LEGISLATIVE COUNCIL.

Wednesday, December 2, 1953.

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

EMPLOYEES REGISTRY OFFICES ACT AMENDMENT BILL.

Read a third time and passed.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

Read a third time and passed.

STAMP DUTIES ACT AMENDMENT BILL.

Read a third time and passed.

PAYMENT OF MEMBERS OF PARLIAMENT ACT AMENDMENT BILL.

In Committee.

(Continued from December 1. Page 1718.)

Clause 2—"Payments to members," which the Hon. F. J. Condon had moved to amend by adding the following:—

(*d*) by adding at the end thereof the following subsection (the previous part of section 4 being read as subsection (1) thereof):—

(2) Every member of Parliament who is a Minister of the Crown shall be entitled to payment for his services in the discharge of his parliamentary duties at the rate of two hundred and seventy-five pounds a year, in addition to his salary as a Minister of the Crown.

The Hon. C. D. ROWE—As I indicated last night, I have no objection whatever to increased stipends for Ministers, a matter which I think is long overdue, but the amount which has been suggested is not sufficient. Ministerial stipends are fixed under the Constitution Act, however, and the proper manner in which to deal with this matter is by an amendment of that Act.

The Hon. F. J. Condon—Is the honourable member challenging the President's ruling?

The Hon. C. D. ROWE—No, but we are attacking this problem in a piecemeal way without considering the merits of the case and what would be a reasonable amount for the Ministers. We should not make a stab at a nominal figure which has been suggested by the Leader of the Opposition. I do not oppose the amendment, but I would suggest that some proper authority have a close look at payment of Ministers and that possibly next session the matter may be dealt with under the appropriate Act and put on a proper footing.

The Hon. F. J. CONDON—I am somewhat astounded at the remarks of the honourable member who opposes this Bill. He knows very well that we cannot increase the amount, and I think it is a subterfuge to make himself out a good fellow, after opposing the Bill, simply by saying that Ministers should get more. We all realize that; every member will admit that Ministers are entitled to more than they receive today and I would be prepared to move for a £500 increase, but I know I would be out of order.

The Hon. N. L. JUDE—I am rather surprised at the attitude of the Leader of the Opposition. He virtually says he agrees with Mr. Rowe and then castigates him for suggesting a greater amount.

The Hon. F. J. Condon—Especially when, like you, he opposed the Bill.

The Hon. N. L. JUDE—I am merely stating facts. The honourable member castigates Mr. Rowe because he wants to make it a larger sum. I have said on four occasions that Ministers are grossly underpaid, but I have no hesitation in saying, as I did last night, that this is a most embarrassing amendment perhaps one of the most unfortunate amendments the honourable member has moved. I want it recorded that this is a move in the wrong place. It makes a further precedent for increases under two different Acts. Members are well aware that Ministerial salaries are dealt with by a special Act, and it must be embarrassing to the Premier to have to vote himself an increase in salary. There are difficulties and members must face up to them. The Leader of the Opposition has endeavoured to do so in a very fair manner, but I object to his castigating Mr. Rowe for saying that the increase should be larger, and 10 seconds later himself saying he would make it more but cannot do it as he would be out of order.

The Hon. F. J. Condon—I do not want to be a hypocrite like you.

The Hon. N. L. JUDE—I resent the charge. I know what I am saying is correct. The precedents are a great pity. If this is all we can vote for I hope that some steps will be taken next session to increase Ministers' salaries in order that they shall be more compatible with the remuneration of certain officers in the Public Service.

The Hon. F. T. PERRY—I associate myself with Mr. Rowe and must confess that I have been somewhat disappointed at the tenor of the debate. The increasing of salaries is a matter that can be faced logically and reasonably as

conditions alter, but this debate has disappointed me, as it should be a matter above suspicion or criticism. On that ground I am not prepared to support the amendment. Ministers' salaries are provided under a special Act under the Constitution and if we wish to deal logically and fairly with the subject an amendment of that Act should be considered. I understand there have been some formal inquiries regarding the position and that recommendations have been made that have not reached this Chamber. We do not know what they are and can only, therefore, act in what we consider to be the proper, decent and honourable way of dealing with a matter that concerns finance, and in a personal way.

The Hon. F. J. Condon—Do you say my amendment is dishonourable?

The Hon. F. T. PERRY—I did not say that. I have not said one word about what I consider Ministers should get. I have been very disappointed that the comments of members have centred around Ministers' salaries, for I regard that as quite beyond the ambit of the Bill; it has been dragged in as a red herring across the trail. Ministerial salaries should be considered in a manner quite aboveboard and not by this method. Parliament should be above suspicion, above anything that is not strictly in the open, and this savours of something to the contrary. I do not discuss the merits but the method. If there are merits they can be discussed in the proper place. We have increased the number of Ministers by two and what effect that has on the position I do not know; it must have some effect. I feel that the tenor of the debate, which should have been free of personal matters, has not been on as high a plane as it should have been.

