

**LEGISLATIVE COUNCIL.**

Tuesday, August 25, 1953.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2 p.m. and read prayers.

**PERSONAL EXPLANATION.**

The Hon. R. J. RUDALL—I ask leave to make a personal explanation.

Leave granted.

The Hon. R. J. RUDALL—At one stage during the speech by the Honourable Mr. Cudmore on the Licensing Bill I interjected that during the period to which he was referring I was at the war. I thought he was speaking about conditions in South Australia, but it is quite apparent that he was speaking about conditions in England. Under these circumstances my interjection could be interpreted as a reflection upon his war service. Since this was pointed out to me it has given me the greatest concern. I wish to make it quite clear that such an intention never entered my mind. I have, and always have had, in common with every returned soldier, the greatest admiration for the war record of the honourable member, and the very gallant service given by him. I can only express my very sincere regret that my interjection was subject to this interpretation.

**QUESTIONS.****LOAN FUND ALLOCATIONS.**

The Hon. K. E. J. BARDOLPH—At the recent Loan Council meeting the Prime Minister stated that the amounts allocated to the States were arrived at by a formula which had been created by Treasury officials. Can the Chief Secretary supply full details of the formula?

The Hon. A. L. McEWIN—I have previously intimated that the formula is only applied when there is disagreement. The allocation of the Loan funds must be the unanimous decision of the Loan Council. No formula was applied at the last Loan Council meeting which I attended as Acting Treasurer. When the total amount to be allocated was decided it was referred to officers of the respective States and the Commonwealth to determine the distribution to the States. That was done and it came back as a unanimous agreement which was adopted and consequently there was no necessity for this or any other State to request the application of the formula.

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**NOARLUNGA MEAT WORKS.**

The Hon. L. H. DENSLEY (on notice)—What is the Government's objection to the slaughter of lambs for export at the Noarlunga Meat Works?

The Hon. R. J. RUDALL—With the satisfactory arrangement entered into between the Metropolitan and Export Abattoirs Board and the Meat Industry Employees Union, it is considered that the abattoirs will be able to handle all the lambs available for export in a satisfactory and expeditious manner.

**BIRDSVILLE STOCK ROUTE.**

The Hon. W. W. ROBINSON (on notice)—Has the Government received a report from the Engineer-in-Chief with reference to a complaint made last year by cattle station owners at Marree regarding the unsatisfactory condition of the artesian bores on the Birdsville track?

The Hon. A. L. McEWIN—Bores on the Marree-Birdsville stock route are controlled by the Department of Lands, but are inspected and maintained by the Engineering and Water Supply Department on behalf of that department. A member of the Pastoral Board recently inspected all bores along this route and prepared a comprehensive report. All bores are still satisfactorily performing the task for which they were sunk, viz., providing water for travelling stock, although at Goyders Lagoon and Dulkaninna bores water is escaping from the bore casing and emerging from the ground some distance from the bore head. The Department of Mines has been asked to make a report on these bores.

The Hon. W. W. ROBINSON (on notice)—Is it the Government's intention to provide in the Estimates for the grading of the Birdsville track from the New South Wales border to Marree?

The Hon. A. L. McEWIN—There is insufficient traffic on the Marree-Birdsville track to justify the enormous expenditure which would be necessary to grade this track. In any case, climatic conditions are such that any benefit resulting from the grading would quickly disappear unless continuous and costly maintenance operations were carried out. However, there is more traffic on the Marree end of this track, which, in addition to serving through traffic, serves a number of station properties. During the year 1952-53 a 35 mile section was bladed between Marree and Clayton Bore, and provision was made in the 1953-54 programme for further work on this section

and continuation of this work to Etudinna, 87 miles from Marree. This work has, in fact, already been carried out.

#### DISTRIBUTION OF *HANSARD*.

The Hon. F. J. CONDON (on notice)—

1. How many copies of *Hansard* are published weekly?

2. How many free copies, including the quota of members of Parliament, are distributed weekly?

3. How many copies are sold weekly?

The Hon. A. L. McEWIN—The replies are:—

1. 1,750.

2. Free—

Members' nominations . . . . .	815
General (newspapers, etc.) . . .	126
Institutes . . . . .	176
House of Assembly . . . . .	109
Legislative Council . . . . .	59

1,285

3. (a) Subscribers, 306; (b) sold over counter (average), 12.

#### JUSTICES OF THE PEACE.

The Hon. F. J. CONDON (on notice)—

1. How many nominations for the Commission of the Peace were received for the year ended June 30, 1953?

2. How many appointments were made for that period?

3. How many special magistrates were appointed for the year ended June 30, 1953?

The Hon. R. J. RUDALL—The replies are:—

1. 256.

2. 241. These include certain nominations received prior to June 30, 1952.

3. None, as no vacancies occurred.

#### SOUTH-EASTERN LAMBS.

The Hon. L. H. DENSLEY (on notice)—

Is there any agreement, written or gentlemen's, between the Government and Thos. Borthwick & Sons (Aust.), Ltd., regarding the disposal of lambs in the South-East during this year?

