useful amendment to the definition of "animal". Any variation in this definition would not require immediate action; it could be a leisurely matter, and yet it could affect the law considerably. Therefore, I support this amendment.

Amendment carried.

Mr. HALL: I move:

In the definition of "controlled species" to strike out "proclamation" and insert "regulation".

My earlier explanation also covers this amendment.

Amendment carried.

Mr. HALL: I move:

In the definition of "fauna reserve" after "proclamation" to insert "or regulation".

This is completely different from the amendments already moved. Provision is made later in the Bill to establish a fauna sanctuary by proclamation and I intend to move an amendment to clause 25, which deals with this matter, so that where the land or part of it is private land it shall be declared by proclamation but where it is Crown land I want it dealt with by regulation. If my later amendment is to be effective it will be advisable to alter also the definition of fauna sanctuary in this clause to read:

"Fauna sanctuary" means land which is a fauna sanctuary pursuant to a proclamation or regulation under this Act.

If this clause remains as it now stands I shall be unable to move my amendment to clause 25 that Crown land shall become a reserve or sanctuary only by regulation.

The Hon. D. N. BROOKMAN: I cannot accept this amendment because it deals specifically with administration. One of the biggest problems in conservation in all States, and probably all countries, has been too much restriction on executive control. The Act that we are repealing by this Bill goes further in most respects than does the Bill. Its weakness lies in that it is rather contradictory and therefore less effective. To make a fauna reserve, fauna sanctuary or game reserve is clearly an act of administration and should not be confused with what is properly called subordinate legislation. An absurd situation could be reached if this argument were followed. At present, without regard to proclamation or regulation, under any number of Acts the Government may sell or buy land, as long as it has appropriation to do so, or may lease it on practically any terms. The Government can acquire land, put a fence or wall around it, and impose all types of restrictions on the control of the land. The member for Gouger asks that when the land is turned into a fauna reserve it should be done by regulation. That is not a good thing to be faced by any Government. It is a purely administrative matter and I ask the Committee not to accept the amendment.

Mr. FREEBAIRN: I listened with interest to the Minister's explanation of his reason for opposing the amendment, but I regret to say that I could not follow his reasoning. To me it seems that a regulation is a much more

satisfactory means of administering a clause such as this because it gives Parliament the chance to consider it and disallow it if Parliament so desires. A regulation can become effective immediately. I support the amendment.

Mr. BYWATERS: I support the Minister, as time is the essence of the situation. An emergency may arise and if action had to be taken by regulation areas could be lost.

Mr. Shannon: Fauna could be lost, too.

Mr. BYWATERS: Yes. Parliament meets for a certain period each year and regulations have to remain on the table of the House for 14 days. Parliament is out of session for a long period, and much time could elapse before a regulation could become law.

Mr. Shannon: Fourteen sitting days is almost a month.

Mr. Hall: Regulations could become effective immediately.

Mr. BYWATERS: Regulations could be implemented but they could be disallowed when Parliament meets. It would be unwise to resort to regulations when we can trust the administrators of the Act to know when a necessity arises to proclaim certain areas.

Mr. Clark: The Minister is responsible.

Mr. BYWATERS: Yes, and he is responsible to Parliament.

Mr. Loveday: There is no sectional gain about this.

Mr. BYWATERS: That is so. This is something of extreme urgency for the future of the State. In the past valuable fauna has been lost because prompt action has not been taken. I hope the Committee will not accept the amendment and that it noted the words of the Minister when he said that this was purely an administrative matter.

Mr. JENNINGS: I oppose the amendment. I think the Minister put the position clearly when he said this was an issue that was not the subject of subordinate legislation. This is something purely administrative. The Minister gave a good example when he said the Government could acquire property, build a lake and put a fence around it, and generally make it a proper place for what is intended in the Bill, and then find that it was subject to disallowance. That would be ridiculous. The member for Light says that Parliament will not have any control over it: I would remind him that he has only to turn over one page to see that the Bill will be administered by the Minister of Agriculture.

Mr. HALL: I respect honourable members' views on this matter, but I do not think that

the matter of extreme urgency is a valid opposition to the amendment, because I believe that the Minister could act with as much expedition by regulation as he could by proclamation. We know that through regulation alienation of land might be disallowed but until that occurred I cannot see how land could be alienated for any other purpose, or that any species of animals might be endangered, because immediate protection could be provided.