The Hon. K. E. J. Bardolph—You are making a surreptitious charge.

The Hon. F. T. PERRY—I am not. I am merely stating the position as I see it.

The Hon. F. J. Condon—I resent what you say.

The Hon. F. T. PERRY—I do not think this is the right way to deal with Ministers' salaries and I intend to vote against the amendment.

The Hon. S. C. BEVAN—I support the amendment. Yesterday I contended that something should be done about Ministers' salaries and the amendment is designed to meet the position. I resent the insinuations that Mr. Condon was not sincere in moving this amendment and the suggestion that he was drawing a red herring across the trail. The Opposition is sincere in its attempt to provide increases for Ministers. Ministers' salaries were not considered in the Bill and Mr. Condon has properly sought to include them. It has been suggested that this is not the appropriate measure in which to consider them. I hope that next session the Constitution Act will be reviewed and Ministers' salaries further adjusted. I noticed in the press this morning a suggestion that the salary of one public servant will be increased to £2,750, which is considerably in excess of what Ministers receive. Members will receive increases in conformity with cost of living increases and Ministers should receive similar consideration.

The Hon. E. ANTHONEY—Most of this debate has arisen because when this matter was introduced we were not told that it had been the subject of an inquiry and that Ministers' salaries had been considered. Every member has agreed that Ministers should receive an increase in salary but as the Constitution Act is not before us we cannot carry out our desires other than through this measure. If the amendment were not in order it would not have been permitted. As Ministers are members of Parliament the amendment is obviously justified. I suggest that before this debate continues the Chief Secretary consults Cabinet and ascertains whether this is the proper way of deciding this issue and, if not, he should introduce an amendment to the Constitution Act.

The Hon. K. E. J. BARDOLPH—I support the amendment. I was somewhat surprised at the remarks of Mr. Jude, Mr. Rowe, and Mr. Perry. It appears to me that they are attempting to salve their political consciences for attempting to prevent this Bill reaching the Committee stages. They have attempted to find a way out in justification of their opposition to the second reading yesterday. Whilst they have eulogized the Ministry they are endeavouring to thwart the purpose of this amendment. Ministers are elected as ordinary members of Parliament and they go before the electors, not as Ministers of the Crown but as candidates representing respective Parties and it is on the respective policies of those Parties that they are returned to office. They are members of Parliament and Mr. Condon's amendment provides that they shall receive the increase in their positions as members and not as Ministers. Mr. Perry suggested that any matter affecting Parliament should be above suspicion. What does he mean by that? This amendment has been submitted in conformity with the Standing Orders and it is the prerogative of every member to submit amendments if they

conform to Standing Orders. If they didn't, you, Mr. Chairman, would disallow them. I can see no aroma of suspicion in this amendment and it is in the hands of members to determine whether they accept it. It is all very fine for some members in their smug parochial way to attempt to raise these issues when amendments are submitted by the Opposition. I endorse what Mr. Bevan said, that the Opposition realizes that Ministers should be recompensed for the work they do. I know that a Constitution Bill is not before us, but this is the only avenue open to us to ensure that Ministers receive recognition, and that is why the Opposition decided to support the amendment. We wish to give Ministers the same privileges as other members. This has been done without any ulterior motive at all.

The Hon. A. L. McEWIN (Chief Secretary) —I would have been prepared to discuss the amendment had it not been foreshadowed by a statement that others are likely to be moved. This amendment is the only one on the file and before I express my opinion I should be informed of what others are coming forward. To provide an opportunity to consider any possible further amendments, I move that progress be reported.

The Hon. F. J. CONDON—I object to progress being reported; it is an attempt to defeat my amendment.

The CHAIRMAN—Order! The Standing Orders say there shall be no debate on a motion to report progress.

The Hon. F. J. CONDON—I do not stand for this sort of thing.

The Committee divided on the motion to report progress.

Ayes (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.

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

Majority of 9 for the Ayes.

Motion thus carried.

Later.

The Hon. A. L. McEWIN—I think this amendment arose because it was the impression of some members that the Bill was confined to members only and not to Ministers. The Bill was the result of a request from members concerning their salaries which had got out of step with increases made to Government employees and other people. These had placed members not only at a disadvantage but in some difficulty when they were confined to their Parliamentary incomes only to carry out their Parliamentary responsibilities. The Government made a proper examination and found there was justification for the request; in consequence, this Bill was introduced. In this State the salaries paid to Ministers are dealt with in the Constitution Act and when the Premier introduced this Bill he intentionally left out any reference to them. A Constitution Bill was before this Chamber to deal with the appointment of additional Ministers, and although discussion took place on Ministers' salaries, there was no suggestion at that time that anything should be done to increase them. In consequence the Government did not give any consideration to the introduction of a further Bill affecting Ministers' salaries.