The Hon. R. J. RUDALL—No.

#### SUPPLY BILL (No. 2).

Received from the House of Assembly and read a first time.

The Hon. A. L. McEWIN (Chief Secretary)—I move:—

That this Bill be now read a second time.

The Bill provides for further supply of £6,000,000 for the Public Service for the year ending June 30, 1954. The amount provided

by Supply Act (No. 1), £6,000,000, will have been expended within the next few days, and further supply is necessary pending the passing of the Appropriation Act (No. 2). Clause 3 provides that payments made shall not exceed last year's Estimates except for the payment of increases of salaries or wages fixed by an appropriate tribunal, and authorizes the Treasurer to pay any such wage or salary increases.

The Hon. F. J. CONDON secured the adjournment of the debate.

#### PUBLIC PURPOSES LOAN BILL.

Received from the House of Assembly and read a first time.

The Hon. A. L. McEWIN (Chief Secretary)

—I move—

That this Bill be now read a second time.

I shall first explain the meaning of the various clauses and then give some information as to how the expenditure is to be applied.

Clause 3 defines the Loan Fund and the moneys that shall be paid into that fund. Clause 4 authorizes the Treasurer to borrow £25,118,000. This amount together with repayments to the Loan Fund, estimated at £2,500,000, is the amount required to finance the carrying out of the works set out in the First Schedule. Clause 5 authorizes the issue of moneys from the Loan Fund and their application to the purposes set out in the First Schedule. It also authorizes the Treasurer to vary the amount shown for any work or purpose if the amount indicated in the First Schedule is insufficient, but imposes the proviso that total expenditure must not exceed the total money mentioned in that schedule.

Clause 6 authorizes the Treasurer to borrow moneys required to repay advances from the Loan Fund which have been authorized by the Governor pursuant to the Public Finance Act and which are set out in the Second Schedule. Clause 7 authorizes the borrowing and issue of such moneys as are required to meet discounts, charges and expenses incurred in connection with loan raisings. Clause 8 provides for the use of other moneys, held by the Treasurer, to finance the cost of works if at any time there is insufficient money in the Loan Fund for that purpose, provided always that money so used must be repaid as soon as there is sufficient money in the Loan Fund to make the repayment.

Clause 9 provides authority for the Treasurer to borrow additional sums if further loan money becomes available during the year.

At the Loan Council meeting this year the Council approved a borrowing programme of £231,000,000. The Commonwealth Government however, was firmly of the opinion that this amount could not be raised, an opinion with which I agree. It undertook to support public loans with funds from Commonwealth sources to an extent which would provide loan funds to a total of approximately £200,000,000. This latter amount is the amount which may reasonably be expected to be raised, and the programme of works set out in the First Schedule is based on this State receiving its share of a total loan raising of £200,000,000. If, by chance, the loan market did yield an amount in excess of £200,000,000 this clause gives the Treasurer power to accept this State's share of the excess. Clause 10 provides authority for the Treasurer to borrow up to £7,000,000 pending the passing of the Public Purposes Loan Bill for 1954. Expenditure from these moneys is confined to works or purposes included in First Schedule. Clauses 11 and 13 define the duration of this Act.

The Commonwealth and State Housing Agreement and the Commonwealth Aid Roads Act provide for moneys to be paid to the State, and then for the State to make the payments prescribed by the Agreement and the Act. Clause 12 authorizes the Treasurer to accept these moneys, pay them to a special account in his books, and then to make payments for the purposes specified in the agreement and the Act. In so far as payments under the Commonwealth Aid Roads Act are concerned the procedure which has obtained since 1950 has been to credit these moneys to a special account in the books of the Treasurer and to make payments from the account for the purposes authorized by the Act. As the Act specifically recites that the moneys are payable to the State and the State is to authorize payments therefrom, Parliament is now asked to authorize this procedure. For the information of honourable members I will now give some details of the main works and purposes for which provision has been made in this Bill.

STATE BANK.—The principal items shown under the heading "State Bank" are:—

	£
Advances for homes . . . . .	1,050,000
Loans to producers . . . . .	400,000
Advances to settlers . . . . .	50,000
Advances to State Bank . . . . .	500,000

Under the Advances for Homes Act the State Bank provides finance to enable applicants to build homes, it assists applicants in the purchase of homes already erected, and for some

years past it has been actively engaged itself in contracting for the erection of homes under its group housing scheme. Last year, for instance, the bank provided finance for the completion of 531 homes, including 99 erected under the group housing scheme, and in addition 77 applicants were assisted either in the purchase of homes or in the discharge of existing mortgages. This year it is estimated that the bank will advance £731,000 to applicants to enable them to build their own homes, in addition to spending £100,000 on the erection of group houses. When existing contracts are completed the bank has decided to discontinue building group houses. To meet commitments on loans already approved £419,000 will be required. The Government's policy in advancing moneys under the Advances for Homes Act is to concentrate as far as is possible on making money available to applicants for the provision of new homes. Under the Loans to Producers Act the bank makes advances to co-operative societies, fruitgrowers, and cheese, butter and fishing industries for the provision of cold stores and for purchase of equipment, and the amount provided this year is required to enable certain co-operative societies to proceed with projects which have been placed before the Government for consideration pending Parliamentary provision of funds. The amendment to the Advances to Settlers Act which was made last session necessitates the provision of a considerably larger amount for advances to settlers this year than was provided in the Loan Estimates last year. This year the amount provided is £50,000, as compared with £5,000 last year.

