

## LEGISLATIVE COUNCIL.

Wednesday, September 23, 1953.

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

## QUESTION.

## COAL REQUIREMENTS.

The Hon. K. E. J. BARDOLPH—I ask leave to make a statement prior to asking a question.  
Leave granted.

The Hon. K. E. J. BARDOLPH—In yesterday's *Advertiser* an article from Canberra, dated September 21, under the heading "Forced Sale of Coal Plant" contains this statement:—

Over-estimation of Australia's coal needs, especially by the Victorian and South Australian Governments had forced the Australian Coal Board to sell nearly £4,000,000 worth of open cut mining equipment, the chairman of the Joint Coal Board (Mr. S. F. Cochran) told the Parliamentary Public Accounts Committee today.

The report lays the blame upon the South Australian and Victorian Governments. Has the Chief Secretary seen this report and is Mr. Cochran's statement true in substance or fact?

The Hon. A. L. McEWIN—I did see the report on which the Premier made a statement yesterday. I do not feel that I should be asked to decide the veracity of Mr. Cochran's statement. The figures supplied by the Premier reveal that, even though the State has been forced to develop its own lower grade coal because supplies were not coming forward from New South Wales, the importation of coal from New South Wales is actually affected by only 200,000 tons per annum. That reduction has been caused because the Coal Board has been unable to provide adequate supplies and the State Government has had to take other steps to provide for essential services and private enterprise has also been forced to make adjustments to their furnaces to enable them to burn lower grade coal. Another contributing factor is the extremely poor quality of coal coming from New South Wales. Although we recognize that we do not possess high grade coals the coal we have received has been below standard. When people are not supplied with essentials, alternative steps must be taken. It is not a question of the State breaking down on its obligations because it has stood up to them in looking after its people and using its own resources as an alternative to the breakdown of coal supplies from New South Wales.

## LICENSING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 2. Page 603.)

The Hon. W. W. ROBINSON (Northern)—I commend previous speakers for the moderate and fair manner in which they have spoken. I do not propose to speak at length but it is neither proper, nor desirable, when discussing what might be termed one of our most controversial social questions, for a member to cast a silent vote. In explaining the Bill Mr. Cudmore said that he had not been approached by any interests. Nobody has asked for the legislation and I believe that only a small minority wants it. The country hotelkeepers I have approached suggest that the proposed hours are not suitable for their conditions. Country people come into town from long distances and spend a few hours there during the afternoon. Hotelkeepers are not in favour of closing their establishments during that time. Many hotelkeepers and employees view the suggested broken hours with apprehension because they will add to the costs of overtime and from the employees' viewpoint they are entirely unsatisfactory. Mr. Cudmore said that the conditions in Queensland and Western Australia were preferable to those in South Australia. I cannot speak of conditions in Western Australia, but some friends who visited that State recently said that the evening drinking which occurred there, in some cases by man and wife and even the children, was undesirable and they hoped it would not be introduced into South Australia. An article in the *Mail* of Saturday stated that the Licensed Victuallers Association in Western Australia waited upon the Minister of Justice, Mr. Nulsen, and asked for an extension of hours. However, the Premier, Mr. Hawke, disagrees with longer hours and has publicly disclaimed responsibility for Mr. Nulsen's views. There was much in that article which I do not intend to read because it was rather an indictment of Western Australia and without corroborative evidence it would not be fair to do so, but I draw attention to the fact that the Premier of Western Australia has expressed his personal views in opposition to an extension of hours from 9 p.m. to 10 p.m. It was also stated that Victoria and New Zealand were likely to extend the hours. However, Mr. Cain, the Victorian Premier, has publicly stated that he at least is opposed to it, and a referendum was taken in New Zealand in 1949 when the vote was 75 per cent against an extension of hours.

The second provision in the Bill is the abolition of local option polls and the transfer of the administration to a court. The Chief Secretary in his excellent speech quoted the case of Port Pirie. A local option poll was taken there during the 1950 elections and the people voted for an increase. I believe there was a particular reason for it: in Port Pirie a body known as the Broken Hill Associated Smelters Sports Committee has been operating for 35 to 40 years in arranging an annual picnic into the country, and the efficient manner in which they have run this picnic sports meeting has built up much goodwill towards it. In the 1950 poll the sports committee sought a licence for its club which was to be established in business premises they had acquired. The verdict of the people was in favour of an increase purely out of goodwill towards the committee. The people thought they were voting for one extra licence, but since then the court has granted two additional hotel licences and two wine licences. Another wine licence was sought, but when the vote was taken in the 1953 elections the verdict was reversed and that licence was not granted.

The Hon. K. E. J. Bardolph—The honourable member is arguing against local option polls?

The Hon. W. W. ROBINSON—There are some anomalies in the system.

The Hon. K. E. J. Bardolph—You have just quoted one.

The Hon. W. W. ROBINSON—I am quoting what the court did after the 1950 poll.

The Hon. K. E. J. Bardolph—But that was with the consent of the people.

The Hon. W. W. ROBINSON—The court was given authority by that poll, of course, but the court acted, I consider, contrary to the verdict and wishes of the people. I should like to mention the great improvement which has taken place in accommodation in many country hotels. It is becoming the practice for sporting bodies and quite a number of families to entertain at these hotels where they get now very good service. In my experience, however, the present hours in which liquor may be partaken at meals, namely, 6 p.m. to 8 p.m., do not provide sufficient time, particularly for dinners run in connection with sporting clubs where they have a toast list. The time is insufficient to permit proper completion of the meal and I would favour an extension of one hour for that purpose. We have been operating under the present law for 38 years and I believe it has been a great improvement on the conditions prevailing previously. I therefore will vote against the Bill.