In most other States Ministers' salaries are included in the Statute dealing with members. I think we have followed the procedure of leaving their salaries in the Constitution Bill because of the tradition established before members were paid and before it was necessary for Ministers to be members. If the salaries of members and Ministers were dealt with in one Act it would be better legislation and the matter would be more properly placed. I think an appropriate amendment would be to deal with Ministers' salaries in the Constitution Act, but as you, Mr. Chairman, have ruled that the amendment is in order we must consider whether the Ministry would be justified in accepting it or not. Taking the investigation made on behalf of members' salaries a little further, there is justification for an increase. After conferring with my colleagues I can say on their behalf that I am prepared to accept the amendment.

The Hon. F. J. CONDON—I am responsible, with Mr. O'Halloran, for the introduction of this Bill, and I think it is competent for me to say now that prior to the last elections we waited on the Premier and pointed out the position to him, expressing our view that something should be done, but he was not prepared to do anything then. We were deputed by our Party to interview the Premier again asking that legislation be submitted to Parliament. This is not a question of individuals or personalities, but of what is right. There are several Bills before the Chamber in which members will be asked to agree to retrospectivity

in respect of salaries of officers in the Public Service. A Bill will be submitted to increase the salary of the Auditor-General from £2,450 to £2,750, the Public Service Commissioner from £2,450 to £2,600, and the Commissioner of Police to £2,450, yet Ministers receive only £2,250. The increased payments to these officers will be retrospective to July 1.

When members were receiving £200 a year, we had similar opposition to increases as we have today. Opposition was also raised when our salaries were increased to £600 and to £800. Members are not asked to disregard the amounts fixed by tribunals in 1948 and 1951, but only to make provision for increases in the cost of living. In 1930 Parliament in its wisdom reduced the salaries of members from £400 to £360, and no objection was raised. I suggest that Ministers should receive an increase of £275, a similar increase to that proposed for members. Tonight one Minister is carrying the burden of the work in this House during the unfortunate illness of the Attorney-General, and this has happened before. I wonder if members ever stop to consider what a burden he is called upon to carry, yet under the present legislation he receives £400 less than the Public Service Commissioner. I know that the Ministers in their modesty do not like increasing their own salaries. Members do not recognize and appreciate the value of the work they do, and have done. I have been in this House during many Parliaments, and I know that some members who have come here have given many years' service as Ministers. Men from all walks of life come here and what do they get out of it? Not even good will in some cases. I know of ex-Ministers who have had to accept the old age pension, their health ruined. What else can we expect of any man who has to accept the responsibility and the worry of a Minister and receive in return only £2,200 per annum? I hope that members, irrespective of the opinions they expressed last night, will consider that. Such men have made South Australian history. The South Australian Parliament enjoys an honoured name all over the world for honesty of purpose, for dignity and everything that counts for justice, but often we are not prepared to recognize what others think about us. In all sincerity I hope there will not be a division on this amendment.

The Hon. F. T. PERRY—Some comment is necessary in view of what has been said. I expressed the opinion earlier that this matter should be settled without ill-feeling, on the basis of judgment. Unfortunately for some of us this measure was not introduced on those lines and considerable comment has been made which, I think, would have been better left unsaid. I had intended dividing the Committee on clause 2 (*a*), on which we have not voted but the chairman ruled that we had passed that clause and could not consider it again unless it were recommitted. If we pass clause 3 now we must naturally accept the provision in clause 2 (*a*). I am glad to have heard the Minister's statement, which has cleared the air considerably.

In my judgment an equal increase for members and Ministers is not right, for all of us know how much more work a Minister has to do than a member. It would be a sorry tribute to our Ministers to oppose this clause if we had already accepted the other so I would have preferred to have the matter dealt with under the Constitution Act, but I am glad of the explanation which indicates that under modern conditions Ministers' salaries should be dealt with under this measure. I therefore do not oppose it but I say quite frankly that had Ministers' salaries been dealt with in another Act, in view of what we have already done I would have sought to increase the amount above what is included in this amendment. Neither members nor Ministers enter Parliament for the salary. As far as I have been able to judge I do not think that is the primary aim in remaining a member. Now that the matter has been finalized to this point I do not intend to oppose the amendment as I indicated this afternoon.

New paragraph inserted; clause as amended passed.

Clause 4—"Commencement of Act."

The Hon. C. R. ROWE—The effect of this clause is to make increases effective as from July 1 last. I and other members have from time to time expressed our views about retrospective legislation, and if we commence indulging in the principle sooner or later we will burn our fingers. This clause should be deleted, which would mean that the increase would not come into effect until the Bill was assented to. The difference to members is beside the point; it is a question of principle as to whether we should vote ourselves something for the months that have elapsed since the end of the last financial year, or take it as from the date it receives Royal assent. In broad principle a person ought to be entitled to assume that when he takes a particular action the law at the moment is the law that governs that action, and he should not need to

contemplate Parliament's altering the law at some future date so as to affect his action. I do not know what members' views would be if it were proposed to reduce salaries, but I instance that possibility to show the possible difficulties in which we could find ourselves if we proceed with this sort of legislation. It is a particularly obnoxious clause and I hope the Committee will vote against it.