LANDS DEPARTMENT.—The principal provision under this section is in connection with the Crown Lands Development Act where funds have been provided for the purchase and development of land for settlement in accordance with that Act. If any of the land developed under this Act is later included in the Commonwealth War Service Land Settlement Scheme, the State is then recouped by the Commonwealth the amount of expenditure made from State Funds.

IRRIGATION AND DRAINAGE.—Last year the amount spent on irrigation works was £136,000, and this year the expenditure is estimated at £245,000. This amount will be required principally for progress on the Loveday-Nookamka comprehensive drainage scheme, for electrification of pumping plants at Berri, Moorook and reclaimed areas, for erection of houses and buildings, and for sundry drainage works

and pipelines. Last year expenditure on drainage work in the South-East amounted to £327,000, and a further £450,000 has been provided for this purpose in this Bill. This amount will be required for further progress work in the western division of the South-East and for replacement of bridges and provision of new structures.

**WOODS AND FORESTS, £1,300,000.**—Last year's expenditure amounted to £1,075,000, but this year it has been possible to provide additional funds to enable a start to be made on the erection of a new central mill at Mount Gambier. The remainder of the money provided under this line is required for the purchase of land, for preparation of land for planting, for maintenance of forests, purchase of plant and machinery, erection of houses and other buildings. Provision has also to be made for the working expenses of the sawmills and for felling and hauling mill logs. Generally speaking it is proposed to maintain forest operations at much the same level as applied in 1952-53, and to similarly maintain production in departmental mills. It is estimated that revenue from the sale of forest products will amount to £1,100,000 during this financial year compared with £1,075,000 received last year:

**RAILWAYS, £3,000,000.**—The principal items comprising this estimated expenditure are as follow:—

	£
Ways and Works section—	
Strengthening and betterment work on various tracks ..	382,000
Housing for employees .. ..	162,000
Continuation of work of duplication of Goodwood to Marino line .. .. .	75,000
Purchase of land for railway development .. .. .	208,000
Rolling stock section .. .. .	1,853,000

The last mentioned amount has been provided for the purchase and construction of new rolling stock, included in which is £161,000 towards the purchase of Garratt type locomotives for use on narrow gauge railways, £225,000 towards the cost of 10 diesel electric shunt locomotives, £200,000 towards the construction of joint stock passenger and sleeping cars for the Overland express, £347,000 towards the purchase and erection of pancake diesel rail cars. Provision has also been made for the construction of a considerable amount of rolling stock for freight purposes. The State is not required to provide funds for carrying out the gauge widening project between Naracoorte and Mount Gambier, on which

considerable progress has now been made. This work is being carried out under the Railways Standardization Agreement and the Commonwealth Government finds the funds by way of advances to finance the work. In accordance with the agreement the State is required to meet three-tenths of the cost of this project and will pay its share of the cost over a period of 50 years.

**HARBORS BOARD, £950,000.**—Last year the actual expenditure was £900,000. The amount provided this year will be spent on the following projects:—Reconstruction of wharves and deepening of berths at Port Adelaide, provision of cargo sheds and rail tracks, rehabilitation of the dockyard, and purchase of land. Considerable work will also be carried out at various country outports such as Edithburgh, Hog Bay, Kingscote, Murat Bay, Port Lincoln, Port Pirie and Wallaroo. This year £150,000 has been provided for reconstruction of the coal handling plant at Osborne. This plant has now been in service for very many years and, whilst originally designed to handle half a million tons of coal a year, has actually during the last several years handled considerably more than that amount—in fact, last year the plant actually handled 872,000 tons—and the requirements of the State are such that it is probable that the plant will be required to handle nearer a million tons a year in the near future. It is therefore very necessary that this plant should be adapted to enable it to handle these larger tonnages.