Amendment negatived.

Mr. HALL moved:

In the definition of "fauna sanctuary" to strike out "proclamation" and insert "regulation".

Amendment carried; clause as amended passed.

Clauses 6 to 13 passed.

Clause 14—"Powers of inspectors and wardens."

Mr. CURREN: I move:

In paragraph (c) to strike out "building", "structure", and "place".

I do so because the clause as drafted gives inspectors unrestricted right to enter and search a person's home, and I oppose this right being given to them.

Mr. DUNSTAN: I understand that the honourable member is moving this amendment for the purpose subsequently of moving a further amendment to provide for a power of search of buildings, structures and places upon warrant issued by a justice of the peace. The basis of this objection is the old adage, which I think is written into most civil rights declarations, including the universal declaration on human rights, that a man's home shall not be searched without a warrant and due cause being shown. An Englishman's home is supposed to be his castle, but unfortunately there have been certain measures in the laws of this country that seem to have forgotten that principle. Although it is necessary for the purposes of this Act that persons and the vehicles or vessels in which they may be travelling may be searched when suspected, to enter upon a property and search it without due cause being shown upon evidence to some independent authority seems to me to be going too far.

Members on this side of the House have always opposed the issuing of general warrants for the search of private premises. Where private premises need to be searched, there is no difficulty in the way of an inspector satisfying a justice of the peace on oath that he has reasonable grounds for making a search. If

he does so, he can obtain a warrant. Otherwise, we are giving to a minor person in administration—albeit he may be a responsible person individually—a right simply of his own accord to go into any premises anywhere and search without having to show any cause to any independent authority for doing so. That is wholly against the original principles of the common law and every declaration of civil rights made in this country or upon international authority. I whole-heartedly support the amendment.

The Hon. D. N. BROOKMAN: For many years the Animals and Birds Protection Act has carried far wider powers for an inspector than are proposed under this Bill. These powers have been deliberately curtailed in the Bill before us. That Act provides that every inspector may at any time without any warrant other than the Act apprehend any person, enter and search any premises and place, and so on. This has been the law for a long time but I have never known of a complaint being made about an inspector having forced a search of any house or premises. The members of the Opposition have said that it is their policy not to give powers of search in cases like this.

Mr. Dunstan: Other than on a warrant.

The Hon. D. N. BROOKMAN: Yes, other than on a warrant. One has to acknowledge their point of view, but I personally cannot accept it. The amendment will seriously weaken the Act. The present position is fairly safe. An inspector has to be somewhat officious if he is to misuse the powers proposed under this Bill. The opening words of clause 14 are:

An inspector may for the purpose of the administration and enforcement of this Act . . . That is the very first qualification. His powers of arrest are only to detain a person until his full name and address are ascertained; and he may

enter and search any land, building, structure, vessel, boat, vehicle, receptacle, place, or thing in which he suspects, on reasonable grounds, that there is any animal, bird, carcass, skin, device, record or other thing—

and there is a further qualification still—

which is likely to afford evidence of an offence against this Act, or which it is necessary to inspect and examine in order to ascertain whether this Act is being complied with.

In order to tighten up the old Act, which has had no experience of the misuse of powers, those last words have been added, so I suggest there is no harm in agreeing with this clause. On the other hand, if an inspector

has to get a warrant to search a building, he may well lose the opportunity of getting a conviction. As I explained in the second reading debate, the most serious difficulty in administering this legislation is its enforcement. Our inspectors are on the job all the time and are working under the greatest difficulties to get convictions. They suffer severe handicaps in these days of motor cars and firearms, which are owned so freely. The inspectors do not want to be handicapped in getting a conviction by having to stop when they get to a door of a house. The Opposition will not complain if they enter vehicles, caravans, tents, house-boats or any other kind of boat; they object only to their entering a house. That may well lose them some convictions. A conviction under this legislation is valuable, not for any reason of vindictiveness against the guilty person but because it is difficult to catch people. We are all the time hearing of offences against the legislation and we are usually behind the offender, unable to catch him.

I could recount to the Committee many instances of the different dodges used to fool the inspectors. These examples are authentic although they may have no direct bearing on this amendment. For instance, a hearse has been used to carry protected ducks out of season out of the State, in the belief that the inspector would not stop a hearse and search it. Then we have heard of one of the rarest birds in the world, the Cape Barren goose, being shot. There are authentic records of its being shot recently—not in large numbers, but there are instances. We would do our utmost to get a conviction for a breach such as that. I believe that we might well find that an inspector would be thwarted while he had to go and find a warrant to follow up the trail.