The Hon. F. J. CONDON—I hope members will not be influenced by Mr. Rowe's remarks. On three occasions this session I have referred to retrospective legislation but could not get a supporter from the Liberal Party. Will my friend opposite take the same stand on Bills which we will shortly have to consider for the purpose of increasing the salaries of the Public Service Commissioner, the Auditor-General, the Commissioner of Police and judges? I am speaking just as an ordinary Leader of the Opposition receiving £75 a year less than the honourable member. My friend, and others with him, objected last night to my getting a few pounds extra, which goes in taxation. I would not object if he were consistent, but he and others who opposed this Bill have not taken that stand before. Don't try to make yourselves good fellows with the electors. If members are prepared to grant retrospective pay to others why not to themselves?

The Hon. L. H. DENSLEY—I associate myself with Mr. Rowe's remarks on members of of Parliament granting themselves retrospective pay. I am sorry that personalities have been drawn into this debate, as that is wholly undesirable. It has been the principle in Parliament for many years not to pass retrospective legislation, but that principle is slowly being discarded. I think it is completely wrong to make increases of our salaries retrospective. I hope the clause will be deleted.

The Hon. E. ANTHONEY—I strongly object to the suggestion that this measure was introduced by members. It was introduced by the Government as a result of a recommendation from high authorities. I am prepared to support Mr. Rowe's suggestion that we should not approve of retrospectivity so long as members will be consistent and oppose it when we are considering foreshadowed legislation. If those members who oppose the retrospective clause in this Bill do not oppose retrospective clauses in measures yet to be introduced I shall doubt their honesty of purpose. If they debate this on high principles and state that we should not accept retrospective payments they should adhere to those principles in relation to other measures.

The Hon. F. T. PERRY—The viewpoints of members differ remarkably on this legislation. At all times I am opposed to retrospective legislation unless it is for the purpose of rectifying a wrong that should have been attended to earlier. Those who support the elimination of this clause will be charged with inconsistency if they support retrospectivity in other measures, but I point out that we are considering our own conditions and no member knew that this legislation was to be introduced. It is suggested that payments should be retrospective to July 1, but I have always opposed retrospectivity of this nature. We must consider whether we are endeavouring to rectify something that should have been done long ago. I suggest that if that were the position this legislation would have been introduced when Parliament first met and not now. I have no compunction in opposing the clause.

The Hon. A. L. McEWIN—I think I should explain how this clause came to be in the Bill because there has been some suggestion of principle involved. I do not think it is contended that the Government has lost its principles. The decision to include this clause was because a considerable time has elapsed since investigations were made. Mr. Condon said that an approach had been made to the Government long ago. The position revealed by the investigations was not something which has occurred since July 1, but which had existed long before. Mr. Perry argues that retrospectivity can only be justified when it is designed to correct something which should have been attended to earlier. It was also suggested that the clause was wrong because it related to salaries, but similar clauses will appear in future legislation and have appeared in past legislation. It is not uncommon for retrospective awards to be made. It is not new nor is it something which has been hatched from some sinister motive. Information was obtained from all over Australia to make comparisons and decide a proper basis upon which to formulate the measure. This is not an extravagant provision nor does it attack any vital principles.

The Hon. A. J. MELROSE—I am indebted to Mr. Condon for his remarks. He has firmly and without equivocation stood us up to our responsibilities and dared us to adhere to our principles. He has pointed out how inconsistent we are in sometimes supporting retrospective legislation and on other occasions opposing it. I said during the second reading debate that I would oppose this clause because I was opposed to the manner in which the salaries of members were to be raised. I also said

that had this measure been introduced as a result of recommendations of an impartial tribunal I would feel that the matter had been taken out of our hands and would not be so opposed to it. For the reason I opposed the second reading I shall oppose this clause and to be consistent will oppose retrospectivity in the foreshadowed measures we are expecting at any moment. If the matter were so urgent it should have been introduced earlier. For six months we have been considering matters of current urgency in the normal domestic affairs of State, but this matter of extreme urgency has been left until the last minute and if it had been introduced a day or two hence it would have missed the bus altogether. I do not believe that if it were as urgent as it is suggested it would have been left in Annie's room until this late hour. I do deplore that personalities have been introduced into the debate because they obscure our judgment and do not keep discussions on a desirable plane. I support Mr. Rowe's suggestion and oppose the clause.

The Committee divided on the clause—

Ayes (9).—The Hons. E. Anthoney, K. E. J. Bardolph, S. C. Bevan, J. L. S. Bice, F. J. Condon (teller), J. L. Cowan, A. A. Hoare, A. L. McEwin, and R. R. Wilson.

Noes (8).—The Hons. L. H. Densley, E. H. Edmonds N. L. Jude, A. J. Melrose, F. T. Perry, W. W. Robinson, C. D. Rowe (teller), and Sir Wallace Sandford.