**ENGINEERING AND WATER SUPPLY.**—Water-works and Sewers, £5,175,000—The amount provided for waterworks and sewers capital expenditures for this year is £1,294,000 greater than the amount actually spent last year, and this additional provision has been made to enable the department to speed up progress on the Mannum-Adelaide pipeline. An amount of £1,805,000 has been provided for this project alone for this financial year. The over-all provision includes £379,000 for the purpose of services and mains to connect new houses, £100,000 for works in the Barossa water district, £71,000 for projects in the Warren water district, and £777,000 for water supplies for various country water districts as follows:—Geranium, Milang, Meningie, Karoonda, Paringa, Loxton, Jamestown-Caltowie, Pinnaroo, Woods Point, and for the Nairne pyrites project. The sum of £367,000 is provided for works in the Tod River water district, principal of which is the Uley-Wanilla water supply, and £497,000

will be required to carry out projects in the Beetaloo, Bundaleer and Baroota water districts, of which the principal project is the Yorke Peninsula scheme which will this year absorb £290,000. An amount of £532,000 has been provided for Adelaide sewers and will be required mainly for miscellaneous extensions and minor works and for connections to new homes. Provision has been made for planning and preliminary investigations in connection with the proposed sewerage schemes at Mount Gambier, Port Pirie, Port Lincoln and Port Augusta. Under the River Murray Commission arrangements South Australia will be required to contribute £175,000 as its quota of the cost of work to be carried out during 1953-54, and provision is made accordingly in the Bill.

#### GOVERNMENT BUILDINGS AND LAND, £2,605,000.

—This amount will be expended on the following works:—

	£
Hospital buildings . . . . .	1,000,000
School buildings . . . . .	1,300,000
Police and courthouse buildings . .	80,000
Agricultural college . . . . .	15,000
Other Government buildings . . . .	200,000
Stores . . . . .	10,000

Hospital Buildings, £1,000,000.—£125,000 will be required to finance anticipated progress on the new nurses' block, the new boiler house, alterations to the lift and lift-house, of the Casualty Department, alterations and additions to various buildings, and new patients' block and new nurses' block at Northfield wards and at the Royal Adelaide Hospital. Work at the Western Districts Hospital is proceeding in a most satisfactory manner and £385,000 has been provided for progress expenditure this year. It is anticipated that portion of this hospital will be available to provide maternity accommodation during this financial year. An amount of £161,000 will be expended at Parkside Mental Hospital on the new nurses' home, new female treatment ward and admission block, new male T.B. ward, male treatment and admission block, and for alterations, additions, equipment, etc. At Northfield Mental Hospital £84,000 will be required to finance additional accommodation for 300 patients and for new residences and alterations and additions to various buildings. Work will also be carried out in order to provide for additional accommodation at Bedford Park, Morris Hospital, Northfield, Enfield Receiving Home, and Barmera Hospital, and at Mount Gambier where it is expected that some progress will be made with the new children's ward and the new general hospital. Alterations and additions will be carried out at Port Augusta, Port

Lincoln, and Port Pirie. At the latter place, in addition, £30,000 will be spent for a new theatre and men's block.

School Buildings, £1,300,000.—Of this amount £272,000 will be spent on new primary and infant schools, and £55,000 on alterations and additions to such schools at various localities. The sum of £57,000 has been provided for technical schools, principally for alterations and additions to provide additional accommodation. An amount of £31,000 will be required to permit progress to be made on new area schools at Allendale East and Yankalilla, and for provision of additional accommodation at other country centres. High schools expenditure will require £125,000, of which £84,000 will be spent on the new high schools at Naracoorte, Brighton, Minalton, and Adelaide Boys.

Again this year it has been necessary to make provision for the manufacture and erection of portable school buildings. The amount included in this section for this purpose is £310,000. The decision to erect portable buildings has been necessary to cope with the extraordinarily large number of new enrolments, and the policy of providing such portable classrooms has made a very substantial contribution towards meeting the classroom accommodation problem. The sum of £100,000 is required for septic tank installations and additional lavatory accommodation at various schools, and £82,000 has been set aside for purchase of land and residences for school purposes.

Police and Courthouse Buildings, £80,000—This will provide for new police stations at Williamstown, Naracoorte, Flinders Park, and Strathalbyn; new courthouses at Barmera, Berri, and Murray Bridge; and for residences and additions and alterations to residences at various centres. In addition, provision has also been made for the erection of a garage at the Police Barracks to house and service departmental vehicles and the ambulance services.

Agricultural College, £15,000—An amount of £15,000 has been provided for the building of a dairy, for cottages for farmhands, and for other minor works.

Other Government Buildings, £200,000—Of this amount £33,000 will be used for buildings for the Children's Welfare and Public Relief Department, in particular for a cottage home at Lochiel Park, new nurses' quarters at Magill Home, and for additions and alterations at various departmental institutions. The sum of £22,000 will be required to carry out extensions and alterations to the Yatala Labour Prison. Consequent upon the using of the Gladstone

Gaol again it is necessary to alter certain of the buildings there, and to provide for residences for staff, and these works will absorb £30,000. The balance of the provision under the heading of "Other Government Buildings" is required for making alterations and additions to the many Government buildings and for the provision of residences for departmental officers at numerous country centres.

**PRODUCE DEPARTMENT, £200,000.**—An amount of £50,000 is required for extensions to the slaughtering, refrigeration and treatment plant at Port Lincoln, including a new boiler and building to house same at these works, and for additional accommodation at Light Square. The sum of £150,000 has been provided for the financing of the slaughter of export lambs and the export of fruit during the period between the time of supply of service by the Produce Department and payment for those services by buyers on the export market. In prior years this lag has been financed from cash in the hands of the Treasurer but it is considered that the financing of this lag from the Loan fund is the more correct method of dealing with this matter.