The Hon. S. C. BEVAN (Central No. 1)—I commend the sponsor for his very capable presentation of the Bill and feel rather envious of his ability. Most aspects of the measure have been dealt with by the commendable speeches we have heard, but I feel that I should add my comments so that I may not be accused of being a political fence sitter. The measure deals with two important aspects of the Licensing Act—the local option polls and the hours of trading. I will not use the phrase “extension of hours” because that is not proposed; it is rather an alteration of hours. I do not support the proposed alteration of hours because I would not be a party to telling any person that he should put in 12 hours a day up to 10 p.m.

The Hon. A. J. Melrose—They are doing 13 now.

The Hon. S. C. BEVAN—They are not, although the hours are spread over that period. The measure provides for hotels to open at 10 a.m., with a two-hour break during the day, and to remain open until 10 p.m. The work of barmen and other hotel employees would not cease at that hour as they always have a certain amount of work to do after the bar is closed. If it were not done then, they would have to start work earlier than 10 a.m. the following day to be ready to serve the public at the opening hour. I would not subscribe to a man's ordinary hours finishing at 10 p.m. on six days a week.

The Hon. C. R. Cudmore—Plenty of people work after that hour.

The Hon. S. C. BEVAN—I am speaking of ordinary hours. I know that shift workers work after that hour, but that is not to say that I subscribe to that. If the Bill is passed, hotelkeepers will have to make provision to meet the changed conditions. That is an industrial matter.

The Hon. C. R. Cudmore—Do you favour stopping the trams at 10 p.m.?

The Hon. S. C. BEVAN—They are working under a different system, and the men do not start at 6 a.m. and work through to 11.30 p.m. I do not believe that an employee should be required to take off a couple of hours during the day.

The Hon. N. L. Jude—How many barmen work only three hours a day now?

The Hon. S. C. BEVAN—I am speaking of permanent and not casual employees. If the Bill is passed it may mean that hotelkeepers will have to provide for some casual employees, or do the work themselves; but we have been

told there is no unemployment in South Australia, so where are they to get the temporary employees? They cannot be picked out of a hat. They could not be obtained from other industries unless a man is to work during the day as well as during the night. I do not agree that a man should work in an industry for eight hours during the day and then work in another industry for four hours at night. That is opposed to the principles of trades unionism.

The Hon. Sir Wallace Sandford—Have you attempted to stop it?

The Hon. S. C. BEVAN—When I was secretary of an industrial union I did stop it. Honourable members may say that the hotel trading hours involve an industrial question, but that does not influence me. I have had 10 years' experience in industrial courts, and it does not influence me for anyone to say that you can get other conditions provided. What can an employee do during the two hours he is stood off? If he lives in an outer suburb it would be useless to go home, because of the travelling time involved. He would no sooner arrive home than he would have to leave on his return. So, he must amuse himself around the town the best way he can and then return to work.

The Hon. C. R. Cudmore—What happened in 1942 when—?

The Hon. S. C. BEVAN—This is 1953. We could consider what happened in earlier years, but I have no knowledge of what happened when hotels closed at 11 p.m. Something must have happened for the closing hours to have been altered to 6 p.m.

The Hon. N. L. Jude—Do you remember when hotels closed in the afternoons?

The Hon. S. C. BEVAN—That was during the war years when there was a national emergency. Some honourable members have said from time to time that we should get away from all restrictions introduced during the war. I suggest that it is futile to say that because something was done in a national emergency it should prevail now. An alteration of trading hours as suggested would not be in the best interests of the community, and I oppose any change. I cannot see how we could have the trading hours for a hotel near the East End Market from 5 a.m. to 6 p.m. and to declare a nearby hotel in Rundle Street outside the precincts of the market to have trading hours of from 10 a.m. to 10 p.m. A similar position could apply in an industrial area. This provision would cause more confusion

than any other type of legislation. We often hear references to standardization but there is no standardization in this proposal. Conditions in other parts of the world have been mentioned, but I instance Geneva, where liquor can be procured and consumed at 2 a.m. During summer months tables and chairs are placed on the footpaths and pedestrians must walk on the roadways to pass. A person can sit in comparative comfort until the early hours of the morning drinking. I cannot visualize hotels in King William Street having their bars on the footpath with tables and chairs provided. It would not be practicable nor would I like to see the practice introduced.

The Hon. C. R. Cudmore—Did you see many drunks at Geneva?

The Hon. S. C. BEVAN—No, and I will admit that; nor did I see many drunks in London, which has been cited as an example in support of this legislation. In the East End of London I have seen workers and their wives go into the "local," order one pot of beer each, and enjoy a social evening. I could not imagine Australians spending an evening with only one pot of beer. They are not made that way. It is no argument that because conditions prevail in another part of the world they should prevail here. A fair comparison cannot be drawn and I feel that I must oppose any alteration of hours. I do believe there should be some alteration in the conduct of local option polls. Suburbs which formerly were scattered have developed extensively because of increased building. Suburbs have sprung up within suburbs and no hotel facilities exist. There has been a considerable extension of the Prospect district, but there are no hotels there. There are facilities on the borders of the district, but under the present system of local option, held in conjunction with State elections, persons who are already catered for can decide what others less fortunate will enjoy.