Majority of 1 for the Ayes.

Clause thus passed.

Title passed.

The Hon. K. E. J. BARDOLPH—Would I be in order, Mr. Chairman, in directing a question, through you, to the members who voted against the clause and ask that in view of its being carried whether they will accept the retrospective payment provided by the Bill?

The CHAIRMAN—The honourable member would be absolutely out of order and would be dealt with accordingly.

Bill reported with a suggested amendment and Committee's report adopted.

ROAD TRAFFIC ACT AMENDMENT BILL (FEES).

Read a third time and passed.

BUILDING ACT AMENDMENT BILL.

Read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL (GENERAL).

Adjourned debate on second reading.

(Continued from December 1. Page 1731.)

The Hon. W. W. ROBINSON (Northern)—This Bill, like similar measures introduced from time to time, is a laudable attempt to improve conditions on our roads. Recently, statistics were supplied by the Minister for Transport, Senator McLeay, and published in the *Advertiser*, setting out that during the last 22 years casualties on our roads have been about 422,000—almost the population of the City of Adelaide. However, there is a much brighter side to the question than the figures indicate, because over the last two or three years there has been a very great lessening of our accident rate. In 1950-1 there were 197 deaths, the following year 172, and this year, according to the Police Commissioner's report tabled yesterday, the figure has decreased to 136. Although this is a great improvement, we should always aim at the achievement of greater results. An endeavour should be made to make the Road Traffic Act as simple as possible and to interfere with it as little as we can, because everybody should be familiar with it so as to avoid confusion. The success in reducing road deaths over the last few years has been partly because too great an alteration has not been made to the Act, and people therefore know the provisions and how to interpret them.

In the Police Commissioner's report some interesting figures were provided on where accidents occur. In the City of Adelaide last year there were 1,179 accidents, 11 deaths and 324 people injured. In the suburbs 3,771 accidents occurred, there were 61 fatalities and 1,176 injured, and in the country where there is less congestion 3,204 accidents occurred, causing 64 deaths and injury to 949. These figures show that where traffic is less more accidents occur, and indicate that speed is the primary cause of accidents, because where people are fewer speed is greater. The greatest percentage of accidents occurred on straight roads. Last year 73 persons were killed on straight roads, 31 at intersections, and 24 on bends and curves; these figures all tend to prove that speed is the primary cause of accidents. There is no provision in this Bill for reducing speed of vehicles, so there is no point in my labouring this matter. However, I have felt for many years that we should come into conformity with other States and New Zealand and, as far as I know, the major capitals of the world, all of which have a speed limit of 30 miles an hour.

The Hon. N. L. Jude—Do you want to come into conformity with their accident rate?

The Hon. W. W. ROBINSON—I am not suggesting that but I think I have proved that speed is the primary cause of accidents, and anything we can do, reducing speed or anything else, should be done not only to reduce our accident rate, but to set an example to the rest of the world In examining the figures I was impressed by the fact that it is the administration of our traffic laws by the Police Department that is responsible for the great reduction in the accident rate. I pay a tribute to the police officers for the courteous manner in which they administer the law. They have not only been out to catch the culprit, but to give advice, and I feel that all members must agree that there has been a great improvement in the courtesy displayed by motorists. Bearing out my contention that administration has been responsible I quote the following figures in regard to prosecutions. In 1952-53 prosecutions for excessive speed totalled 1,796 as against 1,316 for the previous year; for excessive speed with pillion passenger 1,477 compared with 1,272. That indicates that the publicity and advice given by police officers is bearing fruit.

The Bill provides a number of amendments, some of which will be readily accepted, but some of which are debatable. Clauses 3 and 4 deal with motor trailers on wharves and unregistered tractors drawing registered trailers over the roads from one farm to another. Many farmers use their tractors for taking grain and superphosphate from one paddock to another across roads and this makes the practice legal. Another proposal is to give cars that have stopped at a stop sign right of way over traffic approaching from the left which, under the present law of course, has the right to go through. I suggest that there will be, for a time at least until people become familiar with the new rule, some very grave situations. I can visualize someone attempting to assert his rights by going across, but it takes a stationary car some little time to pick up speed during which a car approaching on the left can cover a considerable distance, and if the driver has not become acquainted with the new law a grave situation may easily arise. I think it would be better to leave the law as we know it where stop signs exist, and to require the motorist to see that the road is clear before attempting to cross. The reason why it has been introduced is probably because some roads are of only slightly less importance than others and the present practice does hold up traffic. The remedy is to remove stop signs at such places, and I think we will have to observe the rule in practice in Victoria in relation to minor and major roads; the onus is on the driver wishing to enter a major road to see that the way is clear.

