

LEGISLATIVE COUNCIL.

Wednesday, November 25, 1953.

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

QUESTION.**LICENSING ACT.**

The Hon. F. J. CONDON—In view of opinions expressed by members during the debate on the Licensing Act Amendment Bill introduced by Mr. Cudmore, does the Government intend introducing legislation to overcome the anomalies mentioned?

The Hon. A. L. McEWIN—There is perhaps one matter which, if effected, would make the Act consistent but it is not the Government's intention to introduce legislation on the lines suggested by the honourable member. During the debate on Mr. Cudmore's Bill opinions were expressed and an effort was made to produce legislation to deal with those suggestions but that was in the nature of a private Bill. However, because of the ill-health of Mr. Cudmore, I do not think such a measure is likely to be introduced this session.

PUBLIC ACCOUNTS COMMITTEE.

Adjourned debate on the motion of the Hon. F. J. Condon—

That in the opinion of this House it is desirable to appoint a permanent public accounts committee to—

- (a) examine the loan and revenue accounts of the State and all statements and reports required by law to be submitted by the Auditor-General to Parliament;
- (b) report to Parliament, with such comment as it thinks fit, any items or matters in those accounts, statements and reports and any circumstances connected therewith, to which the committee is of the opinion the attention of Parliament should be directed; and
- (c) report to Parliament any alteration which the committee thinks desirable in the form of the public accounts or in the method of keeping them or in the mode of receipt, control, issue or payment of public moneys.

(Continued from November 19. Page 1560.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the motion. The introduction of this motion and its support by members of the Labor Party has no political significance. Its purpose is that Parliament should have control over expenditure which has been allocated to various departments for carrying

out necessary works. I wholeheartedly agree with the Attorney-General that the Public Service is above reproach. That is not being impugned by this motion nor is their ability being challenged but when Parliament allocates moneys for expenditure it is incumbent upon members to ensure that it is spent in strict conformity with the desires of Parliament. The main point upon which the Attorney-General based his opposition to the proposal was that every year the Auditor-General's report is submitted for consideration and supplementing that report are investigations by the Grants Commission. He referred to the chairman of that commission paying a high tribute to the Treasury officials in presenting claims to the commission.

It does not necessarily follow that after a disabilities grant has been received or expenditure allocated by Parliament there is no need to keep a watchful eye on the expenditure. The Attorney-General said that allocations approved by Parliament from time to time have to run the gamut of investigation by either the Public Works Standing Committee, the Land Settlement Committee, or the Industries Development Committee. These committees conduct investigations and two of them report to Parliament. The Industries Development Committee, which recommends assistance for the establishment and continuance of industries, submits a report to the Treasury but afterwards has nothing more to do with a project upon which a recommendation was made. The suggestion that there is a safeguard because they have to run the gamut of investigations is not a strong reason for opposition to the motion.

Although Mr. Fitzgerald congratulated the Public Service he also strongly criticized the Public Service, although not necessarily of this State. In the *Advertiser* of November 20 under the heading "Creaking Public Service" the following article appeared:—

The Public Services had to be made more efficient, and something had to be done to lessen the limitations of the present personnel system, and to improve the system of budgeting and estimating future costs. The Chairman of the Australian Grants Commission (Mr. A. A. Fitzgerald) told public servants this today at the annual conference of the Public Administration Institute.

He went on to say:—

There were too many jacks-of-all-trades, as men did not stay in one job long enough to acquire the necessary specialist skill. "The public service is creaking badly on the personnel side," Mr. Fitzgerald continued. "It has to be made more attractive to people who have a real idea of public service."

Other limitations on efficiency about which little could be done were those imposed by the uncertainty of politics, inter-departmental friction, too much paper work, too many inter-departmental committees, hasty memorandums, and the necessity for heads of departments to live on the edge of political crises.

The Hon. E. H. Edmonds—All that indicates that he keeps a pretty close eye on it.

The Hon. K. E. J. BARDOLPH—I am drawing a distinction between what the Attorney-General quoted Mr. Fitzgerald as saying, in support of his opposition to the motion, and what the same gentleman said in an all-embracing statement regarding the Public Service generally. It seems patent to me, therefore, that Mr. Fitzgerald holds two views; one when he comes to South Australia, and another over-all view when he addresses the Public Administration Institute. He therefore does not cut much ice as a support for opposition to the motion.

The Hon. F. T. Perry—Surely you cannot dismiss Mr. Fitzgerald like that.

The Hon. K. E. J. BARDOLPH—I am not dismissing him lightly. I agree with the Attorney-General regarding his integrity. I am not attempting to malign him, but the Attorney-General uses his views in support of opposition to the motion whereas I am using his arguments in its support. I come now nearer home, to the Speaker of the House of Representatives, who is not a member of our Party, but holds a responsible position in the Commonwealth political sphere. In evidence before the Commonwealth Public Accounts Committee he first indicated the method by which the Commonwealth Parliament dealt with Budgets and referred to the lack of consideration given them by all members and then went on to say:—

“The House should be increasingly critical in its examination of all money measures. It is not only what is raised and spent that matters, but the way in which it is raised and spent. The present policies produce a growing and top-heavy administrative structure. . . . I do not believe in authorities independent of Parliament. For every penny spent some Minister should be answerable to the House.”

The very essence of those comments is contained in the motion before the Council; the Opposition desires that every penny spent or voted by Parliament shall be scrutinized by a Public Accounts Committee. Consequently I have much pleasure in supporting the motion, knowing quite well—

The Hon. S. C. Bevan—That it is doomed to failure.

The Hon. K. E. J. BARDOLPH—Not necessarily, because I know there are other members who think along the same lines as members of our Party. I leave it in their hands and hope that the Council will support the motion.

The Hon. F. T. PERRY (Central No. 2)—The suggestion for the appointment of a Public Accounts Committee is not new. Before I became a member I strongly advocated the appointment of such a committee. The annual expenditure of the State then was £11,000,000 to £12,000,000, and it has grown to about £50,000,000 annually. It does not follow that the Government is incapable of controlling that expenditure through its own officers; if the checks applied are efficient it is quite possible, but there is the point which the Leader of the Opposition made, namely, that Parliament accepts responsibility in voting these amounts and should have some idea of how the money is spent. It is possible for every member to know that, but it involves considerable wading through Government accounts, and unless one is trained on those lines it is difficult to get a complete picture of the position. That, I take it, is one reason why Mr. Condon introduced the subject; not so much as a check on Government expenditure, but from a desire that the House should be more informed upon it.

I must say that I have some leanings towards the motion. Our Public Loan Bills have reached the figure of £26,000,000 or £27,000,000 annually, and if I remember correctly we have adopted in the last few years a provision that permits the Government to spend that money on any of the items which appear in the schedule. This has been brought about by scarcity of materials and the difficulty of applying money to the actual expenditure passed. Once the Loan Bill has been passed by Parliament, unless members take the trouble to examine it carefully and know where to look for information in the public accounts, they are not as well informed as they might be. Parliament is composed, not of men fully informed on every activity of the Government, because that would not be possible, but of various types of men, and the motion seeks that these men with special knowledge should apply it to the House as a whole. That is not a reflection on the Government, because it has a very capable Auditor-General to examine its accounts, but he does so only on the basis of law, and gives no opinions as to the merits or demerits of any work done. If an Act provides for certain expenditure to be

transferred from one point to another he cannot comment, because he is bound by the Act. Although his opinion is sound and effectual, it is not in conformity with the policy that has been adopted, because although this policy is announced and followed in this House, once the Act is passed its implementation is the responsibility of the Government only. Unless members are very diligent and possess certain technical knowledge it is difficult for them to follow the ramifications of expenditure.

The Hon. A. L. McEwin—The Auditor-General's report covers a much wider field than auditors' reports on private companies.

The Hon. F. T. PERRY—I agree with that, but he can only report when the Government oversteps the Act, and some of the clauses introduced into our legislation in the last few years have given the Government a wider range than previously. I hope the time will come when Parliament will not pass these wide authorities and discretionary powers to boards on such a wide range of subjects as is the case now. Although Mr. Condon dealt very widely with the position, he did not indicate any definite reason why this motion should be carried. He said it was an idea that had been apparent in political circles for many years, but he gave no actual reasons for the motion and dealt with the matter only in a vague way. Any committee established should be competent, because it will have to call a great deal of evidence, inform itself on a number of subjects and call witnesses of authority.

The Hon. E. Anthoney—That applies to all policies.