Although there is provision to restrict a poll to a specified area I cannot remember that ever being done. The present system does not provide a true reflection of public opinion. Some persons exercise their right of voting, but the great majority does not yet we are told that the vote expresses the wishes of the people. I do not believe that all the present provisions should be repealed nor that a single judge should determine these matters. The responsibility should not be placed on one man. A competent board should be established with full power to conduct inquiries, hear witnesses, and obtain a comprehensive picture of

the situation. It should also have power to transfer licences from one place to another. I believe that certain interests use local option polls as a political move to create elections in areas where they would not otherwise be held. I do not suggest that any member should expect to be returned without opposition because any qualified person has the right to nominate for State Parliamentary honours, but the local option system should not be used as a means for holding an election. It should be mandatory that if a local option poll is to be held it shall be confined to a specific area. Alternatively, I suggest the establishment of a competent board.

The Hon. F. J. Condon—Every member has suggested that there should be some alteration to the system, but alterations cannot be made if they do not support the second reading.

The Hon. S. C. BEVAN—If the second reading is not carried the measure will be defeated. I agree that there should be an alteration of the hours for supplying liquor with meals. On many occasions conferences are held by business people in city hotels but before dinner is concluded, at 8 p.m. supplies of liquor cease.

The Hon. C. R. Cudmore—Permits may be obtained.

The Hon. S. C. BEVAN—Yes, and I have obtained permits for the industrial association with which I was connected. There are occasions when a man has visitors from other States to whom he desires to show hospitality and he takes them to dinner at an hotel. After 8 p.m., irrespective of whether or not he desires it, no more liquor is served. I support Mr. Robinson's suggestion that the hours should be extended from 8 p.m. to 9 p.m. Nor have I said I will not support the second reading. It has been intimated that certain amendments are to be submitted and because I want to see the effect of those amendments I will support the second reading.

The Hon. J. L. S. BICE (Southern)—I am sure all members have been impressed by the manner in which this debate has been conducted and I join with others in complimenting Mr. Cudmore and the Chief Secretary particularly on their brilliant contributions. I feel that others have expressed my point of view in principle and it is difficult for me to advance the matter further.

The Hon. K. E. J. Bardolph—Have you made up your mind yet?

The Hon. J. L. S. BICE—My mind has been made up for a very long time on this very important question. I have done a good deal

of homework in perusing the debates which took place on the same topic in 1908, 1914-15, 1935 and 1938. My father adopted a very definite attitude in connection with the 1908 Bill and I am quite happy to follow his lead. Mr. Cudmore said he paid considerable attention to the motion submitted by Sir David Gordon which resulted in a referendum. That motion was ably supported by Sir Edward Lucas, at that time Leader of the Liberal Party.

The Hon. K. E. J. Bardolph—Why shelter behind a referendum?

The Hon. F. J. Condon—Because he has made up his mind.

The Hon. J. L. S. BICE—That is very nice of the Leader of the Opposition because it is a very definite statement. In common with many members I have received numerous letters—some in the form of petitions—and I was rather surprised to see the names of some of the people appended thereto because I would have thought some of them would have been rather inclined to support longer trading hours and more freedom in drinking. I have not yet replied to any of the letters as I have adopted the attitude that when the Bill is finally disposed of in this Chamber I will, perhaps, send to those writers whom I think should be informed a statement of what has taken place; this will also give them a very clear idea of the tremendous amount of work that members put into a subject such as this.

I have been somewhat amused by the publicity given this measure by comparison with that in respect of many other important Bills which come before this Chamber. When the Hon. E. W. Castine presented his petition in 1935 I was impressed by the prominent part played by Sir Langdon Bonython. He and the late Bishop of Adelaide were two of 23 important citizens who opposed the Bill then submitted by the Hon. S. R. Whitford. I have been somewhat hazy in regard to local option. Shortly after the Bill came before us I discussed the question with a young lawyer whom I consider to be rather brilliant and he informed me that our Licensing Act was one of the most difficult statutes on which to present a firm opinion and that it certainly needed amending. When the 1915 Bill was being discussed in another Chamber the Hon. A. H. Peake drew attention to one of the difficulties which had arisen in regard to local option, namely, the decision of the Licensing Court to transfer a certain licence to Waikerie against considerable opposition by the local people. Fortunately for Waikerie

the people subsequently agreed that the transfer should take place. I am sure that Mr. Rowe rather surprised many members by quoting the provisions of section 223 and I think they could very well have been utilized by people desirous of transferring certain licences to Taillem Bend and Coonalpyn. I have a vivid recollection of a notice posted in the town of Port Noarlunga in 1932 intimating that a certain gentleman would present his case to the Licensing Court at a certain time claiming that the licence for the Horseshoe Hotel should be transferred from Noarlunga to Port Noarlunga. Although our family had property down there we were outside the area prescribed by the judge wherein the vote was to be taken. After the Second Valley hotel was burnt down the licence was transferred to the Hotel Victor at Victor Harbour. These things convince me that there is much good in the present Act and that we should be cautious about amending it. There is no need for me to talk at great length. I intend to oppose the second reading.

The Hon. J. L. COWAN (Southern)—The Bill has been so thoroughly debated that I do not intend to speak on it at length. In common with other honourable members, I received prior to the introduction of the Bill and since many letters, and almost without exception they have requested me to oppose the measure. I was also contacted personally. I understand that the proposed change in hours was not sought by the Licensed Victuallers' Association, nor is it acceptable to the Temperance Alliance and the many church organizations which have expressed views on it. I intend to vote against the second reading, but hope that some good will result from its having been introduced in such a masterly way by Mr. Cudmore. It involves a very important social question on which there is no room for extremist ideas from one side or the other. I strongly support the Chief Secretary's suggestion that all sections of thought should get together and try to arrive at a compromise which would be acceptable to all and be a benefit to the State, and that we may as a result of these deliberations have another Bill introduced.