Another amendment provides for turning against the red light under certain conditions. In some circumstances I can see that this will ameliorate congestion, but I visualize some difficulty in regard to pedestrians. Admittedly, the motorist must pay due attention to the rights of pedestrians. Another amendment requires a motorist to stop at a stationary tramcar. Under our present law he may pass a stationary tram at six miles an hour and I can see no difference between this and the existing law which allows vehicles to turn left against the red light through pedestrian traffic. I invite any member to produce statistics to prove why we should alter our present system in regard to stationary trams. I know it is the case in all other States and the suggestion is that we should give it a trial.

Another amendment gives power to compel the unloading of trucks for breaches of the Width of Tyres Act and heavier penalties are provided. This is a good provision because at present it pays the haulier to put on excessive loads and take the risk of being caught. I should like to have seen provision for inspection of brakes. When faulty brakes are discovered by police officers they can take action, but often an accident occurs before this is discovered. I was rather surprised to note that there were 513 accidents through defective brakes last year and four people were killed and 172 injured. In New Zealand brakes are tested twice a year. I would not dream of suggesting anything so drastic because South Australia is not such a mountainous country, but there good brakes are essential. Another amendment provides for a reflector as well as a rear light on bicycles and this is most important because, perhaps unknown to the cyclist, his rear light may have failed and a dangerous situation created, especially on a dark night. There is only one other thing I would say, and I do not exempt myself from this criticism, we do not observe hand signals sufficiently, more particularly when it is intended to pull out to the right. We should always indicate the intention to do so and this is one direction in which South Autralian drivers are lacking. I support the Bill.

The Hon. C. D. ROWE (Midland)—As I read clause 14, a motorist must stop when his

car approaches a stationary tram even if that tram is stopped at one of the outer terminals. At the Enfield terminus there are nearly always trams stopped at the completion of their outward journey for 10 minutes or a quarter of an hour. New section 126a (1) reads:—

Where a person driving or riding a vehicle . . . is approaching a tramcar which is stopped . . . such person—

(*a*) shall stop his bicycle . . . before any portion of it passes the extreme rear of the tramcar.

Subsection (2) states:—

For the purpose of this section a tramcar shall be deemed to be stopped in the course of a journey if it is stationary at the terminal point where the journey commences or at the terminal point where the journey ends or at any intermediate stopping place.

The effect of the clause will be that any vehicle coming down the Main North Road into Enfield must stop if there is a stationary tram at that terminal. In my experience there is never any time when there is not a tram stationary at the terminal. It seems illogical to require vehicles to stop there while trams are stationary and I shall oppose that clause.

The Hon. R. R. Wilson—Will it apply at all terminals?

The Hon. C. D. ROWE—Yes. I support Mr. Robinson's remarks concerning vehicles being permitted to proceed into traffic after they have stopped at a stop sign. I have discussed this matter with solicitors who have had extensive experience in motor car accident cases and they feel that it will only cause confusion. In Committee I will also oppose that clause.

Bill read a second time.

In Committee.

Clauses 1 to 10 passed.

Clause 11—"Power to compel unloading of excess weight."

The Hon. E. ANTHONEY—In new section 99a I move to add the following subsection:—

(3) The place directed by a person giving a direction under subsection (1) of this section shall be—

(*a*) land or buildings owned by the Government; or

(*b*) land or buildings indicated by the driver or person in charge of the vehicle and approved by the person giving the direction.

The amendment is designed to clarify the position. If an inspector detects a vehicle which is overweight, under the clause the driver could be directed to unload the excess weight immediately and it could be exposed on the highway to damage and possible theft. I do not suggest that an inspector would capriciously order that to be done, but my amendment will provide that when a person is directed to unload excess freight it shall be on land or buildings owned by the Government or on land or buildings indicated by the driver or person in charge of the vehicle and approved by the person giving the direction. That will ensure that the goods will be unloaded in a safe place and protected against damage or theft.

The Hon. A. L. McEWIN (Chief Secretary)—The amendment would be practicable if it could be certain that everywhere a truck was off-loaded there was some Government property nearby, as, for instance, a police station or railway yard. That may not always be the case and if there were no place available it would be left to the driver to decide and there would be no discretion on the part of the person giving the instruction to unload.

The Hon. E. Anthoney—The amendment provides that it shall be at a place approved by the person giving the direction.

The Hon. A. L. McEWIN—I have a legal explanation of the clause from the Parliamentary Draftsman who reports:—

There would, of course, be no difficulty if the vehicle was close to the yard of a police station or possibly a railway yard, but if there were no such Government premises conveniently near the unloading would have to take place at a place approved by the driver of the vehicle and if he refused to approve of any place the section would not be workable. In order that the section should be workable it is necessary that the officer who directs the unloading should have power to determine the place where the unloading must be carried out.

I realize that Mr. Anthoney is trying to improve the clause, but the amendment could provide something which may prove unworkable.