All that is being asked here is that the inspector have the power to search these buildings, structures, etc., as long as he is doing it for the purpose specified in the Act and it is likely to afford evidence of an offence. The amendment seeks to strike out the word "place", and if that amendment were carried it would mean that an inspector could enter and search any land but not a "place". I think this amendment would seriously weaken the Act. On the other hand, the amendment seeks to alter a position which has worked without complaint, to my knowledge, for many years. I ask the committee not to accept the amendment.

Mr. DUNSTAN: The Minister has attempted to justify his opposition to this amendment

on two grounds. First, he said that the original Act went much further in transgressing the normally accepted rights regarding the sanctity of a man's private property than does this proposal, and therefore, since this is not as bad as the other thing, we ought to accept it. However, that still does not make this provision a good one. It is not any better for the fact that it seems to the Minister to be not quite as bad as the original Act. The Minister suggests that he has placed some limitations on the power of search by the wording of the subsection proposed to be amended. But, Mr. Chairman, the fact that the purpose of the search for the purposes of the Act is no different from the original Act and the fact that the individual inspector has to suspect on reasonable grounds places no hindrance upon him because, of course, he can say he suspects on reasonable grounds and who is to gainsay him? What test is there by any authority that he actually does suspect on reasonable grounds? It is left entirely to his own discretion; he is the judge of whether or not he has these reasonable grounds, and he is also the judge as to whether it is necessary, on the basis of his suspicion, to enter the property.

The whole principle of English law about entering of private property for the purpose of search is that where a person has a suspicion he must show that suspicion adequately to an independent authority, who may, because he is an independent authority—a person responsibly appointed by the community—be able to judge whether in fact administrative zeal is not being exceeded. The second thing that the Minister says is that there has not been any complaint of the use of a general warrant provision under the old Act. Well, Sir, one of the reasons for the introduction of this measure at the moment is that the problems associated with fauna protection are becoming very much more numerous. There will be more cases now where people's actions have to be investigated than was the case under the old Act, and, because of the increase of population, the increasing popularity of the sport, and the increasing sales of sporting guns, there will be more work to do under this legislation and we may well find in the future that there is some difficulty under the general warrants provision if we allow it to remain in the Act.

There has certainly been a number of complaints in relation to the general warrants provision under the Police Offences Act. The member for Torrens (Mr. Coumbe) well knows of cases of this kind because there was one in his district of which he is very well aware.

Mr. Jennings: And our amendment would not have prevented the search of the hearse.

Mr. DUNSTAN: Exactly. Our amendment does not alter the search of the hearse or of any of those other escaping devices the Minister spoke about. The Minister was unable to point to one specific instance from his memory of the departmental files where our amendment was going to make things more difficult. After all, it is for the protection of a man's own home by ensuring that it is not arbitrarily interfered with and invaded by an administrative authority. I hope that honourable members will support the amendment.

The Hon. P. H. QUIRKE (Minister of Lands): If the inspector is on the tail of an offender, all that the offender has to do is to leisurely go inside with his plunder, thumb his nose at the inspector, and say, "Go and get a warrant." The nearest justice of the peace may be 20 miles away down the river, and that would give plenty of time for the disposal of the goods. The inspector cannot go inside. Is there any alternative to that?

The Committee divided on the amendment:

Ayes (17).—Messrs. Burdon, Bywaters, Casey, Clark, Corcoran, Curren (teller), Dunstan, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, Riches, Ryan, Frank Walsh, and Fred Walsh.

Noes (18).—Messrs. Bockelberg, Brookman (teller), Coumbe, Ferguson, Freebairn, Hall, Harding, Heaslip, Laucke, McAnaney, and Millhouse, Sir Baden Pattinson, Mr. Pearson, Sir Thomas Playford, Messrs. Quirke, Shannon, Mrs. Steele and Mr. Stott.

Pair.—Aye—Mr. Hughes. No—Mr. Nankivell.

Majority of 1 for the Noes.

Amendment thus negatived.

Mr. CURREN: I do not intend to persist with my other amendments.

Clause passed.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 9.50 p.m. the House adjourned until Thursday, October 1, at 2 p.m.