I would support an extension of hours during which liquor could be served at meals in hotels, and that hotel lodgers should have greater privileges by being able to invite friends to a meal at an hotel. There should be some alterations in the conduct of local option polls. I am strongly opposed to these polls being held during any Parliamentary election. Prior to and at the last State election I found it most undesirable that these polls should be

conducted during the course of a campaign. I am sure it would be in the best interests of everyone concerned that no more polls be conducted during such a period. I will oppose the second reading in the hope that something good will result from the introduction of the Bill by the introduction of another on the lines I have indicated.

The Hon. A. A. HOARE (Central No. 1)—I am not deviating one inch from my stand on the six o'clock closing of hotels, but I think it is only fair and reasonable that I should vote for the second reading and thus give members a chance to alter it. I have always thought it democratic that we should obey the wishes of the people expressed through a referendum. We boast about our Senate voting as being the fairest, because the people vote as one and everyone over 21 has a vote. Much has been said about workers and their drinking hours and swills. In the big industrial centres of Port Adelaide, Wallaroo and Port Pirie the workers at the 1915 referendum voted in favour of six o'clock closing. There has been no request for another referendum since. The 1915 referendum was the result of a request to the then Premier, the Hon. A. H. Peake, who said that he would not grant it unless he was returned as Premier. New South Wales has held two referendums on the question and on each occasion voted in favour of six o'clock closing.

I have in mind the working conditions of hotel and other employees. There was a time when men worked for 12 hours a day, but now we have a 40-hour week. Whereas on Friday evenings others workers can lay down their tools and have a rest from work until Monday morning, barmen have to work on Saturdays. They and hotel licensees should be entitled, after finishing work in the evenings, to have tea with their families the same as other workers, and in the summer have the privilege of going down to the beach for a cool-off or attend trotting meetings on Saturday evenings. We do not complain about butchers and bakers finishing work on Friday afternoon and not returning until Monday morning. The unions of Australia should agree to the practice already followed in New South Wales and South Australia of hotel employees knocking off at 6 p.m., and being free for the rest of the day. In advocating an extension of hours, some members seem to have no consideration for the youth of Australia. I have been to Western Australia three times and I saw drunkenness there. Wherever there is liquor someone will be found drunk at some time.

One member said that when he was in Glasgow he did not see any drunkenness for a year. I have not seen any drunkenness here for over a year nor have I seen any person drunk in charge of a vehicle but police reports indicate that there is drunkenness and drunken driving. Wherever liquor is sold there is drunkenness at some time or other. I will support the second reading because some good may result from suggested amendments to the local option system. My son recently told me that a local option poll was being held in a hall near the Cheltenham racecourse but I knew nothing about it. Had it been publicized I could have investigated the position. Local options may be worth while if conducted honestly and fairly but a person should reside in the locality to qualify for a vote. On occasions, local options are held to decide the number of hotels in a district. Some years ago about 23 hotels were closed in the Port Adelaide district. There were two at Rosewater; one was frequented by hay carters from Virginia because it had provision for the stabling and feeding of horses but the other had no room for their carts. The former was closed but I believe that the hotel which provides the most service should remain. I will vote according to my beliefs.

The Hon. C. R. CUDMORE (Central No. 2) —I thank members for the close attention they have given to this Bill. It is my fourth attempt to do something to bring about more reasonableness in our licensing legislation. Perhaps it is rather invidious to select certain speeches to comment on but I particularly refer to the speeches of the Chief Secretary, Mr. Melrose and Mr. Bevan. The Chief Secretary obviously gave this matter grave consideration and he made a number of suggestions which may possibly bear fruit. Mr. Melrose very quietly suggested that we should at least try something different from our present legislation. The basis of his appeal was, "Let us try something else." If the introduction of this Bill has done nothing else, it has clearly shown that there is a general feeling that there is something wrong with our licensing legislation and members apparently agree that it is time something was done. I apologize to members who may, perhaps, have had to overdraw their stamp allowances during the last two or three months. My correspondence has been minor in comparison. I have received a number of letters which were entirely abusive—extraordinarily so in some cases—and which I have cast into the waste paper basket, but I have also received some interesting and encouraging

letters. I propose to quote shortly from three of them but I will not disclose the identity of the writers. Members can peruse them if they desire. The first letter is from Cooltong, *via* Renmark. It reads:—

Thanks very much for trying to humanize our liquor laws. This is the first fan mail letter I have ever written, but I can assure you you have an awful lot of supporters.

It was encouraging to receive that letter. There is nothing to identify the location of the second letter, which reads:—

I do sincerely hope your hotel Bill succeeds. The present situation is a disgrace. I am English (thank God) and I have seen more disgusting drunkenness in a few years in Adelaide than I saw in my home town in all my life. Many migrant women and children had never seen a drunk until they came here. At home we could walk home at night in perfect safety. Here, in this so-called city, it is not safe more than a few yards from a main road bus stop because of the number of men who have had their pig swill and are now suffering from the Australian disease—"Nothing to do and nowhere to go."

The third letter was more businesslike and stated:—

May I congratulate you on your proposals to vary the liquor licensing laws in the State. Your suggestions open the way to a new era of civilized living without conferring licence to those few among us who, by excess, could mar the increased facilities that are mentioned. I fully concur that the English system that you have broadly followed is the most suited to this State and as I have just returned from a tour embracing the U.S.A., United Kingdom, France, Holland and Switzerland I have up-to-date knowledge of current overseas regulations. Should you succeed in your attempt to push through this much-needed reform you will earn the gratitude not only of your fellow citizens, but also that of the very many interstate and overseas visitors to whom the present system is a never-failing source of irritation, discomfort and annoyance. May your endeavours lead to success.