The Hon. N. L. JUDE—I agree with the principle of the clause, but I regret that it does not provide that a vehicle may be immobilized without unloading. If a person is apprehended carrying an excess load he should be told that he must either transfer some of the load to another vehicle or remain stationary. I do not think it entirely reasonable to provide that he must unload. I suggest that the clause might be redrafted to permit the immobilizing of a vehicle. In section 99 of the principal Act a member of the Police Force has power to stop a person, but there is no provision that the vehicle apprehended must remain stationary. I suggest that an overloaded vehicle should remain stationary until such time as the law is complied with. It is not desirable to force a person

to unload under difficult conditions. In some instances it might even be necessary to use a crane. I realize that an inspector would have discretion, but I think we are leaving a little to much to his discretion.

The Hon. R. R. Wilson—Don't you think an inspector would allow a vehicle to proceed to the nearest town?

The Hon. N. L. JUDE—I would not desire that, particularly if it was carrying 40 tons. I use that figure because such loads are being carried and are causing damage to the roads. The person in charge of a vehicle is usually an employee who may not be able to dictate what load he carries. He is instructed to pick up a certain load and when apprehended suffers great inconvenience. I would not permit an overloaded vehicle to travel one mile further on a road. I believe the intention of the clause is to prevent a vehicle proceeding and damaging the roads, therefore immediately a vehicle is detected with an excess weight it should be immobilized.

The Hon. E. H. Edmonds—How does an inspector ascertain the weight of a load?

The Hon. N. L. JUDE—By the use of jacks. On certain occasions a weigh-bridge may be necessary.

The Hon. R. R. Wilson—A weighbridge might be 20 or 30 miles away.

The Hon. N. L. JUDE—That would be within the discretion of the inspector. I suggest the clause might be redrafted with a view to giving effect to what I suggest. I would be pleased to hear the Minister's views.

The Hon. A. L. McEWIN—Some of us who have been here a little longer than the honourable member will recall an attempt to formulate a Bill complete in every detail. That measure was amended and altered until it was completely hide-bound and it did not turn out to be the ideal Bill expected. The power in this clause is discretionary and it is necessary today, with so much administrative work necessary under the Statute, to provide certain discretions. In this case the inspector may direct a person to unload at a place that he directs. Mr. Jude said the driver should be forced to unload at the spot where he is intercepted, but if a driver says that he can make reasonable arrangements by going further on, I am sure that the inspector will be reasonable. If we endeavoured to set out all our various ideas on every case that could arise and every situation that could be created on the roads, we would be here for 12 months and would still have cases not provided for. I think the matter can safely be left where it is because there is a discretion provided to the inspectors to make some arrangement with a driver.

The Hon. E. ANTHONEY—Cases could arise in which an over-zealous inspector might order a man to unload half a ton on to the side of the road. In Victoria it is permissible for the carrier to take his load to the nearest country town to unload excess weight. The amendment provides that an arrangement may be made between the driver and the inspector, and I think it clarifies the clause. I do not want to complicate the matter, because legislation should be as simple as possible.

The Hon. A. L. McEwin—It does complicate the clause.

The Hon. E. ANTHONEY—If that is so, I do not want to do anything to harass the administration. Mr. Jude said we should immobilize the load, but that will not help industry because someone may be waiting for the merchandise while it is on the side of the road. However, in view of what has been said I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. A. J. MELROSE—I think we have to bear in mind that the driver, owner or consignor should see before a truck commences its journey that it is not overloaded; if that is done no unloading will be necessary. It is the duty of Parliament to protect roads, and there is a great deal of merit in Mr. Jude's suggestion that the option should be given to the inspector to immobilize a load if the driver is unwilling or unable to unload because of the nature of the goods he is carrying. The inspector should have the right to make him stay there until he makes other arrangements. I do not think that would be as frustrating as the Chief Secretary suggested even though it would widen powers of inspectors.

The Hon. F. T. PERRY—Any steps that can be taken to prevent damage to roads through overloading should be taken. The clause allows for an excess weight not exceeding 10cwt., and that in a load of 20 tons is not very much. It seems to me that it would be rather drastic for inspectors to order the unloading of an excess of 10cwt., and I do not think they would do it, because they would know how to deal with the matter in other ways. If a vehicle is overloaded to an excessive degree, it might be necessary to immobilize it, and inspectors should have the power to do that.

The Hon. N. L. JUDE—If the Minister would be prepared to report progress, this

amendment could be drafted in a better form to provide for the immobilization of vehicles detected to be carrying excessive weight. If a truck is detected in that condition it should be stopped immediately. I do not think the driver of such a vehicle should be permitted to proceed even one mile further on a newly-made road.

The Hon. A. L. McEWIN—I can see there is a great deal of divergence of opinion on this matter, and to make the provision watertight I would like to give it further consideration. I suggest we could proceed with the rest of the Bill, and later it could be recommitted for the purpose of allowing the honourable member to submit his amendment.

Clause passed.

Clause 12—"Reflectors on bicycles and tricycles."