The Hon. F. T. PERRY—The consideration of items submitted by heads of departments might result in a lot of time being spent, and unless a competent committee were appointed it would fail. Mr. Condon must be satisfied that such a body can be formed by Parliament—I do not doubt that it can—from men who can grasp the facts put before them. The Attorney-General in opposing this motion rested his case on the Auditor-General, and although I agree that his report is a very valuable one it does not provide sufficient information. He also based his opposition on the existence of the Commonwealth Grants Commission which examines the financial position of the State. However, it does so from one angle only—to see whether we are justified in obtaining a grant—and is not concerned with the finances of the State for any other reason. It is true that the committee consists of competent men, and that Mr. Fitzgerald

accepted the figures submitted by this State, but neither this body nor the Auditor-General check the expenditure from the Parliamentary point of view, and that is one reason why I feel there is some merit in this motion. Although this House cannot amend or alter any financial Bills, I do not think it should shelve responsibility of seeing that money is properly spent. I think Mr. Condon's suggestion is quite good, but I do not know whether he has correctly stated the purpose of the committee. Its appointment would involve careful consideration and I do not know whether Mr. Condon has given it careful attention or whether he has accepted statements made in this Chamber from time to time and incorporated them in this motion. Parliament takes precautions by way of investigations by Parliamentary committees before approving expenditure on proposed works. The ultimate cost of such proposals and the results of expenditure are of utmost importance and Parliament should receive fullest information. I support the motion.

The Hon. A. A. HOARE (Central No. 1)—I support the motion. A proposal of this nature was considered by the Federal Parliament in 1933 and many harsh things were said before a committee was ultimately appointed to inquire into the disabilities of the States of Tasmania, Western Australia and Victoria. That committee consisted of Mr. Coleman, chairman; Senators Gardiner, J. B. Hayes, A. A. Hoare, M. R. O'Halloran, J. Guy, J. B. Chifley, J. Francis, R. Green and G. E. Yates. The Prime Minister said he had no complaint about the personnel of the committee, and I think South Australia and Tasmania were extremely fortunate because their representatives constituted half the committee. The committee could make investigations and take evidence wherever it desired in order to report to the Federal Parliament. It visited Tasmania and, after its inquiries there came to South Australia. When it went to the West Coast the people there indicated that they were more interested in single tax.

The Hon. R. R. Wilson—The committee must have visited Kimba.

The Hon. A. A. HOARE—It did. At Kimba one man said that they were not interested in disability grants but in single tax because farmers would then get their implements free of taxation and duty and would not have to pay exorbitant prices for machinery. I explained that if implements were imported more

cheaply from America, Australian factories would be affected and farmers would be left at the mercy of America which could charge what it liked. His retort was that he was only interested in single tax and it reminded me of the story about a stranger who died and was buried by the townsfolk. At the funeral service it was asked if anyone would speak on behalf of the stranger, but no-one offered. Ultimately one man said, "If it doesn't make any difference, I did not know the deceased but can I say a few words about single tax?" No committee served the people of Australia more effectively than that committee and as a result of its reports the Grants Commission was appointed. I suggest that we should have some control over the expenditure allocated by Parliament and that could be achieved by the appointment of a Public Accounts Committee.

The Grants Commission was appointed to investigate the expenditure of the claimant States and I cannot understand why members are afraid to support this motion, because the suggested committee would perform a valuable service to the State. If it did not function satisfactorily it could be discontinued. Mr. Condon has gone to a lot of bother in submitting his motion and I hope he will reap the reward of his labour.

The Hon. A. L. McEWIN (Chief Secretary)—I rise mainly to express my regret that my colleague, the Attorney-General, who had this matter in hand, has unfortunately been kept away from the discussion because of illness, and I acknowledge the kindly remarks of the Leader of the Opposition about him. In speaking to the motion Mr. Rudall made comments which have been referred to by other speakers, and I find myself in agreement not only with what he said, but what has been said by others, namely, that we would all desire that Government accounts should be of the highest order and should be subject to the most stringent scrutiny, not only as to good Government, but as to wise expenditure. I think the desires expressed by most members are already amply covered. I listened with interest to Mr. Perry's remarks about the Auditor-General's reports, which he thought did not go far enough. Mr. Anthoney said they were not clear.

The Hon. E. Anthoney—I did not say they were not clear.

The Hon. A. L. McEWIN—I think that is a fair interpretation of the honourable member's remarks. I suggest that the Auditor-General's

reports go much further than any audited statement of any private company of any dimensions, and I do not know what a committee could set out in greater clarity than his comments. I have opened his report at random, for I have not had time to browse through the 300-odd pages; it does not merely contain the usual auditor's comment that he has examined the books and vouchers produced and accordingly certifies that everything is correct, and give a line of figures which few members would understand. On the page in question the Auditor-General deals with the accounts of local government authorities, and one finds many comments and explanations. He refers to no fewer than eight matters; how someone has done something that should not have been done; that the allowance of a chairman was increased contrary to the provisions of section 65. Then he has something to say about annual statements—"the balance-sheet did not disclose all the assets and liabilities." He refers to assessments, banking, machinery working accounts, outstanding amounts, overdrafts, and so forth. If that is not putting a clear and concise report in an understandable form before members I do not know what any committee could do better. Then there are two pages of explanation and comment on the affairs of the Tramways Trust. He shows how it gets its money and how it uses it, and surely there is nothing left to a member of Parliament beyond making up his mind on whether it is proper expenditure or not.

In another place every line of the Estimates is examined. The Government may not even set out on any project costing more than £30,000 before it is inquired into by the Public Works Standing Committee, and that sum in these days would do no more than provide an eight-bed hospital in a country town. That is how searching the inquiries are, and if we are going to clutter up the work of Government departments with a lot of committees I wonder when we will be able to stop employing Government servants merely to wait on these committees to make all sorts of investigations. No member is elected because of his competency to examine accounts.

The Hon. E. Anthoney—That is a sweeping statement that is perfectly unjustified.

The Hon. A. L. McEWIN—Is there a qualified accountant in this Chamber capable of examining the accounts of any Government department? However, there are people who have those qualifications and I refer to one who

is accepted by everybody, namely, the chairman of the Commonwealth Grants Commission. He said:—

In the last five years or so in this State the accounts that have been presented to us—and not only to us, but your Auditor-General's Report and the entire financial statements—have been of a very high quality indeed. I would like to say to you, Sir, that they reflect the greatest of credit on your accounting officers.

Does the mover of the motion suggest that any one of us is more competent than this gentleman? I oppose the motion.

The Hon. F. J. CONDON (Leader of the Opposition)—I thank members for their contribution to this debate, and my reply will be somewhat different than I had contemplated because of the unfortunate absence of the Attorney-General, whom I would like to have replied fully to my submissions. He showed a keen interest in this matter and it must be pleasing to all members to know that even those who are not present this afternoon take sufficient interest in this topic to ask for pairs. Mr. Cudmore desires a pair on this important motion, and out of respect for this gentleman, who has done such wonderful work and taken such an interest in politics, the Opposition is only too pleased to extend that courtesy. We wish both he and the Attorney-General a speedy recovery and trust that they may soon grace this place again with their presence. I am pleased also to know that politics have not been introduced to any great extent into this debate, but I think I am amply justified in pointing out again that when a similar motion was moved by the then Leader of the Liberal Party, Sir David Gordon, when a Labor Government was in power, the motion was quite all right. Today, however, with a Liberal Government in power, the motion is all wrong.

The Hon. A. L. McEwin—Did we have a Grants Commission then?

The Hon. F. J. CONDON—No, but we had an Audit Act and an Auditor-General and others to whom I will refer because I do not think there has been any strong opposition to the motion; simply red herrings across the trail. I have always listened to Ministers, particularly on questions of policy. The Government has decided that this is a question of policy and is opposed to the motion, which is simply an expression of opinion and not a Bill. Some members may think it is only a pious resolution, but it is similar to one carried by the Legislative Council in 1926 and again in 1931.

The Hon. A. L. McEwin—What happened then?

The Hon. F. J. CONDON—At least the Government of the day appointed an advisory committee. Three *ex* Chief Secretaries, two of them Liberal and one of them Labor, supported similar motions and I think at the time Mr. Anthony, who made a very valuable contribution to this debate, was in the House of Assembly. He has always been one who has not changed with the wind on this question. What is the difference between 1931 and now? There was an Auditor-General in 1931 and an Audit Act, and the same conditions as now apply. The only difference today is the Commonwealth Grants Commission. The Auditor-General's report and the Commonwealth Grants Commission's report are merely post-mortems on money already spent.

The Hon. E. H. Edmonds—That would be the position of a public accounts committee.

The Hon. F. J. CONDON—It is not so with the Commonwealth Public Accounts Committee or the Queensland committee. The Grants Commission tells us what has been done in the past five years, but I am concerned about money voted by Parliament.

The Hon. E. Anthony—And what has to be done with it?

The Hon. F. J. CONDON—Exactly. If members want to be rubber stamps and the majority of this Council says so, I suppose I will have to be one of them, but Parliament has a responsibility and a duty to fulfil. The Government has not repeated the same objections used in 1931, when it had the same set of officers. Sub-leaders were published in the press of that time commending Sir David Gordon for a similar measure, and giving him all the encouragement possible. On that occasion Sir David Gordon said:—

Unfortunately the expressed wish of the Council for an investigating body of State finances has not been fully met, although during recent times the principle has been conceded and fully appreciated by Parliament and the public. I refer to the appointment last year of the Finance Committee of which Mr. Walter J. Young was chairman. That committee was an advisory committee primarily to the Government and Ministers have on several occasions admitted that they received a great deal of assistance and advice from it.