Within the last couple of days I have received a circular letter from the Winemakers' Association indicating unqualified approval of my move to amend the existing licensing laws. I gave notice of my intention to introduce this legislation on July 29, but that association delayed until this late hour before sending out its circular. Every member has indicated what he intends doing on the second reading. Mr. Edmonds said that he had inquired into the source of the information I quoted from the *Church Standard* but that he had not seen that publication nor could he obtain a copy. It is not in the Parliamentary Library, nor should it be expected that the library would contain all the church papers printed in Australia.

The Hon. E. H. Edmonds—You did not indicate where members might peruse it.

The Hon. C. R. CUDMORE—I had it in my hand when I spoke on my second reading. I resent any suggestion that I invented those statements. I do not intend to discuss the alteration of hours because it will come up for discussion in Committee and it has already been discussed at some length. I have many supporters who believe, as I do, that our present system of six o'clock closing and illegal drinking afterwards promotes more drunkenness than is seen in any other country. I feel that I owe it to those supporters to make some explanation as to what I will do later in this debate. If the second reading is carried we will go into Committee and ultimately reach clause 8, which is the crux of the Bill. I want broken hours. I am convinced from my experience in the world that broken hours are the answer to drunkenness and the means of introducing decent drinking in this State. If I cannot get broken hours or any extension beyond six o'clock my Bill will mean nothing, in which case I will ask leave to report progress and at the appropriate time withdraw the measure because there will be no possible point in going on with it.

My Bill was introduced with the clear and definite idea of getting what we experienced here during the war. I do not agree with Mr. Bevan that because what was done then was during a war we should not adopt that system now. The fact remains that the present system of English hours was introduced as an emergency measure in England during the first war. Before that the hours of trading were almost unlimited, but the broken hours proved to be a great success. I do not know whether any member has taken the trouble to read the report of the English Royal Commission which I quoted from during my second reading speech, but that Commission in 1929, 10 years after the first war, was so impressed by the effect of the closing of hotels in the afternoons and the limiting of the hours of trading to nine that it recommended that the system should be continued, and it has been a complete success. The closing for two hours in the afternoon here in 1942 was an undoubted success. I defy any member to say that it did not immediately clear up the drunkenness to be seen throughout the streets of Adelaide. That is what I want and what I am attempting to do.

The Chief Secretary in his very valuable contribution to this debate suggested that

people should get together and find out just what should be agreed upon to reform our licensing laws. If that is done I shall be only too glad to help, but there is no room in my Bill, as you yourself pointed out yesterday, Sir, for all of the suggested amendments that members have in mind. I still commend the measure and am still as perfectly satisfied—funnily enough—that my ideas are right about this as the prohibitionists are that I am wrong. We can never, perhaps, get together on this, but, as I said two years ago, I think it is time Parliament took its courage in its hands and did something about our present system, which I believe to be wrong. I again thank members for the attention they have given this debate and hope they will support the measure.

The Council divided on the second reading—

Ayes (14).—The Hons. E. Anthony, K. E. J. Bardolph, S. C. Bevan, F. J. Condon, C. R. Cudmore (teller), L. H. Densley, E. H. Edmonds, A. A. Hoare, N. L. Jude, A. L. McEwin, A. J. Melrose, F. T. Perry, R. J. Rudall, and Sir Wallace Sandford.

Noes (5).—The Hons. J. L. S. Bice, J. L. Cowan, W. W. Robinson, C. D. Rowe (teller), and R. R. Wilson.

Majority of nine for the Ayes.

Second reading thus carried.

In Committee.

Clause 1—"Short titles."

The Hon. R. J. RUDALL (Attorney-General)—I seek your ruling, Mr. Chairman. It has already been stated by Mr. Cudmore that he will look upon a vote on clause 8 as the test on this Bill, but as there are several clauses that are really consequential amendments to main provisions in the Bill is there any way in which we could at once pass to the consideration of clause 8?

The CHAIRMAN—I proposed suggesting to the Committee that we pass clauses 1 and 2 and that clauses 3 to 7a, which are consequential upon clauses which come later, be left until after clause 8 has been considered.

Clause 1 passed.

Clause 2 passed.

Clauses 3 to 7a deferred until after consideration of clause 8.

Clause 8—"Times of sale of liquor."

The Committee divided on the clause—

Ayes (3).—The Hons. C. R. Cudmore (teller), A. J. Melrose, and Sir Wallace Sandford.

Noes (16).—The Hons. E. Anthoney, K. E. J. Bardolph, S. C. Bevan, J. L. S. Bice, F. J. Condon, J. L. Cowan, L. H. Densley, E. H. Edmonds, A. A. Hoare, N. L. Jude, A. L. McEwin, F. T. Perry, W. W. Robinson, C. D. Rowe (teller), R. J. Rudall, and R. R. Wilson.

Majority of 13 for the Noes.

Clause thus negatived.

The Hon. C. R. CUDMORE—In view of that overwhelming vote it is necessary for me to consider the matter further and I ask that progress be reported.

Progress reported; Committee to sit again.

#### PRISONS ACT AMENDMENT BILL.

On the motion for the third reading.

The Hon. F. J. CONDON (Leader of the Opposition)—The Opposition has decided to oppose the third reading for the reasons I mentioned during the second reading debate. Last year the Commonwealth authorities requested South Australia to hang a person who had been sentenced to death for an offence in the Northern Territory, which is outside the jurisdiction of South Australia. I will not be one to put a Minister of this State in the position where he must agree to the hanging of a man for an offence in another part of the Commonwealth. No other State would do it, and why should we be called upon to support such legislation as this? I can understand from what happened here yesterday why the Bill should pass. Members should remember that they will be placing on the Statute Book something which Ministers of the Crown for a long number of years will be required to enforce. The object of the Bill was to overcome a doubt that had been expressed when this Government refused to carry out the dictation of the Commonwealth Government. I ask honourable members to oppose the third reading.