**SOUTH AUSTRALIAN HOUSING TRUST WAR-TIME AND POST-WAR HOUSING, £1,000,000.**—An amount of £4,500,000 will be provided by the Commonwealth under the Commonwealth-State Housing Agreement in addition to the amount provided in this Bill. About £750,000 of the money provided in the Bill will be used to finance second mortgages on houses sold to purchasers. At the present time the amount of advances available from financing institutions, plus the cash deposit available from the purchaser, is in many cases less than the actual sale prices of the trust's houses, and in order that people may be able to obtain homes the Government has authorized the Housing Trust to take a second mortgage to bridge the gap between the total finance available and the current sale price. The bulk of the finance, of course, is provided by the lending institutions and the purchaser, the amount advanced under second mortgage by the trust being the minor part. About £250,000 will be required to complete a number of single unit rental houses which were in course of erection at June 30, 1953, but were in too advanced a stage to be included in the Commonwealth-State housing arrangement.

**LEIGH CREEK COALFIELD, £700,000.**—The principal single item included in this provision is £238,000 for progress work on the construction of the Aroona dam. The sum of

£211,000 will be required for the purchase of excavators and other earth-moving plant, and coal handling and coal treatment plant. It is very necessary that the Electricity Trust should proceed with all pace with further development of the field in order that it may be able to meet the larger coal production which will be required when the new power station at Port Augusta is brought into commission next year, and in the following three years.

**ELECTRICITY TRUST OF SOUTH AUSTRALIA, £4,200,000.**—The trust has a total capital works programme for 1953-54 of £8,089,000. The trust will provide:—

	£
From private loans approved by the Loan Council . . . . .	2,000,000
From the recent successful public loan . . . . .	1,000,000
From depreciation funds and the use of stores already in hand ..	889,000
Making a total of . . . . .	3,889,000
Leaving a balance to be provided from State Loan Funds, as provided in this Bill, of . . . . .	4,200,000

It is expected that £3,316,000 will be expended this year on the power stations at Osborne, Port Augusta and Port Lincoln. At Osborne progress payments on boilers and turbo-alternators to increase the generating capacity of Osborne "B" power station will absorb £861,000. When these boilers and alternators are brought into commission the generating capacity of Osborne "B" power station will be 180,000 kw. Work on the Port Augusta power station is proceeding satisfactorily to the stage where it is anticipated that some part of the generating equipment will be brought into commission next April. It is estimated that £2,404,000 will be required for work in connection with this power station this year.

Provision is made for the installation of three diesel alternator sets at Port Lincoln, and the completion of a powerhouse building to house the diesel section. Some preliminary work will also be done on the steam station as the trust is now calling for tenders for the turbo-alternators and will shortly be calling for tenders for the supply and erection of boilers. The amount which it is estimated will be required for Port Lincoln is £51,000. The sum of £997,000 will be required for the erection of high voltage transmission lines and for sub-station and transformer equipment associated with such lines. Extensions will also be made to existing sub-stations and

transformers to provide for the handling of increased loads, and this will necessitate expenditure of the order of £1,079,000.

Services for consumers and associated equipment will cost about £1,500,000. It is estimated that £1,000,000 will be expended during the year on the transmission and distribution system in the country, of which £465,000 will be used exclusively for providing supplies outside country townships.

The Hon. F. J. Condon—Will all this put one extra man on the land?

The Hon. A. L. McEWIN—I know the honourable member is not only interested in settlement of men on the land, but in keeping people already there on it, and that is an important aspect of this expenditure. The balance of the trust's programme covers such requirements as sundry capital expenditure, transport vehicles, workshop equipment, and plant and buildings for the construction of concrete and steel poles. Before leaving this item I would like to mention the amazing success of the recent public loan when £1,000,000 was subscribed almost wholly by small investors in a little over one day. The eagerness with which investors subscribed shows better than any words of mine the complete confidence which the people of this State have in this Government's policy for electricity.

MUNICIPAL TRAMWAYS TRUST, £600,000.—This amount will provide for loans to be made to the trust for the purpose of purchasing passenger vehicles and for rehabilitation of workshops and plant.

MINES DEPARTMENT, £372,000.—This amount will be expended on buildings, equipment, and scientific instruments.

URANIUM PRODUCTION, £3,096,000.—In accordance with the agreement entered into between the Export-Import Bank, the British Ministry of Supply and this State, whereby those bodies agreed to provide certain of the funds necessary to finance the capital development of the Radium Hill uranium deposits, £2,318,000 will be available during this financial year towards meeting the total expenditure shown in the Bill. The balance of £778,000 will be provided by the State as working capital in accordance with those same agreements. The Government has every reason to be pleased with its financial position. It has emerged from a period when loan funds were extremely short without having to dismiss its employees and without having to resort to cancellation of contracts. At the same time it has been able to make considerable progress towards

the completion of many of its urgent capital works. This progress will be continued during 1953-54 when a number of these works will be brought to the stage of completion. I therefore commend this Bill to honourable members.