I have a very high opinion of public servants because they have done a great job for many years, irrespective of what Government was in power. If I did not value their services, I would not have supported legislation to increase their salaries a few weeks ago. However, Parliament should not be run by public officers,

because members are elected to accept responsibilities and carry out certain duties; common-sense is required, not accountancy.

The Hon. E. Anthony—How many Ministers know anything about their departments before they go into them?

The Hon. F. J. CONDON—I know that every Minister tries to do his best. If Public Accounts Committees were considered necessary in 1926 and 1931 in this State, and are necessary in New South Wales and in the Federal Parliament now, they are necessary here now. What is the Government afraid of; why is it opposing this motion? Is it afraid that it will have closer contact between departments and Parliament? Is it afraid that Parliament will probably make some inquiries?

The Hon. N. L. Jude—It is a little afraid of the cost.

The Hon. F. J. CONDON—It would not cost very much because the Public Works and Land Settlement Committees cost only £3,180 per annum. Parliament should have control of all departmental expenditure because we are all here to scrutinize these matters. In large businesses they are never left to one person. If a Public Accounts Committee was necessary in 1931 with an expenditure of £10,000,000, surely it is necessary today with an expenditure of £51,000,000. I draw attention of members to an editorial in the *Advertiser* of November 23 headed "Slipshod Finance," which reads:—

Important questions are raised by the Speaker of the House of Representatives (Mr. A. G. Cameron) in evidence given to the Public Accounts Committee on methods of dealing with financial measures in the Federal Parliament.

Recommending that more time be spent on the Estimates, and less on the Budget debate proper, the Speaker suggests that the present treatment of money Bills is "slipshod and slovenly." The House, he argues, should be more critical of the way in which money is raised and spent.

This criticism gains more weight, following a recent assertion by the chairman of the Accounts Committee (Professor F. A. Bland) that many members talked a lot of "high-falutin' nonsense" on the Estimates. Some had not even taken the trouble to look into the Estimates and see what each vote was for.

Ordinary members, lacking the technical knowledge of accountants, may well have difficulty in tracing all the details of expenditure in departmental statements. But the intricacies of the task cannot absolve Parliament from its duties as custodians of the public purse. Since the present procedure often leads only to a superficial and brief debate, though the expenditure of nearly £1,000m. is involved this year, some better method of examining

the Estimates seems to be required. One official suggests an all-party Estimates Committee.

The Hon. E. Anthony—That has been set up since, hasn't it?

The Hon. F. J. CONDON—No, it was operating many years ago when Mr. Hoare was a member, it went into recess for many years, and was resurrected last year. It has submitted five valuable reports to Parliament. The article continues:—

The Accounts Committee, as its inquiries into the Departments of Works, National Development, and External affairs have shown, serves a useful purpose by bringing Federal spending under closer Parliamentary and public scrutiny. Its inquiries, however, are mostly of a post-mortem nature. Some of them may be made long after an item of expenditure is approved.

Members have referred to statements and reports submitted to Parliament, but although we do obtain them it is only after the money has been spent. It is rather like shutting the gate after the horse is out. When Estimates are submitted to this House for a special job, that job should be done, but often the money is transferred to other works. Because of this, I say we have not the control over boards that we should have. The article goes on:—

Apart from Ministerial decisions on the size of appropriations, there seems to be little control or oversight at the vital stage where spending is planned, and little curb on the tendency for departments to expand their own activities and importance. Perhaps the Accounts Committee's work could be extended, or something akin to South Australia's Public Works Committee, which must examine State projects costing more than a certain sum, would be of value in the Federal field.

The Public Works Committee deals with all new works costing over £30,000, and submits its report to His Excellency the Governor. If no action is taken for six or 12 months, costs may increase 10, 15, 20 or 30 per cent, and there is no check on that. That has been my argument right through.

The Hon. A. L. McEwin—Wouldn't a public tender be a check?

The Hon. F. J. CONDON—It is, but the work may not be proceeded with for some time; also, I have known them to be altered. It would be in the interests of the people of this State and of Parliament to have closer contact with and scrutiny of public expenditure. This would save hundreds of thousands of pounds. I ask members in all sincerity to support my motion.

The Council divided on the motion.

Ayes (4).—The Hons. E. Anthoney, K. E. J. Bardolph, S. C. Bevan, and F. J. Condon (teller).

Noes (11).—The Hons. J. L. S. Bice, J. L. Cowan, L. H. Densley, E. H. Edmonds, N. L. Jude, A. L. McEwin (teller), A. J. Melrose, W. W. Robinson, C. D. Rowe, Sir Wallace Sandford, and R. R. Wilson.

Pairs.—Ayes—The Hons. F. T. Perry and A. A. Hoare. Noes—The Hons. R. J. Rudall and C. R. Cudmore.

Majority of 7 for the Noes.

Motion thus negatived.

PUBLICATIONS DETRIMENTAL TO CHILDREN.

Adjourned debate on the motion of the Hon. K. E. J. Bardolph—

That in the opinion of this Council it is desirable that the Government should take immediate action to prevent the printing, publication and sale of comic papers, comic strips and other like matter detrimental to the morals of children, and for this purpose, this Council recommends the establishment of an advisory committee to advise the Government from time to time on this matter.

(Continued from November 18. Page 1512.)

The Hon. C. D. ROWE (Midland)—I have listened with considerable interest to the speeches on this motion. It is important at the outset to realize that the motion is related to the publication of literature which may be detrimental to children and not to literature which may be detrimental to other sections of the community. So far, much of the discussion has related to the effect of undesirable literature on all sections of the community. I agree with Mr. Bardolph that a great quantity of literature is undesirable and from circulars I have received and information I have gained I think it can be divided into three categories. Firstly, there are publications which are devoted to pictures of nudes and semi-nudes and which, in effect, advocate nudity: secondly, publications which contain suggestive stories, jokes, pictures and drawings, etc.: and, thirdly, publications expressing a distorted, unreal and abnormal set of values regarding the fundamental concepts of life, marriage, citizenship, law and crime. There may be sections of the community which would deny that this type of literature is published but I am satisfied that there is a quantity of undesirable literature which should be prohibited from publication and therefore I agree with Mr. Bardolph that something should be

done in an endeavour to put the majority of our publications on a higher level.

Before I discuss the actual motion I think it advisable for members to examine the existing powers relating to this matter. It seems to me that the answer to the problem is not that we should appoint a committee but that we should see that responsible authorities exercise the powers already provided by the Commonwealth or State Parliaments. The Customs Act of 1952 (division I., section 50), provides:—

(1) The Governor-General may, by regulation, prohibit the importation of goods into Australia;

(2) The power conferred by the last preceding subsection may be exercised—

(a) by prohibiting the importation of goods absolutely;

(b) by prohibiting the importation of goods from a specified place; or

(c) by prohibiting the importation of goods unless specified conditions or restrictions are complied with.

The definition of "goods" contained in the original Customs Act is:—

"Goods" include all kinds of movable personal property.

Therefore, literature in any form imported into this country would come within that definition and could be declared a prohibited import. There is power in the Customs Act to approve the making of regulations and the Customs (Literature Censorship) Regulations appearing in the 1937 Commonwealth Statutory Rules contain this provision:—

For the purpose of these regulations, there shall be a Literature Censorship Board to whom the Minister or the Comptroller-General may refer any literature imported in order to determine whether such literature is, in the opinion of the board, blasphemous, indecent, or obscene within the meaning of section 52 (c) of the Act.

That makes it clear that the Minister or the Comptroller-General has power to refer any literature to the Literature Censorship Board, which consists of four members, and it can advise whether such literature is blasphemous, indecent or obscene. I have no doubt that blasphemous, indecent or obscene literature is being imported and I understand that practically all the magazines which are classed as undesirable, with the possible exception of one, are published outside Australia. I see no reason why the powers vested in this board should not be used to deal effectively with this problem. I do not know, however, to what extent publications have been referred to the board but the attention of the Federal Minister for Customs should be drawn to this

matter and, if necessary, he should submit publications to the board for its consideration. If the board functioned effectively much of the difficulty with which we are confronted could be overcome.

There are two South Australian Acts which relate to literature published in Australia, which cannot be prohibited under the Customs Act. Section 11 of the Children's Protection Act reads:—

Any person who—

- (a) sells, lends, or gives, or offers to sell, lend or give to any child; or
- (b) in any manner employs or hires any child to exhibit, sell, give away, or in any manner distribute;
- (c) having the custody or control of any child, permits him or her to exhibit, sell, give away, or in any manner distribute,

an obscene publication, shall be guilty of an offence against this Act and liable to imprisonment for any period not exceeding six months, and to a fine not exceeding fifty pounds.