The Council divided on the third reading—

Ayes (14).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, C. R. Cudmore, L. H. Densley, E. H. Edmonds, N. L. Jude, A. L. McEwin (teller), F. T. Perry, W. W. Robinson, C. D. Rowe, R. J. Rudall, Sir Wallace Sandford, and R. R. Wilson.

Noes (4).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon (teller), and A. A. Hoare.

Majority of 10 for the Ayes.

Bill thus read a third time.

#### AUCTIONEERS ACT AMENDMENT BILL.

Read a third time and passed.

#### VERMIN ACT AMENDMENT BILL.

Read a third time and passed.

#### POLICE OFFENCES BILL.

Read a third time and passed.

#### CONSTITUTION ACT AMENDMENT BILL (MINISTERS).

Second reading.

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

That this Bill be now read a second time.

The main object of the Bill is to increase the number of Ministers from six to eight, as announced before the last elections in the Government's policy speech. In that speech the reasons for the proposal were stated as follows:—

For many years the Cabinet of South Australia has been much smaller than that of any other State, and very much smaller than most of them. Whilst there are substantial advantages in having a small Cabinet, the number of Ministers must be adequate for the business to be done, and the growth of industry in this State and the large programme of development now make it desirable that two additional Ministers should be appointed. An amendment of the Constitution for this purpose will be submitted to Parliament.

The Government is still of the same opinion and has accordingly introduced this Bill. The details of the clauses are as follow:—By paragraph (a) of clause 3 the maximum number of Ministers is raised to eight. By paragraph (b) it is provided that not more than five of the Ministers can be in the House of Assembly, thus ensuring that if two new Ministers are appointed at least one of them will be in the Legislative Council. By paragraph (c) of clause 3 the maximum total remuneration of Ministers is raised from £14,250 to £19,000—an increase exactly in proportion to the increase in the number of Ministers. Money for Ministers' salaries is appropriated by paragraph (d).

Clause 4 deals with a matter incidental to the increase of the size of the Ministry. By section 66 of the Constitution Act it is provided that four Ministers must be members of Parliament—namely, the Ministers holding the portfolios of Chief Secretary, Treasurer, Minister of Lands, and Minister of Works. As a matter of law the other Ministers need not be members of Parliament. The Act also provides that five Ministers shall, *ex officio*, be

members of the Executive Council. The sixth Minister is not required to be a member of the Executive Council.

These provisions of section 66, which were originally enacted to meet circumstances existing about a hundred years ago are out of harmony with the present practice under which all Ministers are members of Parliament (except for the period between expiration of the House of Assembly and the elections) and all are members of the Executive Council. It is therefore proposed by clause 4 to declare that every Minister must be a member of Parliament, except for the three months' period mentioned previously, and that every Minister will, by virtue of his office as Minister, be a member of the Executive Council. By these provisions the law will be brought into line with the practice which has been followed for many years. It may be mentioned that the Commonwealth Constitution, which is, of course, the most recent constitutional instrument in Australia, contains, in section 64, provisions to the same effect as those now proposed.

That is the skeleton of the Bill, but I think honourable members expect me to tell them more about it than merely its provisions. I do not expect much opposition to the measure, but it should be emphasized that there can be no question as to the need for two additional Ministers when consideration is given to the tremendous growth of departmental work during the last few years, and the increase in the work of Ministers in the administration of their departments. Consider, for example, the departments which are so efficiently controlled by the Chief Secretary. The increased work there has been enormous. I propose telling of my own experiences, as with regard to them I can speak with full knowledge. For eight years I was Minister of Lands, Minister of Repatriation and Minister of Irrigation. When I entered the Lands Department it was reasonably busy, as only about 5 per cent of the land of this State is under freehold title. During the term of my office the work of the Minister doubled. Members will recall that during that time provision had to be made for the settlement of our returned men on both dry land and irrigation areas. The department was plunged into abnormal new development, development in all senses of the word, because the Government decided that the settlement of returned men, particularly on dry land, should be associated with the development of the land itself. The

department not only had to acquire land suitable for closer settlement but had to undertake enormous operations to develop the land and bring it to a state of production so that when the settler went on to it he was immediately on an income-producing holding. Members will remember the legislation which was passed enabling this to be done and if they exercise their imagination only slightly they will realize the immense amount of work involved. Members of the Land Settlement Committee will have a much clearer picture of the position. The scheme involved much planning and the establishment of an organization to do the work. The Minister was vitally concerned and his burden doubled. I am proud, indeed, to have been associated with that development because at the time I left the department a tremendous amount of land had been purchased and so successfully that had it been disposed of then a profit of almost £1,000,000 would have resulted. I am proud, also, to have been associated with the officers concerned in that work. They worked hard and did not enjoy a 40-hour week. They laid the foundations of what is acknowledged to be a wonderfully successful scheme.

I then became Attorney-General and Minister of Education. I shall not say anything about the work of the Attorney-General because it is somewhat technical, but members can realize that with the remarkable growth that has taken place in all departments the work of advising Government departments has correspondingly increased. There has also been an increase in the number of prosecutions laid in the courts and officers of the department appear not only in these cases but in civil cases in which the Government has been concerned. I have been concerned in the Education Department since 1946, during which time the work of the Minister has doubled. One need only refer to statistics to realize the extent of that increase. In 1946 the total number of students in primary and secondary schools was 70,843, but now the number is 111,723. In 1952 there were 102,964 pupils, or 8,759 less than this year. Because of that increase the department has been faced with problems never previously encountered.