The Hon. F. J. CONDON secured the adjournment of the debate.

#### POLICE OFFENCES BILL.

Second reading.

The Hon. R. J. RUDALL (Attorney-General)—I move—

That this Bill be now read a second time.

As its long title indicates, the main purpose of this Bill is to consolidate and amend some enactments relating to what are commonly called "police offences" and to the powers of the Police Force. The Bill was prepared as a result of suggestions to the Government by the magistrate of the Port Adelaide Police Court, Mr. L. F. Johnston. Mr. Johnston drew the attention of the Government to the anomalies and inadequacies in the penalties prescribed for offences under the Police Act, and also to the fact that the substance of some of the offences and the language in which they were expressed were not appropriate to present conditions. His criticisms were supported by other legal authorities and the Government decided to appoint a committee to review the Police Act with the object of producing a new code for submission to Parliament.

The Law Society was requested to nominate a legal practitioner to act on the Committee and it submitted the name of Mr. Travers, who is now a member of this Parliament, and has had wide experience as a barrister in all courts. Mr. Travers and Mr. J. D. O'Sullivan, who sometimes deputised for Mr. Travers on the committee, gave a good deal of their private time to the work of the committee in a most commendable manner. The other members of the committee were Mr. Johnston, S.M., Police Inspector T. O'Sullivan and the Parliamentary Draftsman. Both Mr. Johnston and Inspector O'Sullivan have had long experience in cases under the Police Act and were particularly well qualified to advise on desirable amendments. The committee held numerous meetings over a period of 2½ years and this Bill is almost entirely the result of its work.

The Bill contains two main groups of provisions. The first contains the clauses prescribing the various offences punishable under the Bill, together with the penalties. The second group

of provisions deals with the powers of the Police as to arrest and allied matters.

The Hon. F. J. Condon—Can the Attorney-General explain the reason for the vicious penalties provided throughout this Bill?

The Hon. R. J. RUDALL—I do not agree that the penalties are vicious; they are in accordance with modern conditions having regard to the offences concerned and the difference in money values.

The Hon. F. J. Condon—Then it is a revenue-producing measure?

The Hon. R. J. RUDALL—It is not, as the honourable member well knows. The offences are set out in clauses 6 to 58 inclusive. Most of the offences mentioned in these clauses already exist in the law, but there are several new clauses with which I will deal later on. The work of the committee as regards the old offences has not been to alter the nature of the offences but rather to deal with the mode in which they are expressed; and the penalties.

The sections in the Police Act which create offences are for the most part taken from English legislation of the first half of the nineteenth century. Many of them were taken from the Vagrancy Act of 1824. This Act set out a large number of offences, almost all of which were punishable by imprisonment without the option of a fine, and declared that a person who committed any such offence should be convicted as an "idle and disorderly person," or a "rogue and vagabond," or "an incorrigible rogue," according to the seriousness of the offence. A number of these offences were reproduced in legislation passed in this State many years ago and still appear in the Police Act in language very much like that of the English Act of 1824. An unsatisfactory feature of this legislation is that numerous classes of offences of varying degrees of seriousness are all punishable by the same penalty. In addition, the language in which the offences are described and, in particular, the references to "idle and disorderly persons," "rogues and vagabonds," etc., are inappropriate in a community such as South Australia is today.

Another source from which provisions of the Police Act were derived is the English Town Police Clauses Act, 1847, which created a large number of offences aimed at the maintenance of order in street and public places and prescribed for each of these offences a fine not exceeding 40s. This penalty is still retained in a number of sections in the Police Act, 1936, notwithstanding the great alteration which has taken place in the value of money.

A special difficulty which arises under the Police Act of 1936 is that by reason of overlapping provisions the same conduct is sometimes punishable under two or more sections carrying different penalties, and it is not always easy to determine what is the appropriate charge to lay against the accused person. All these factors justified a general review of the offences and penalties.

In preparing the clauses dealing with these matters the Committee has done five things,—

1. It has combined overlapping and duplicated provisions.

2. It has endeavoured to simplify the expression of the law taking into account the judicial interpretation of the existing provisions.

3. It has made minor amendments in the substance of the offences where modern conditions appear to demand such changes.

4. It has reviewed all penalties and endeavoured to fix penalties which are at the same time reasonable and consistent with each other. A good many penalties have been increased, but some have been reduced, and a large number of offences for which the Act previously prescribed imprisonment only, have been made punishable by a fine, with or without imprisonment. Every penalty mentioned in the Bill is the maximum for the particular offence; and in no case is there any restriction on the power of the Court to mitigate the penalties under the various Statutes providing for mitigation.

5. The Committee has proposed about six clauses setting out offences which are not in the present Act.

It is not necessary for me at this stage to mention in detail all minor amendments which have been made. These are indicated in a schedule which has been placed on members' files, and is designed to give them notice of the alterations which have been in the law so that they may have an opportunity to discuss them in committee or seek further information.