As I understand the position, it is open to any member of the public to lodge a prosecution under that section if he feels that the literature is of an undesirable nature. If that were done and the Crown Law authorities were satisfied that the literature complained of was undesirable I have no doubt they would undertake the prosecution. The attention of State authorities might be directed to the extent of the literature which is published and to the powers conferred under that section and a little more vigilance exercised. Recently, members considered the Police Offences Bill, clause 33 of which relates to the publication of indecent matter and which makes it easier for prosecutions to be successfully lodged against the publishers and distributors of undesirable literature. That clause reads:—

(1) In this section—

“indecent matter” includes any printing, writing, painting, drawing, picture, statue, figure, carving, sculpture, or other representation or matter of an indecent immoral or obscene nature but does not include books and other matter published in good faith for the advancement or dissemination of medical science.

(2) Any person who—

- (a) prints, publishes, sells, offers for sale, or has in his possession for sale any indecent matter; or
- (b) gives or delivers or causes to be given or delivered to any person any indecent matter for the purpose of sale, delivery, or exhibition; or
- (c) affixes or inscribes any indecent matter on anything whatsoever so that the matter so affixed or inscribed, is visible to persons in any public place; or

- (d) delivers or exhibits any indecent matter to any person who is in any public place; or
- (e) delivers any indecent matter in or at any building or yard, garden, or enclosure of any building; or
- (f) exhibits any indecent matter to any person in a place other than a public place, so as to offend or insult that person,

shall be guilty of an offence.

Penalty: One hundred pounds or imprisonment for six months.

It also set out in subclause (3) the matters which the court shall take into consideration in determining whether the matter is indecent, immoral or obscene, as follows:—

- (a) the nature of the matter; and
- (b) the persons, classes of persons and age groups to or amongst whom it was or was intended or was likely to be published, distributed, sold, exhibited, given or delivered; and
- (c) the tendency of the matter to deprave or corrupt any such persons, classes of persons of age groups,

to the intent that the matter shall be held to be indecent, immoral or obscene when it is likely in any manner to deprave or corrupt any such persons, or the persons in any such class or age group, notwithstanding that persons in other classes or age groups may not be similarly affected.

That provision was drawn by the committee set up to look into the matter of police offences, so that we are not merely accepting the fact that these publications exist and doing nothing about it. There is a Bill before Parliament, one of the clauses of which specifically deals with these publications and makes it easier and more effective to obtain convictions. An article which appeared in the *News* of Thursday, November 19, by Mr. Travers, M.P., Q.C., expresses fairly clearly what the effect of that section is, and he said:—

All I am interested in doing is to commend to Parliament and to the public the remedy decided upon by the special committee which prepared the Police Offences Bill. The proposed remedy is clear and simple and effective.

Then he went on to deal in detail with the way in which those provisions would enable prosecutions to be carried out satisfactorily. I commend that article to the careful consideration of all members.

The other point I want to make is that, although I feel that some action is necessary to prevent the publication of this literature, in my opinion the prime responsibility rests with the parents of the children concerned to see that they are prohibited from securing this type of matter, and more particularly to make

a positive approach to the question by giving them literature which is wholesome, healthy and educational. No-one can deny that at present there is much good literature specially prepared for young children, which is being distributed through our school libraries and other avenues, which covers practically all aspects of life in which young children may be interested and which will meet their desires along whatever lines their interests may flow. As a parent I do not find it difficult to obtain literature in which I know my children will be interested and which I feel I can safely place in their hands. The mover said:—

The solution is not simple nor can it be brought about immediately. I suggest that the following lines of approach offer the most satisfactory hope of success—first the legal and, secondly, sales.

I think I have dealt conclusively with the legal approach and have shown that if we can make the fullest use of existing powers in the Children's Protection Act or in the new Police Offences Bill we can deal with the matter, but I also heartily endorse the remarks made by Mr. Bardolph in concluding his speech, as follows:—

It is realized that an Act of Parliament is not of itself sufficient to solve the problem. An approach of a wider and more fundamental nature is required. This is where the community, irrespective of creed or politics, may be effective. The community must be educated to and made conscious of the grave danger of this undesirable literature. In this alliance of the law and community is a pincer movement capable of overcoming the insidious menace of unhealthy and undesirable literature. I believe that something can be done whereby the large amount we are spending on education can be productive of its purpose, namely, the establishment in Australia of a healthy, self-reliant community of Australian citizens.

I wholeheartedly endorse those sentiments, but I feel that it is a matter of parents recognizing their responsibilities and it is from their attitude and influence that will come the best solution. I feel, therefore, that this motion will have done much good in that it will have brought to the minds of people who have not previously considered the subject the fact that this literature is fairly widely distributed, and the desirability of their paying some attention to what their children shall read, and give them some direction as to what is in their best interests. In all the circumstances I do not think that another committee is necessary to advise the Government. The facts are well-known, and with the law amended as it is proposed the position can be handled satisfactorily and I sincerely hope that the desired

end will be achieved. In view of the arguments I have set out, although I agree that this literature does exist, I also think that there are measures available which can get over the difficulty, and what is required is not another committee but that existing powers shall be exercised to the full.

The Hon. K. E. J. BARDOLPH (Central No. 1).—I thank the Chief Secretary and other members for their contributions to this debate and regret that more members have not declared their views. I have given them the opportunity by adjourning the debate from time to time and am sorry that they have not debated the motion, for I believe that it transcends in importance much of the legislation we are called upon to deal with. I say without any rancour that the Chief Secretary's reply was very weak. I have perused *Hansard* and picked out nine points which he attempted to make. First he said:—

The phrase "other like matter detrimental to the morals of children" was not explained lucidly by the honourable member, but I suggest that action has been taken by Parliament by the passing of two very important Acts—the Police Act and the Children's Protection Act.

It is true that there is the Children's Protection Act on the Statute Book; it has been there for years. It is also true that Parliament is dealing with the Police Offences Bill which provides an avenue, in a degree, whereby action can be taken. The very basis of the provisions in the Police Offences Bill was the decision of an advisory committee set up by the Government, so while the Chief Secretary objects, on the one hand, to advisory committees, on the other the Government seeks the advice of such a committee on this particular legislation. The Chief Secretary said that the approach to this problem by a member of our Party in another place was different from mine. Being members of a Party which allows freedom of thought in such matters we are both allowed to express our views as we think fit, but I remind the Chief Secretary that the member referred to happens to belong to the legal profession, and I want to approach this question from the community angle and not the legal angle. It is true that the Police Offences Bill will provide a vehicle whereby some of the people concerned can be brought to book, but not until the damage has been done. The Chief Secretary said that my motion would set up a full-blooded censorship. Assuming that the Police Offences Bill provides all the avenues necessary, does not the

complainant have to run the gamut of the various governmental channels before action can be taken? First the report has to go to the Police Department which, in turn, submits it to the Crown Law Department to determine whether or not there are grounds for prosecution. After that, it comes before the court, and the stipendiary or police magistrate still has to determine whether or not the publication is damaging to the morals of children.

The Hon. W. W. Robinson—Where would your report go?

The Hon. K. E. J. BARDOLPH—To the responsible Minister who in turn would report to Parliament if necessary—

The Hon. C. D. Rowe—You do not suggest that Parliament should pass an Act to deal with every publication?

The Chief Secretary said:—

I have given considerable thought to the motion, but its aim is not clear.

I do not wish to be uncharitable, but I do not think he could have given considerable thought to the motion, because its aim is as clear as crystal. It is the setting up of a committee for the purpose of doing something; it expresses an opinion that some literature published in South Australia is detrimental to children, and that a committee should be set up to advise the Government. The Chief Secretary continued:—

I read the honourable member's speech but he did not supply us with exhibits although he did refer to the *Eagle* which is a South Australian publication.

I have never used this Parliament as a public forum either to enhance the cause of or malign any individual. I showed the Minister certain publications handed to me by a very responsible parents' committee, considered to be of an insidious nature and distributed in South Australia, yet he said I did not produce exhibits. My reason for not doing so was that these papers were not fit for distribution among children, and any public mention of their names would have given them undue publicity.

The Hon. A. L. McEwin—I said the publications the member showed me were not children's publications.

The Hon. K. E. J. BARDOLPH—In my speech I said that publications exist that affect children, and other carry on this insidious work by producing similar publications for teenagers. The Chief Secretary also said:—

I am trying to ascertain at what publications the motion is aimed.

Surely I do not need to individualize every publication; that is the purpose for which the suggested committee would be set up. It would advise the Minister or the Government on what publications were inimical to the interests of children. The Chief Secretary made this admission:—

I have, on occasions, discussed this matter with the Children's Welfare Department which has been responsible for eliminating the worst of this literature.

On one hand he says that this committee is not necessary, yet on the other hand admits that pernicious literature is in existence, and affects not only the children in private homes but also those under the care of the Children's Welfare Department. A committee would solve the problem, because it would deal with literature going to children in both these categories.