Accommodation has been, and still is, an immense problem, much greater than in 1946. The whole business is fascinating because one cannot do things on the spur of the moment but must plan a long way ahead. When there are permanent schools it is not merely a matter of planning 12 months ahead but much further ahead. One must form estimates of

where an increased school population is to go. Returns must be obtained from all head masters and inspectors as to the possible increases in their localities. There are huge areas where there are no schools and a close liaison must be maintained with the Housing Trust and other authorities. It must be estimated at least 12 months in advance how many houses will be built in an area, how many of them will be occupied and, by a stab in the dark, how many children will be in those houses. An immense amount of work is involved in that planning and the Minister's work has accordingly increased and that is the basis of this Bill. Notwithstanding the increase, the planning has been done with such efficiency by the officers of the department that there has never been a period at the beginning of any year, or midway through the year when there is another intake of pupils, when there has not been sufficient accommodation. It is a magnificent achievement for which the officers of the department and of the Architect-in-Chief's Department should receive the fullest praise. I recently read a statement to the effect that there was no planning in the Education Department, but the facts answer stupid assertions of that nature. I suggest that before any individual makes such statements he approach me and I will take him to the department so that he can see just what the planning does involve. The growth of the department can be gauged from its expenditure. In 1946 the sum of £1,530,000 was spent, but we spent £4,785,902 last year.

The Hon. E. Anthony—Monetary values would be involved.

The Hon. R. J. RUDALL—Yes, but notwithstanding that, it is mainly due to increased salaries and increased numbers being taught in the schools. In 1946 we spent £176,711 on buildings, but we spent £1,865,260 last year. If members realize these difficulties they will appreciate the extra work involved in administering the department. Since 1946 41 new schools have been opened and the annual report for 1952 discloses that in that year works were completed or sites purchased at 204 places and that in 173 of those cases the expenditure exceeded £1,000. Therefore, I think it needs little imagination on the part of members to realize how greatly the work of the department has increased and with it the work of the Minister.

The recruitment of teachers has caused us many headaches, because obviously it is useless to have schools if we cannot provide teachers

to staff them. In 1946 there were 2,563 teachers in the department and now there are 3,753. Notwithstanding the enormous increase in numbers of pupils the size of our classes has not gone up and we have always had teachers ready for the pupils as they came into the schools. When one hears criticism of our policy with regard to teachers it is well that we should be clear about the whole matter. It is unfortunately true that the number in the Teachers Training College has not increased sufficiently to meet the increase in school population, but that is solely because the reservoir from which we can draw students to the college has not grown during those years. The explanation is simple: every year approximately 20 per cent of students who gain their leaving certificates, including those from private schools, enter the Teachers College. That proportion has been maintained over the last five years, and in the last two years it has risen to about 23 per cent. The pool of young people aged about 17 years between 1937 and 1952 was a shrinking one.

The Hon. C. R. Cudmore—Due to the depression years?

The Hon. R. J. RUDALL—Exactly, but the number has now commenced to expand and the increase will be rapid for many years to come. With it we will get, as long as that percentage is maintained—and it is a very big one—our requirements for the future. However, it was obvious that some step had to be taken to meet the situation which developed and everything possible was done. We tried to get teachers from England, but there was a shortage there also. We succeeded in getting a few although not nearly enough to meet our needs, and some of them have proved to be exceedingly good teachers. As a further step we attracted to the department a large number of what we call temporary teachers; they are mostly married women who are ex-teachers and therefore fully trained. However, that was not sufficient to meet the situation and so we had to set up our emergency courses. In these courses there is a limited time for training, particularly by comparison with the time that is devoted to the training of teachers at the college, but these persons are carefully selected and, bear in mind, they are mature people and not simply young boys and girls leaving school. After carefully studying all reports that we receive I can say that unquestionably the great majority of these emergency teachers are rendering excellent service. All this has meant a huge volume of additional work, but allow

me to mention one other factor—our school transport system. Ten years ago we had none. It commenced in a small way in about 1941 and today we have 322 school transports.

The Hon. C. R. Cudmore—It used to be thought a good thing for children to stretch their legs by walking to school.

The Hon. R. J. RUDALL—We do not set up a service unless there is a certain number of children residing five miles beyond any existing school.

The Hon. L. H. Densley—Of course, a number of small schools have been closed.

The Hon. R. J. RUDALL—Exactly, and we have built up in the country a system of area and higher primary schools that is extraordinary compared with what it was 10 years ago.

The Hon. E. Anthoney—Can the Minister say why these country people cannot pay for the transport service?

The Hon. R. J. RUDALL—It has never been paid for.

The Hon. K. E. J. Bardolph—Why should they pay?

The Hon. R. J. RUDALL—I do not want to enter into a discussion on that on this Bill. With these 322 transports operating 9,300 children are carried every school day.

The Hon. C. R. Cudmore—It is all wrong.

The Hon. R. J. RUDALL—I do not agree for one moment, but every one of these transport systems constitutes a problem for the Minister. Even with the items I have mentioned members can see that I am not exaggerating when I say that the work of the Minister in charge of the Education Department has doubled itself in the time I have occupied the office. Some people may say that it is all very well to talk about the Minister, that he is simply head of the department and has an excellent staff of civil servants to administer it. That is perfectly true, and no-one in the world has a higher admiration of the loyalty and efficiency of our civil servants than I have, but they would admit that however efficient they may be they are dependent upon the Minister for his approval of everything that has to be done; they cannot take one step without his authority. As a private member, although I took a particularly keen interest in educational matters, I had not the slightest conception either of the responsibility or the authority that attaches to the office of a Minister of the Crown. I do not need to labour the point further. There is ample

room for two new Ministers and I hope that with them we will be able to relieve, first the work of our Premier because, notwithstanding his tremendous energy and enormous capacity and, I may add, the difficulty of trying to protect him against himself in the matter of work, it is highly necessary that he should be relieved of much of the detailed work he now performs. I commend the Bill to members and think I have said enough to justify it.