With regard to the new provisions creating offences I draw members' attention to the following clauses, namely:—

(a) Clause 11, which penalises the refusal to pay for meals or accommodation:

(b) Clause 24, which deals with certain unseemly conduct in public places:

(c) Clause 44, which deals with the use of other peoples' land for training or exercising horses:

(d) Clause 48, which extends the existing offence of defacing walls with writings or placards so that it will apply to roads and footpaths:

(e) Clause 57, which deals with the unlawful deposit of rubbish on other peoples' land; and

(f) Clause 63, which deals with self-inflicted injuries caused for the purpose of obtaining hospital treatment.



I will be glad to supply any further information on these clauses in Committee.

Clause 64 contains an amendment of the provisions under which municipal and district councils are empowered to accept small payments from persons guilty of minor offences, by way of expiation of such offences. The maximum amounts which can be demanded by a council are fixed by regulations and under the present law no sum in excess of 10s. per offence can be prescribed. The amendment proposed in clause 64 raise this maximum to £1. The amendment merely means that the Governor may make regulations fixing an expiatory payment up to £1 for any specified offence, and the regulations will, of course, be laid before Parliament and be subject to disallowance. The amendment is asked for by the Adelaide City Council. The Government understands that the power to fix a higher amount is required mainly in order that a special rate of payment may be prescribed for the offence of parking in prohibited areas and prohibited streets. These prohibited areas and streets are, as a general rule, created for the purpose of facilitating commerce and industry, and it is a somewhat more serious offence for a private vehicle to be parked in these areas and streets than it is to park them in other places. The problem of private motor vehicles occupying space for long periods in areas reserved for the loading and unloading of vehicles was considered some time ago by the State Traffic Committee; and the committee passed a resolution in favour of increasing the maximum payment which could be demanded from offenders for this class of offence.

Clauses 67 to 82 deal with the powers of the police as to arrest and allied matters. These clauses are not intended to give additional powers to the police. They make some amendments of the law, but are mainly consolidation. Provisions which are merely repetition of others are omitted and in some clauses the language is simplified. The amendments proposed in these provisions are in the interests of accused persons. For example, clause 80 provides that if a person arrested without a warrant—that is, on suspicion of having committed an offence—is taken to a police station and the police officer in charge is not willing to release him on bail the officer must, if requested by the arrested person, immediately bring him before any justice who may be present in order that an application for bail may be made to and dealt with by the justice.

Clause 81 contains another new provision in the interests of arrested persons. This clause deals with the medical examination of a person who is in lawful custody on a charge of an offence. By subclause (3) it is provided that before an arrested person is medically examined at the request of a police officer, the officer must inform him of the proposed examination, and ask him whether he desires to be examined by his own medical practitioner, and if he does so desire, endeavour to secure the attendance of that practitioner.

Another clause in which alterations of the law in favour of the general public are proposed is clause 85. Under the present law any proceedings against a police officer for an allegedly wrongful act or omission must be commenced within two months after the act or omission, and ten days' notice of the intended action must be given. In line with alterations of the law made in England in recent years it is proposed to extend the time for commencing such actions to six months, and abolish the necessity for a notice of action. In fact, a notice of action given 10 days before the writ is issued has no particular value. From what I have said it will be seen that there is nothing drastic in this Bill. Its main effects may be summed up by saying that it is an attempt to state the law more clearly, to prescribe moderate and consistent penalties commensurate with the present value of money, to introduce a small number of new offences for the maintenance of public order and the protection of the public and, in general, to produce a statute which it is hoped will simplify the work of those concerned with the administration of the Police Act.

Finally, in preparing the Bill the committee has taken note of the difficulties of interpretation pointed out by the Judges of the Supreme Court from time to time; and although one cannot hope that there will never be such difficulties in future an attempt has been made to deal with the difficulties which are now known.

The Hon. F. J. CONDON secured the adjournment of the debate.

#### PRISONS ACT AMENDMENT BILL.

Second reading.

The Hon. A. L. McEWIN (Chief Secretary—  
I move—

That this Bill be now read a second time.  
This Bill has been introduced to deal with a legal difficulty in connection with prisoners from the Northern Territory who serve their

sentences in South Australian State prisons. By the Commonwealth Act known as the Removal of Prisoners (Territories) Act, 1923-1950, it is provided that the Governor-General, with the concurrence of the Government of a State, may order a prisoner to be removed from a Commonwealth territory to a State for the purpose of serving his sentence in that State. Such an order can be made where there is no prison in the territory in which the prisoner can properly undergo his sentence, or where the removal of the prisoner to a State prison is expedient for his safer custody or for more efficiently carrying his sentence into effect. The Commonwealth pays the cost of maintaining any transferred prisoners. Under this Act a number of prisoners have been removed to Yatala, sometimes in their own interests, and sometimes for disciplinary or administrative reasons.