The Hon. C. D. Rowe—How would a committee solve it? It would have no powers to prohibit anything.

The Hon. K. E. J. BARDOLPH—I am coming to that. The Chief Secretary also said:—

It is incumbent on the honourable member to explain the exact evil at which his motion is aimed. I would suggest that in regard to comic papers for younger children he has not yet established that an evil exists.

My reply to that is that the committee would have sufficient evidence placed before it by various parents' organizations to indicate names of publications and to decide whether they are insidious literature. The Minister finally said:—

I think it is quite likely that in many instances reading material, the vulgarity of which can be admitted, is purchased not by the children but by the parents whose duty it should be to protect their children.

That is what I said when submitting the motion, that it should be not only the responsibility of Parliament but also of parents. I also said that that responsibility could be achieved by a pincer movement whereby the sale of such literature could be curtailed by those responsible for the welfare of children.

The Hon. C. D. Rowe—That is a most important point.

The Hon. K. E. J. BARDOLPH—I agree. On the question of Commonwealth control, I appreciate what Mr. Rowe said about the legal aspect, because I would be the last to decri any legal opinion expressed by him in this Chamber. He went to some trouble to glean all the information available about censorship powers relating to customs goods. I have a letter from the Minister for Shipping and

Transport, which contains the following statement:—

Investigations conducted by officers of the Department of Trade and Customs have revealed that comic books are published in Australia, mainly in Sydney and Melbourne, using both local and imported art material. In the main the imported material enters the country as first class mail matter in the form of tear sheets, proofs, pulls and newspaper cuttings. The detection of this material entering in such a manner would involve censorship of mails and this course of action is not considered desirable.

As I mentioned earlier, such a course would really be the setting up of a police State, and I do not desire that. The letter concludes:—

In addition single copies of overseas newspapers which arrive by post are used for reproducing in Australia this kind of material. The physical difficulties of examining every newspaper received by post are insurmountable and once the material in question has entered the country the Commonwealth has no power to prevent publication in Australia.

This answers Mr. Rowe's statement about the censorship committee set up by the Commonwealth Government. The Post and Telegraph Department cannot make a minute survey of every letter coming into the country, so the only protection that can be afforded to various committees and parents is legislation passed by this Parliament with the assistance of an advisory committee. I do not suggest for one moment that a committee should be composed of the "sticky beaks" the Minister mentioned, but of representatives of various churches, schools and the Children's Welfare Department. The Sacred Heart College Parents and Friends Association has written to me requesting some action should be taken, and has also written to every member of the State and Commonwealth Parliaments. I know that some members of the Parliament of this State agree that some action should be taken immediately.

The Hon. F. J. Condon—Is any other denomination against this literature?

The Hon. K. E. J. BARDOLPH—Yes, all denominations. The Presbyterians and Methodists have indicated their desire that something should be done. It is not a question of creed or politics, but one of approaching this problem to maintain our Australian way of life, because this literature can have an effect as it has had in totalitarian countries where the opponents of democracy have succeeded by means of publications to break down the morale of the people and the democratic outlook, resulting in a totalitarian regime. I know members do not desire to see that happen here. Some members of this Chamber

have written to the association I have mentioned indicating their intention to support any move to prohibit this type of literature. I desire to thank the Chief Secretary, Mr. Bevan and Mr. Rowe for their contributions to the debate, and knowing full well that I have the support of all members I look forward to the motion being carried.

The Council divided on the motion.

Ayes (3).—The Hons. K. E. J. Bardolph (teller), S. C. Bevan, and F. J. Condon.

Noes (13).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, L. H. Densley, E. H. Edmonds, N. L. Jude, A. L. McEwin (teller), A. J. Melrose, F. T. Perry, W. W. Robinson, C. D. Rowe, Sir Wallace Sandford, and R. R. Wilson.

Pair.—Aye—The Hon. A. A. Hoare.

No—The Hon. C. R. Cudmore.

Majority of 10 for the Noes.

Motion thus negatived.

DA COSTA SAMARITAN FUND (INCORPORATION OF TRUSTEES) BILL.

Read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL (FEES).

Adjourned debate on second reading.

(Continued from November 24. Page 1578.)

The Hon. R. R. WILSON (Northern)—Each session measures are introduced which are unpopular and this Bill will be unpopular with many people. I appreciate that we must obtain more revenue for the purpose of maintaining and constructing roads and consequently I support the second reading. Much money has been, and must be, spent on the construction of new roads, particularly in war service land settlement areas. I agree with other members that the amount collected by the Commonwealth from petrol tax should be devoted to road use and not paid into general revenue. It is interesting to note that last year £23,481,000 was collected from petrol tax, of which £14,920,000 was allocated to the States and £8,561,000 to general revenue. South Australia received £1,641,000, which is less than one-fifteenth of the total amount collected. The Government expects to receive £1,675,000 from increased registration and licence fees. Last year the administration costs of the Motor Vehicles Department were £146,000 and of the Highways and Local Government Department £190,000. An amount of £19,000 was devoted to a special sinking fund. That represents a total of £355,000 which, with interest on loans, amounts to approximately £400,000.

In Western Australia all registration fees are collected by road boards which are scattered throughout the State and are spent in the districts in which they are collected. Licence fees are collected by local policemen who issue the licences. As a result there is not so much money spent on administration costs. I strongly support the suggestion of letting road work to private contractors. Recently while travelling by aeroplane to Port Lincoln I engaged in conversation with the contractor engaged on work on the road from Peterborough to Broken Hill. He also contracted to construct $3\frac{1}{2}$ miles of sealed road near Tumby Bay at a total cost of £35,000, or £10,000 a mile. He explained that the day labour system was responsible for the heavy cost of that work. He said that men were not permitted to work more than 40 hours a week and that time included travelling to work on Monday mornings, with little work done before lunch, and from work on Fridays, with little work done after lunch. He claimed that he could do three times as much work in his capacity as a private contractor. If we are to construct better roads and to obtain better results from our expenditure we should seriously consider letting the work to private contractors who are not bound by the 40-hour week and who can work to the times they desire. The cost of plant to district councils averages £25,000 to £30,000, but the Highways Department has expensive plant lying idle in country depots. The only way we can get better results from our expenditure is by applying more time to the use of that plant which could be hired out to councils or contractors.

Mr. Bevan referred to the proposed increases on diesel-driven vehicles and contended that they will be paying more equitably in comparison with petrol-driven vehicles. The Eyre Peninsula Transport Association held a meeting last Saturday evening at Tumby Bay to consider the effects of this Bill and a letter was forwarded to the Premier, of which I have a copy. The geographical position of Eyre Peninsula is such that many towns are not connected with rail transport and consequently goods must be carried by road or by sea and road. Because of the proposed increase in registration fees many diesel-driven vehicles will not be registered. Mr. Birkin of Tumby Bay claims that it will cost him £334 to register one Mack semi-trailer. If he does pay that amount it will be passed on to the consumers because he could not otherwise make a profit. Smaller semi-trailers owned by the

chairman of that association cost £35 each to register last year but under this proposal the registration fees will increase to £147. He suggests that as he is no longer engaged in long distance carting he will not register those trucks but will obtain a petrol truck at a cost of about £1,500. Another large contractor, Mr. Leech, will have to pay £250 registration fee on one semi-trailer. Many persons purchased diesel vehicles at a high initial cost to avoid paying heavy sums for petrol but it now appears that many of those trucks will be put on the scrap heap because the registration fees will be too great. The proposal adversely affects people in that sparsely populated area.

The Hon. L. H. Densley—Diesel trucks have had a detrimental effect on roads for years but have not made any compensating payments.

The Hon. R. R. WILSON—The costs of upkeep on diesel vehicles are exceedingly heavy and I suggest that few of the users of those trucks have made very much.

The Hon. L. H. Densley—If they have not under the advantageous system they enjoyed they should get rid of them.

The Hon. R. R. WILSON—They will, because of the new registration fees, and producers will suffer as a result. Our roads will certainly have to be reconstructed completely if they are to stand up to the present high speed traffic and heavy tonnage. It was recently reported that a truck travelling to Western Australia had a load of 50 tons. No existing road will stand up to such heavy loads driven at speed. It is recommended that research work be carried out in order to improve our roads, but much has been done already. Prior to the introduction of motor vehicles there were no corrugations in roads, but it has been found that some roads corrugate more than others, which suggests that the cause lies in the material used as much as in the tyres. At Tumby Bay Mr. Bratten, one of the few men who has had a monument erected in his honour during his lifetime, evolved a system of building light roads by use of a heavy plough drawn by a high powered tractor. This ripped out everything on the road, which was then formed and graded, and the system proved to be very effective for some time. However, this type of road corrugates so badly that graders have to be employed continually.