The Hon. K. E. J. Bardolph—You have the benediction of the Opposition.

The Hon. C. R. CONDON secured the adjournment of the debate.

#### PUBLIC SERVICE SUPERANNUATION FUND ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 1. Page 564.)

The Hon. F. J. CONDON (Leader of the Opposition)—The Public Service Superannuation Fund Board controls a fund that was inaugurated 51 years ago but which was superseded by the present Superannuation Fund in 1926. At that time some members of the Public Service elected to remain in the old fund and the Act provided that four of the seven members of the board should be subscribers or pensioners. However, with the passage of time and the diminishing number of pensioners it has become increasingly difficult to fill vacancies on the board for these four elective seats. Today, only three subscribers remain and of the 11 pensioners the only two not prevented by age and infirmity from acting as members are already on the board. The Bill seeks to overcome the difficulty by empowering the board to direct that a vacancy need not be filled, and when no more are available to sit on the board the fund will be carried on with the *ex-officio* member and two members appointed by the Government. The object of the Bill is to meet altered circumstances and I therefore support it.

The Hon. K. E. J. BARDOLPH secured the adjournment of the debate.

#### WILD DOGS ACT AMENDMENT BILL.

(Continued from September 22. Page 706.)

Bill read a second time.

The PRESIDENT—The Attorney-General has a Contingent Notice of Motion on this Bill, but as it is not relevant to the subject matter of the Bill it cannot be moved.

Bill taken through Committee without amendment and Committee's report adopted.

## DOG FENCE ACT AMENDMENT BILL.

Second reading.

The Hon. R. J. RUDALL (Attorney-General)

—I move—

That this Bill be now read a second time.

The Act provides that, for the purpose of providing protection against the ingress of wild dogs, a dog-proof fence is to be established and maintained in the northern areas of the State and for this purpose the Act constitutes a board called the Dog Fence Board and gives to the board powers to establish and maintain the dog fence, to rate land in pastoral areas in order to raise the funds necessary for the purposes of the board, and to carry out various ancillary duties. Whilst the Act empowers the board to erect stretches of new fence to make good deficiencies in existing fences, the general plan of the Act is that fences already existing across the northern part of the State should be constituted the dog fence and, where necessary, be altered so as to be made dog-proof. These existing fences are, of course, privately owned by the lessees of the land concerned. The Act provides that the board may impose an annual rate upon ratable land, that is, in general, the land comprised in the pastoral areas. Section 26 provides for a general rate on all ratable land and the rate is not to exceed 1s. 3d. per square mile of ratable land. Section 27 provides that an additional rate may be imposed on ratable land adjoining the dog fence and situated within 10 miles of the fence. This rate also is not to exceed 1s. 3d. per square mile of ratable land and the section provides that, if an additional rate is declared under section 27 for any financial year, it is to be the same as the rate declared for that year under section 26.

Section 31 provides for a Government subsidy to be paid to the board, the subsidy being one pound for every pound of rates declared by the board. The revenue of the board is, in general, to be applied by the board in the inspection and maintenance of the dog fence. Section 24 provides that, in every financial year, the board is to pay to the owners of any fences which comprise part of the dog fence a uniform amount not exceeding £8 per mile of fence. These payments are to be applied by the owners towards the maintenance and inspection of the dog fence and the destruction of wild dogs in the vicinity of the fence and the Act imposes on those owners a duty

to carry out these tasks. Representations have been made that this amount of £8 per mile, which was fixed under the Act in 1946, is now insufficient to met present day costs involved in carrying out the duties imposed on owners of the fence and it has been suggested that the maximum annual amount payable under section 24 should be increased to £16 per mile of fence. Such an increase would, of necessity, involve an increase in the rating powers of the Board. The board has therefore recommended that the Act be amended accordingly and this is done by the Bill. The suggestions for alteration of the law have been considered by the Stockowners' Association which has approved of the proposals. Clause 2 accordingly increases from £8 to £16 the maximum amount per mile of the dog fence which may be paid to an owner for expenditure on the maintenance and inspection of the fence and for the other purposes mentioned in section 24.

Clause 3 increases from 1s. 3d. to 3s. per square mile of ratable land the maximum rate which may be imposed on ratable land under section 26. Clause 4 deals with the additional rate which may, under section 27, be imposed on ratable land within 10 miles of the dog fence. No alteration to the maximum rate, namely, 1s. 3d. per square mile of ratable land, is proposed, but the clause provides that, where the rate under section 26 for any financial year is less than 1s. 3d. per square mile, any additional rate under section 27 for that year is to be of the same amount. If the rate under section 26 is 1s. 3d. or more, then the additional rate under section 27 is to be 1s. 3d. As before mentioned, section 31 provides for a Government subsidy on rates declared by the board. It is not proposed to increase the amount which may be paid by way of subsidy by the Government and clause 5 therefore provides that the pound for pound subsidy on rates declared by the board provided for by section 31 is not to apply to rates declared at an amount greater than 1s. 3d. per square mile. The effect is that the maximum Government subsidy for any financial year will not exceed the amount which is now payable under section 31.

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

## ADJOURNMENT.

At 4.35 p.m. the Council adjourned until Tuesday, September 29, at 2 p.m.