Last year the Commonwealth requested the State to carry out sentence of death imposed by the Supreme Court of the Northern Territory on two persons convicted of murder. The seriousness of this request led to a careful examination of the constitutional validity of the scheme for transferring prisoners. The then State Crown Solicitor (Mr. Hannan, Q.C.) and the Commonwealth Solicitor-General investigated the question whether the Commonwealth Act was valid, and whether, if it was valid, it was binding on State authorities or only on Commonwealth authorities. The legal officers did not reach complete agreement on all the legal questions involved, but as a result of their discussion it was agreed that in order to remove any doubt as to the validity of the scheme, the State Parliament should be asked to pass legislation complementary to the Commonwealth Act. The Commonwealth Act is based on the assumption that the State Government has power to concur in the removal of prisoners to State gaols; and may be the Commonwealth Act gives such a power. But no State Act confers such a power. The legal position is doubtful and, in a matter of this kind, it is essential that there should be no doubts. It is therefore proposed in this Bill to empower the State Governor to concur in the making of any orders by the Commonwealth Governor-General for the removal of a prisoner from a Territory to the State.

The Bill also declares that a warrant for the removal and detention of such a prisoner shall be binding in the State upon all persons to whom it is directed and that the detention and punishment of a Territory prisoner in the

State in accordance with the Commonwealth Act shall be valid. These provisions will enable the presents arrangements, which have been beneficial from several points of view to continue on a sound legal basis.

The Hon. F. J. CONDON secured the adjournment of the debate.

#### HEALTH ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 20. Page 445.)

The Hon. F. J. CONDON (Leader of the Opposition)—As stated by the Minister the Bill will extend the present provisions of the Health Act to the country and provide the re-enactment of four sections affecting the control of offensive conditions created by trades or businesses. These provisions were repealed by the Noxious Trades Act, 1943, and were not proclaimed until 1948. I have received a number of complaints as regards nuisances caused in close proximity to houses. People who have built new homes find that they are surrounded by noxious trades. Before an area is gazetted as a noxious trades area certain advertisements appear in the press, but people do not always take notice of them and find themselves at a disadvantage. Recently a number of houses have been built around these areas, which have been further extended. I took up the matter with the local Board of Health and the reply I received was that it was Parliament's duty to deal with the matter. In 1943 the Act made consequential amendments to the Local Government Act of 1931-34 and the Health Act 1935-41. During the past few years advantage has been taken of New Australians who were sold land at exorbitant prices. I had a look at some of the land in my district recently. It is very low-lying and obviously the people have been taken down. Probably some of the purchasers were at fault.

There should be some control over persons who erect skin sheds or start some other noxious trade. I would not like to live in some localities, for instance, where there are rubbish dumps. Certain trade areas were considered satisfactory a few years ago, but now they are surrounded by houses and councils find themselves in difficulties on health questions. Close to Junction Road, Wingfield, a number of houses have been recently erected but the owners find that there is a rubbish dump almost in the midst of them. I inquired from the Harbours Board whether it was possible to use as a rubbish tip some of the land it recently acquired for its harbour

improvement scheme, but it stated that it hoped to build on the land in several years and wanted a strong foundation. What might have been all right for a rubbish dump several years ago is not all right today. At present, before any regulations are made, the Minister must publish in the press circulating in the district a notice of his intentions. This applies to the metropolitan area, but the Bill will make it also apply to the country. Country members should study this legislation to see what its effect will be. We are recommending legislation which we repealed in 1943 but which was not proclaimed until 1948. New section 89 provides for the matter previously dealt with by repealed sections 90, 91 and 92. The repealed sections state:—

If, in the opinion of (a) the local board or (b) any two legally qualified medical practitioners, or (c) any six householders of the district any place used for any trade or business is or is likely to become injurious to the health of or offensive to any of the inhabitants of the district or any person employed therein the local board may institute summary proceedings against the person by or on whose behalf the trade or business is carried on.

Section 91 deals with removal of an offensive trade or business after application is made to a court, and section 92 enables the court to suspend its final determination. New section 89 provides that the local board of health can institute proceedings. Section 123 of the Health Act deals with drains, ventilation and sanitary requirements in the metropolitan area. The Act provides that plans must be approved before a house is occupied but the Bill provides that plans must be approved

before the construction is commenced. The section is not to apply to any part of the State to which the Building Act applies, under which a person can construct a house, but cannot occupy it until plans are approved. At Gilles Plains numbers of houses remain unoccupied because they are not connected with the sewerage system. The Building Act applies to some places in the country, but not to all places. In the Wingfield district, which has been declared a Noxious Trades Act area, new firms have started business and extended their premises which are close to occupied houses. I support the second reading.

The Hon. J. L. COWAN secured the adjournment of the debate.

#### MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) ACT AMENDMENT BILL.

(Continued from August 20. Page 446).

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

#### MENTAL DEFECTIVES ACT AMENDMENT BILL.

(Continued from August 20. Page 448).

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

#### ADJOURNMENT.

At 3.18 p.m. the Council adjourned until Wednesday, August 26, at 2 p.m.