The increased licence fees will not affect only the few people whom Mr. Bevan described as the poorer classes but a large number of farm employees who use their trucks only at week-ends, so it is not only people in the

city who will suffer. I agree that many suburban roads are in bad shape. I visited Findon last week and I was amazed to see the shocking state of roads in new housing areas. How some people ever get out in wet weather I do not know. The road problem will be of great concern to this country for a very long time and the new Minister who, I understand, is to control our transport system, will have a huge task. The extra money will enable work to be carried out on a better basis, especially when we have a Minister who will give constant thought and supervision to the subject. We have been told that in the money spent on roads on Eyre Peninsula the people there have had an advantage, but that is an unfair comparison as, because of the sparsity of population, the percentage cost must be much greater *per capita*. With these qualifications I have pleasure in supporting the Bill.

The Hon. N. L. JUDE (Southern)—This Bill has given me considerable cause for thought. As I said in the debate on the Appropriation Bill, we have to approach the matter of obtaining revenue factually, but I am certainly going to be outspoken enough to say that I give this Bill my very grudging support. I am somewhat worried by the principle underlying it, and the reason that makes me support it is that it is not within the power of this Parliament to deal with the question as I think it should be dealt with, namely, by obtaining money through a petrol tax. The Premier has made many attempts to obtain a greater share of petrol tax revenue from the Commonwealth Government, but, having failed, he has been forced into this scheme for getting additional money for roads. I am quite certain that he realizes that, although it may appear that the end justifies the means by virtue of the return of the whole of this money to roads, it is not a very good Bill, and I have no hesitation in saying so. It is definitely inequitable. The registration fee of the person who owns a car in the city, cleans it one week-end and uses it the next and drives a thousand miles or so a year is being raised by 30 per cent to 50 per cent and he has no way of regaining that amount; it is a dead weight charge upon his comparatively small activity. On the other hand the increase to people in the country who travel considerable distances is only a tithe of their annual motoring costs. It is quite obvious that the main thing which is related to road usage is the amount of fuel consumed, as well as, of course, the tyres used. Therefore, fundamentally the Bill is unsound and I regret its necessity.

When we examine the balance-sheet in the Highway Commissioner's report—unfortunately only very recently available—we find a rather extraordinary state of affairs. Because of the obvious increase in the cost of road construction and maintenance it became apparent early in the year, according to the Commissioner, that retrenchment would have to be resorted to, and this was done. At the end of the year, however, about £300,000 was not spent. This calls for comment.

The Hon. K. E. J. Bardolph—Would not a Public Accounts Committee rectify that?

The Hon. N. L. JUDE—No. That is too late. Am I rectifying it by commenting on it now?

The Hon. K. E. J. Bardolph—No, it is too late.

The Hon. N. L. JUDE—Exactly, and that is why Mr. Condon's motion was lost. There are two reasons regarding the inequity of the Bill to which attention should be drawn; the first is commercial as it tends to reduce the number of charter licences available and thereby overrides the policy of the Transport Control Board in that it forces many small traders to use their own smaller vehicles, with consequent loss of efficiency. I have already said that the private owner will suffer most for the reasons that have been submitted by previous speakers. The commercial users must pass on the increase, and their reasonable estimate of this is about 2½ per cent. While every step is being taken, or should be taken, to back up the Arbitration Court's decision to stabilize costs, it is a pity that we have had to take a step which will inevitably lead to costs being increased in many directions. In the Minister's second reading speech it was stated that motor revenue received had not altered for many years. Admittedly, he said later that allowance must be made for the increase in the number of registrations, but are members aware of this increase? As a matter of interest I have had the figures taken out, and they are as follows:—

Year.	No. of registrations.
1936	84,000
1940	91,000
1945	97,000
1950	163,000

That represents a tremendous increase in revenue even at the old rates, but by 1952 the number had increased to 200,000, and that represents a very large increase in revenue. We know, however, that it is not enough, but as a matter of interest South Australia has,

with two exceptions, the highest percentage of motor vehicles *per capita* in the world. The purpose of the Bill is to permit us to put our roads into better condition and I think it is very courageous of the Government to say that it recognizes that our roads are gradually getting worse.

It is sometimes said that country members are always complaining, but as one who travels extensively on roads I have a firm belief that we must safeguard to a far greater extent the money we spend on highways. Therein probably lies half the answer to the problem. On Monday evening I came to Adelaide and must have driven alongside at least four or five miles of wet tar at intervals and I saw semi-trailers travelling towards each other, each on the half of the road that was open, and they had no hesitation in pulling off on to the wet bitumen in order to pass each other. They continued at exactly the same pace of between 40 and 50 miles an hour and the tar course was coming up and leaving a dry rut in its wake. I discussed this matter with the Engineer for Highways and he admitted this was the position. We are the people who should give him protection. Although we have the power under the Act to deal with people who damage road surfaces, we are not policing the matter. I assure members that this is going on every night of the week. It was brought to my notice recently that a huge strip of bitumen was left in a wet state over the whole week-end, and a few days ago a lady told me she had paid £15 to have her car cleaned because it had been covered with wet bitumen thrown up by a car swinging out to pass her and going on the wet portion of the road.

We have powers under the Act to police speed, loads and damage to road surfaces, and instead of doing so we spend too much time policing breaches of the Road Transport Act. Unfortunately, under this Bill most of the money will come from our own carriers, whereas I believe most of the damage is done by interstate freighters. I speak from considerable experience of observation on the Duke's Highway, where damage over a few years has amounted to millions of pounds. In Victoria these freighters cannot travel after dark for two reasons, firstly the difficulty of policing breaches, and secondly because of union regulations governing hours. I can almost laugh at the idea that Parliament should prohibit night driving of transports, when in Europe that is the only time they are permitted to travel in order to balance out the weight

of the day's traffic. We should encourage the use of highways at night by these heavy vehicles, but if they are going to abuse that privilege, they should be punished.

Over-loading should be policed, because it causes damage to roads. A short time ago a comparatively long stretch of road north of Keith had a 3in. thick bitumen seal placed over a tar coat, and within a matter of days the heaviest types of interstate transports were using this newly laid portion while still fresh instead of travelling at the side of it. On one occasion I saw a transport, obviously laden down, travelling along that road, and every now and again it picked up a portion of the road like a jam roll, leaving holes 3in. deep. As a result, a week later repair machinery had to come along and patch the road, and it is still being patched regularly. We have only ourselves to blame for these things, because we have an Act in existence, and while we are reluctant to police it, we are always keen to amend it. There is a lot of commonsense in the Act; and I believe it should be used more than it is, and that it should not be amended too much.

The Hon. C. D. Rowe—What is the volume of interstate traffic on that road?

The Hon. N. L. JUDE—I think it has been reduced considerably, although we still seem to have a tremendous number of motor bodies being carried on it. Apart from that traffic, many vehicles carrying heavy load, and 16-wheeler vehicles use it and push the road about in no uncertain manner unless it has had a chance to be worn in by lighter vehicles first, and I suggest something should be done about this. The other day I asked the Chief Secretary a question about the extraordinary junction outside Tailm Bend between the Duke's and Prince's Highways. I had a conversation with the engineer about this, and we differed on the matter. A T-bend was placed on the road, and a report is being sent to the Commissioner of Police by the local policeman setting out his opinion that it is a veritable trap. The council objected to the peculiar corner, but the engineer constructed it because he said it is a modern practice to slow down traffic. If action is not taken in this matter before Christmas traffic gets on the road, many accidents may result.

A new railway crossing has been made nearby on the Melbourne line, and as the trains using the track travel swiftly and quietly, I think it is a matter of great regret that traffic lights were not installed before the crossing was opened. As members know, semi-trailers

on a hot day create a lot of dust. Vehicles following them endeavour to overtake them as soon as possible, and while overtaking the drivers have no opportunity to see trains. Because of this, traffic lights should be installed as soon as possible and the old road used until this is done.

One matter that is rather hard is the provision for increased fees on mobile cranes. Although one such vehicle was involved in an accident recently, they do not generally travel very fast, and they are a great asset in cases of motor accidents and so forth. Because of this I feel that a registration fee of over £100 imposed on a vehicle that travels only a few miles a week is too high, and possibly the Government might consider amending this clause. I have an amendment on the file dealing with motor registration fees, because I am a firm believer that when registering a vehicle the owner should obtain a registration for a full 12 months. In October last 6,322 new vehicles were registered at an approximate cost of £60,000. Averaging that out at £1 a month for each vehicle, the average for each month is $8\frac{1}{2}$ per cent. Taking $4\frac{1}{2}$ per cent as an average for each vehicle, this represents a monthly amount of £3,000 which we obtain in rather a sly manner; I do not like it, and I have no hesitation in saying so. If we are going to hit the pockets of people, we should give them the benefit of 12 months' registration for a 12 months' fee. I have come prepared to hear the Minister tell me that the chief problem is the matter of registration discs, so I have taken the trouble to find out from the Victorian Motor Vehicles Department what is the position there; and I have been assured that they do not follow our practice, and would not consider doing so. They had rather a sly dig at this State by mentioning the theft of motor cars here, because all discs there are placed on vehicles by the police who can detect whether or not they are stolen. We now propose doubling the driving licence fee, which last year yielded £128,000. Taking the $4\frac{1}{2}$ per cent rake-off that applies to registration fees and applying it to driving licences, perhaps not very much money in involved, but the principle is the same, and it is wrong. Let us consider the practical side. What is the position in the Motor Vehicles Department? Every registration and driving licence taken out during a month automatically reverts to the last day of the preceding month. Does that enable the Registrar to maintain clerical efficiency throughout the year? I sympathise

with him. We are all familiar with the position which existed in the old days when driving licences were all issued on June 30. The position became desperate through shortage of manpower during the war and the Government took steps to overcome the difficulties. The costs of maintaining the Motor Vehicles Department do not seem unduly high but in the Auditor-General's report he refers to overtime and additional clerical help. I suggest it is due to the volume of work transacted at the end of each month. If we are anxious to obtain money from increased registration and licence fees for our roads we should ensure that it is not devoted to paying for clerical work.

The Hon. K. E. J. BARDOLPH—What would be the amount spent on overtime?

The Hon. N. L. JUDE—I could not ascertain that figure but I should imagine it would be considerable. This point should receive serious consideration and I trust that when my amendment is before the Committee it will receive members' wholehearted support. I support the second reading.

The Hon. L. H. DENSLEY secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 24. Page 1580.)

The Hon. Sir WALLACE SANDFORD (Central No. 2)—Price control has been with us for some time now and came into being under the National Security Regulations. Although the war which commenced over 14 years ago ended about eight years since we still have price control. It was, for a time, in the hands of the Federal Government but it is now controlled by the States. I have listened with interest to members, particularly those who tried to justify profit control as a continuing policy, but to my mind they have been most inconsistent and their arguments unconvincing. The quoting of a string of figures and making comparisons with other years means nothing. It is evident that there has been confusion between wholesale and retail costs. For instance, one member said that oranges of good quality could be purchased for 6s. a case but that those, or similar oranges, were being sold in Adelaide for three a shilling. If that is held up as an example of the necessity for profit control it seems to me that control, itself, might have been responsible for that state of affairs. To submit that the machinery of Government should

be invoked because at some time oranges were 6s. a case—and where is not made clear—and the fruit sold retail in the city at three for one shilling, only tells part of the story.

The Hon. S. C. Bevan—Who is getting the rake-off?

The Hon. Sir WALLACE SANDFORD—That is one of the light flippancies we hear so much about. It is a rake-off when somebody else benefits but when persons themselves benefit it has another name. The costs of cases, freight, rent, and deterioration are overlooked. In selling retail, wages must be considered. If a man works more than 40 hours a week he must be paid overtime. Another necessary cost is that of paper bags. All these things have to be paid for.

The Hon. S. C. Bevan—When is overtime paid on the sale of oranges?

The Hon. Sir WALLACE SANDFORD—Some shops are open in the evening.

The Hon. S. C. Bevan—The employees are not working overtime but their normal hours.

The Hon. Sir WALLACE SANDFORD—Does the honourable member suggest that a shop is open for only 40 hours a week? If the employee works more than 40 hours he receives overtime.

The Hon. S. C. Bevan—I suggest you peruse some court determinations.

The Hon. Sir WALLACE SANDFORD—Even if overtime is not considered there are other charges which must be met. If controls were abolished competition would reduce the price and we would revert to the old, but effective, law of supply and demand. Several members have taken advantage of the recent potato shortage to show the necessity for Government interference. Mr. Bevan asked what would happen if price control were abolished but immediately contended that he should be able to get as much for his pound now as in the past, whereas it is these controls for which he asks that have caused our economic discomforts. We talk of goods being in full supply again but these interferences with production and distribution are retarding and discouraging the increase in production to which we say we are looking forward.

The Hon. S. C. Bevan—Do you know that local growers cannot dispose of their potatoes because the market is flooded with Western Australian potatoes?

The Hon. Sir WALLACE SANDFORD—That is all in the game, together with the rake-off which the honourable member so glibly refers to. I am sure that no-one dislikes price control more than I. Not only

does it tend to interfere with the normal flow of business, therefore causing loss and trouble to both producer and consumer, but it engenders a feeling of insecurity that retards the development of that condition of hope and confidence upon which progress depends.

It must be remembered that the Act provides for the extension of the period during which the prices of dairy produce will be fixed. The need for this arises from the dairy industry stabilization plan which was introduced by the Commonwealth Government and came into force at the beginning of July last year and which was debated here this time 12 months ago. For five years from July 1, 1952, the Commonwealth Government proposes to pay what was at first called a "subsidy" but is now referred to as a "bounty." As the scheme is Australia-wide the States have referred the power of fixing the price of dairy commodities to the Federal Government. This can hardly be regarded as unreasonable for it is the Federal Treasury that finds the money. It will be seen that in this case it is price control not the usual profit control and does not in any way retard, but on the contrary lends very substantial assistance. Because I am convinced that this is working to the advantage of that very important section of primary production I support the second reading.

The Hon. A. A. HOARE secured the adjournment of the debate.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

Received from House of Assembly and read a first time.

ROAD TRAFFIC ACT AMENDMENT BILL (GENERAL).

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.

This Bill contains a number of diverse amendments of the law respecting road traffic. Some of them arise from recommendations made by administrative officers of the Government, e.g., the Registrar of Motor Vehicles, the Commissioner of Police, or the Commissioner of Highways. Others are based on recommendations of the Australian Uniform Road Traffic Code Committee. This committee, which consists of representatives of the Commonwealth and of all the States, has within the

last year or two made numerous recommendations for the purpose of securing a greater degree of uniformity throughout Australia in the main rules governing road traffic. These recommendations have been received by the Government and sent on to the State Traffic Committee for consideration. In many respects South Australian traffic law already conforms to the uniform principles recommended by the Uniform Road Traffic Code Committee, but on some important points our rules differ from those of other States. A number of the recommendations for uniformity have been indorsed by the State Traffic Committee and some of these are included in this Bill. Although several authorities have made recommendations on which this Bill is based it should be pointed out that everything in the Bill has been considered by the Government and approved by it for submission to Parliament.

The detailed explanation of the clauses is as follows. Clause 3 provides that unregistered farm tractors may be used for drawing registered trailers between different portions of a farm. At present the tractors can be used for drawing farm implements; but the farmer cannot use an unregistered tractor for such purposes as moving bags of superphosphate from a paddock on one side of a road to a paddock on the other side, by means of a trailer. It is proposed to grant a concession which will enable this to be done.

Clause 4 enables certain small wharf trailers to be driven on roads without registration. These trailers are commonly known as "biddies" and are ordinarily used for transporting cargo between ships and cargo sheds. From time to time, however, it becomes necessary to move these trailers from one wharf to another, and this makes it necessary for them to be taken on to the public roads. The earlier types of these trailers were not motor vehicles within the meaning of the Road Traffic Act and could lawfully be taken on roads without registration. But the wharf trailers now in use are vehicles within the meaning of the Act and will have to be registered and insured unless Parliament otherwise provides. Such registration and insurance would be an unnecessary burden and expense because the trailers are only taken on to roads at relatively long intervals and only for short journeys. It is proposed, therefore, by clause 4 of the Bill to enable the Registrar to grant exemptions permitting "biddies" to be drawn on roads and streets without being registered, so long as the vehicle which is drawing them is itself registered and insured.

In granting exemptions, the Registrar will have power to impose any conditions which he deems necessary for the safety of the public.

Clauses 5, 8 and 9 deal with false statements made by persons applying for licences, registrations and other documents under the principal Act. There are at present three provisions in the Act dealing with false statements, but they were drafted to meet the conditions of 1921 and do not apply to all the kinds of applications which are now made under the Act. In addition, the penalties at present prescribed—namely, £20 and £50—are too low. In view of the activities of car thieves and their associates who often attempt to obtain registration papers or duplicate certificates by falsehoods, it is now necessary to have a more general and more effective provision dealing with false statements. It is therefore proposed to repeal the existing provisions on this topic and enact a comprehensive section prescribing penalties of a fine up to £100 or six months' imprisonment.

Clause 6 amends the law respecting the use of limited traders' plates. At present these plates can be used for the purpose (among others) of driving a car to a show or exhibition for display. But they cannot be used for this or any other purpose on a public holiday; and as some country shows are held on public holidays the privilege of using traders' plates on vehicles driven to shows for display is therefore of no value. In another place the Government agreed to the principle that traders' plates should be permitted to be used on holidays for the purpose mentioned and clause 6 provides for this.

Clause 7 deals with the case where a person holding a driver's licence issued in this State, is disqualified from driving by a Court or authority in another State. Such disqualifications are imposed from time to time; but when the driver returns to South Australia the disqualification imposed in the other State ceases to have effect. The Uniform Road Traffic Code Committee recommended that there should be recognition in every State of driving disqualifications imposed in any State, and the State Traffic Committee supports this. To carry this principle into effect, clause 7 gives the Registrar a discretionary power to cancel or suspend a driver's licence issued in this State when the holder of it has been disqualified from driving by a Court or authority in another State.

Clause 10 deals with the penalty for driving over-loaded vehicles in contravention of the width of tyres provisions of the Act. At

present the penalty for any such offence is a fine of not less than 2s. 6d. and not more than 10s. for each hundredweight of load in excess of the legal maximum. These penalties have been found too low to act as an efficient deterrent, and the officers charged with enforcement of the width of tyres laws, supported by the Highways Commissioner, have submitted recommendations to the Government for increased penalties. It is proposed in clause 8 that the minimum penalty will be raised from 2s. 6d. to 10s., and the maximum from 10s. to £2, for each hundredweight of excess load.

Clause 11 contains another provision dealing with overloaded vehicles. It provides that if a vehicle is overloaded more than half a ton, an authorized officer appointed by the Minister or by a council may direct the driver or person in charge of the vehicle to reduce the load at a place specified by such officer, and if a person fails to comply with such a direction he will be guilty of an offence. It has been pointed out to the Government that overloaded vehicles are from time to time detected at the border as they enter the State; but nothing can be done at present to prevent them from continuing their journeys in an overloaded condition, sometimes for long distances, with consequential damage to our highways. A provision for reduction of excess loads on the lines of that proposed in clause 9 is in force in Victoria and is reported to be effective.

Clause 12 provides that after a day to be proclaimed all bicycles propelled by human power must carry reflectors in addition to their rear lights. This is, of course a safety measure and has been recommended to the Government by the State Traffic Committee. It is also supported by the Australian Uniform Road Traffic Code Committee and the Royal Automobile Association. The reason for it is the well-known fact that many of the lights now used on bicycles are apt to become dim or to fail altogether in the course of journeys, with the result that motorists often do not notice cyclists at night until they are very close to them. There have been some accidents due to this cause. It is most desirable that there should be some alternative way of making bicycles visible from the rear at night, and the fitting of a reflector which is an inexpensive article and one which does not easily get out of order, is a satisfactory means of achieving this. The actual size, shape and pattern of the reflector will be prescribed by regulations, and there will be a waiting period before the new law is brought into force.

Clauses 13 and 15 both deal with the same matter—namely, with the turn to the right at intersections controlled by lights. It is proposed to alter the present law on this subject. Under the existing rule, a person desiring to make a right turn at a light-controlled intersection must first enter the intersection while the green light is facing him, then wait in the intersection until the light changes and complete the turn after the change. The proposal in the Bill is that when the motorist has entered the intersection on the green light he may immediately complete the turn to the right if that can be done without risk of collision notwithstanding that the light has not changed. In so turning the motorist is obliged to give way to oncoming traffic and to avoid colliding with any pedestrians within the intersection. The rule proposed in this clause is in force in New South Wales, Queensland and New Zealand, and has been asked for by the Adelaide City Council. It is of some importance to the council that this rule should be introduced, because the council is desirous of equipping certain junctions or intersections with vehicle-actuated traffic lights. These lights will not work properly unless the traffic is permitted to move to the right as proposed in the clause. The State Traffic Committee inquired into this matter and after obtaining a considerable amount of information recommended it to the Government, subject to provision being made for the protection of pedestrians. The Australian Uniform Road Traffic Code Committee also recommended the proposed rule for adoption throughout the Commonwealth. In submitting the proposal to Parliament, it may be pointed out that in the clause dealing with this matter, the motorist is given the duty of avoiding pedestrians when making either a right or left turn at light-controlled intersections. At present, although the law permits the left turn to be made against a red light showing on the left, there is no specific statutory duty laid upon the motorist to avoid pedestrians.

Clause 14 alters the law as to passing stationary tram cars. At present motorists in this State are not prohibited from passing stationary tram cars, but must reduce speed to six miles an hour. It is proposed by clause 14 to require motorists to stop before passing stationary trams except at places where the traffic is controlled, or there is a safety zone. This clause has been recommended by the Australian Uniform Road Traffic Committee and the State Traffic Committee. South Australia

is now the only State in which motorists are allowed to pass stationary tramcars and as the rule requiring them to stop works satisfactorily in the other States it is reasonable that we should now conform to the general Australian practice in this matter.

Clause 15 has already been explained in connection with the alteration of the law as to right-hand turns provided for in clause 13. Clause 16 proposes an important change in the rules dealing with the effect of stop signs. The present law is that a motorist who has stopped at a stop sign must not enter the intersection unless it is sufficiently clear of traffic on both sides to enable him to pass through the intersection without danger. The practical effect is that he has to give the right of way to traffic both on his right and left. Clause 16 alters this rule so as to provide that a vehicle which stops at a stop sign shall have the right of way as against traffic coming from the left. If adopted this proposal will mean that a motorist, after stopping at a stop sign, may enter the intersection if the road on the right is clear, although there may be traffic approaching from the left. The traffic on the left will be required to give him the right of way while he completes the crossing, just as if there were no stop sign.

This proposed rule is recommended by the Australian Uniform Traffic Code Committee and is strongly supported by the Royal Automobile Association. It was recommended to the Government by the State Traffic Committee. It is claimed in support of the new rule that it ensures a freer flow of traffic, and simplifies the traffic laws by removing an exception to the general rule of giving way to traffic on the right. There is no doubt that the absolute right of way now enjoyed by motorists on roads protected by stop signs often leads to accumulations of traffic at stop signs and encourages speeding on the road protected by the sign. In addition to altering the effect of stop signs clause 16 also empowers the Commissioner of Police to remove them. It has always been assumed that this power is implied in the law at present, and, in fact, stop signs are often removed, but it is desirable to give the power expressly.

Clause 17 relates to the speed limit of six miles an hour which applies to motorists passing stationary tramcars. If Parliament agrees to the clause which requires a motorist to stop before passing a tramcar, this speed

limit will have a greatly restricted application; but there will still be some cases in which motorists will be permitted to pass stationary tramcars, *e.g.*, at intersections where the traffic is being controlled by lights or a police officer, and it is proposed to retain the speed limit of six miles an hour for such cases.

Clause 18 was inserted in the Bill in another place. It provides that motor vehicles are not to remain at rest within 25ft. of a post indicating a tramway stopping place. The Government took the view that this was a matter for local governing authorities rather than Parliament to deal with; but as the clause was carried in a division the Government will not propose to move for its deletion and is prepared to give it a trial.

Clause 19 deals with the penalty for the offence of failing to stop a vehicle when an accident occurs. At present the maximum penalty for this offence is a fine of £20 which has been found to be quite insufficient for serious cases. It is proposed to raise this penalty to a fine not exceeding £100; and if the accident is one in which a person is injured or killed a motorist who fails to stop will be liable to imprisonment for any term not exceeding six months. It may be mentioned that even heavier penalties than these were recommended by the Australian Uniform Road Traffic Code Committee, but the Government considers that those in the Bill are sufficient.

Clause 20 provides that vehicles are not to be driven on roads with pneumatic tyres inflated to more than 100 lb. a square inch. The object of this is to protect the roads. Ordinary pneumatic tyres are not inflated to a pressure as high as 100 lb. but the Highways Commissioner has been informed that a new type of steel cord tyre is coming into existence in some parts of the world which is used at pressures in excess of 100 lb. Tyres inflated to such pressures do a great deal of harm to road surfaces and it is desired that their use shall be prohibited. This matter was inquired into by the Traffic Committee which was satisfied by the evidence that these tyres would be destructive and that the limitation of 100 lb. would not prevent the use of any vehicles now on the roads. In order to remove some misunderstandings about this matter, it should be stressed that the Bill is not directed against steel cord tyres as such, but only against high pressures either in steel cord tyres or any

other tyres. If steel cord tyres are used at pressures below 100 lb. their use will not be affected in any way by this Bill.

Clause 21 increases the penalty for damaging roads. At present the maximum penalty is a fine of £20. It is proposed to alter this to £50 and, at the same time, to empower the court which hears a complaint for an offence of this kind to order the defendant to pay compensation for the damage done by him. At present the law is that the road authority would have to bring a separate action to recover the amount of the damage; and it would obviously be convenient for the court of summary jurisdiction to deal with this question at the time when the offence is being tried.

Clause 22 extends the operation of section 119 of the principal Act. At present this

section provides that a person who damages an improved main road otherwise than by reasonable use of it is to give notice to the road authority. The clause is by its language limited to those roads which have been taken over by the Highways Commissioner and does not apply to roads which are being maintained by councils. The proposal contained in clause 22 is that section 179 will be extended to roads generally so that if a person damages a council's road he will be obliged to notify the council. This clause was inserted in the Bill in another place and accepted by the Government.

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

ADJOURNMENT.

At 5.16 p.m. the Council adjourned until Thursday, November 26, at 2 p.m.