The Hon. E. ANTHONEY—This Bill does not state what size the reflectors shall be, and as they are made in bulk by manufacturers, there may be some confusion. Am I to understand that cyclists will have to carry a rear lamp as well as a reflector? We are placing on bicycle owners an extra cost which will not provide additional safety. Some cyclists are using "cats-eye" reflectors; these are very good, because the headlights of motor vehicles pick them out quickly, and they are better than any lamp. An approved reflector without any rear lamp is all that is necessary.

The Hon. A. L. McEWIN—This provision was suggested by the Australian Uniform Code Committee and requested by the Royal Automobile Association because, as any person who drives a vehicle at night realizes, it is difficult to see bicycles. Many bicycles have electric generator sets and the degree of light they give is governed by the speed of the machine. If it is not moving at a reasonable pace the light is not very effective, so reflectors, which will light up by reflection even when the rear light is not burning brightly will provide motorists with the opportunity of driving in reasonable comfort and safety.

Clause passed.

Clause 13—"Interpretation of traffic light signals."

The Hon. E. ANTHONEY—This clause deals with turning to the right at intersections and I consider it a dangerous innovation. People become accustomed to traffic conditions and this clause will permit the motorist to turn across a stream of pedestrian traffic.

The Hon. K. E. J. Bardolph—As long as he considers the way to be clear.

The Hon. E. ANTHONEY—The onus will be put upon the driver, but our streets are so wide that elderly folk and the less agile find it as much as they can do to get across between the changing of lights. If we allow motorists to turn into this traffic people will not be prepared for it.

The Hon. N. L. Jude—They turn across pedestrians now when turning to the left.

The Hon. E. ANTHONEY—Yes, but this only increases the difficulties of the pedestrian and puts the onus on the motorist. Although I am in favour of clearing congestion as much as possible we should be careful not to put too much responsibility upon the driver. It takes people a long time to become accustomed to traffic regulations and if we change the present rule there will be much confusion. I oppose the clause.

The Hon. N. L. JUDE—I am sorry the honourable member has led the Committee to believe that there is so much danger in connection with this clause, but he has not explained the whole process. Let us consider one of the busiest intersections, the King William Street-Rundle Street corner. If there is a heavy stream of pedestrian traffic crossing the road, which is usual at lunch-time—when a local by-law which will still over-ride this provision prohibits turning to the right—he must wait until the way is clear. The whole aim of this clause is to clear the traffic more rapidly and when members view it that way I am sure they will support the clause.

The Hon. A. J. MELROSE—I oppose the clause. The Bill proposes to make the motorist stop at stationary trams and the reason for that is that we cannot trust the motorist to drive carefully past a tram. Holding that point of view it is illogical to allow a motorist who has come to a standstill because of the lights suddenly to move off, to the astonishment of the pedestrians, and pass through them. There is more disregard of courtesy in that respect than there is at stationary trams, where there is a universal and growing practice to stop while trams are discharging passengers. On the other hand at almost any hour at busy corners the cars whip through the people—blasting their way through on the horn—and I think this is dangerous enough. I cannot therefore support an extension of that privilege, even though it may help the flow of traffic at little. I realize that the lights system has its drawbacks; when the streets are practically empty it looks ridiculous to see motorists compelled to stop at lights,

but once we give people discretion we undermine the system.

The Committee divided on the clause—

Ayes (13).—The Hons. K. E. J. Bardolph, S. C. Bevan, J. L. S. Bice, F. J. Condon, J. L. Cowan, E. H. Edmonds, A. A. Hoare, N. L. Jude, A. L. McEwin, F. T. Perry, W. W. Robinson, Sir Wallace Sandford and R. R. Wilson.

Noes (4).—The Hons. E. Anthoney, L. H. Densley, A. J. Melrose and C. D. Rowe.

Majority of 9 for the Ayes.

Clause thus passed.

Clause 14—"Stationary tramcars."

The Hon. C. D. ROWE—Under this clause a motorist aproaching a tramcar which has stopped in the course of a journey in the same direction must stop his vehicle before any portion of it passes the extreme rear of the tramcar, and new subsection 126 (a) (2) says:—

. . . a tram shall be deemed to be stopped . . . if it is stationary at the terminal point where the journey commences or at the terminal point where the journey ends or at any intermediate stopping place.

Take, for example, the Enfield tram terminus. If a tram has stopped at the terminus the motorist driving out of the city is not to know whether it has stopped because it has completed its outward journey or because it is starting its journey back, and therefore all traffic in either direction would have to stop. This would cause great confusion. As I now see it I oppose the clause, quite apart from the general question of whether or not it has been established that there is a considerable number of accidents consequent upon motorists driving slowly past stationary trams. My observations have convinced me that motorists are usually not indifferent to the rights of tram travellers.

The Hon. E. ANTHONEY—Some people have been trying to bring this innovation into South Australia for some time. In the eastern States the motorist is compelled to stop at stationary trams, but the effect is to create a rush by motorists to overtake the tram before it stops, sometimes with serious results. Admittedly it is somewhat of a nuisance to have to stop sometimes, particularly when the road is narrow, but it is better for a motorist to delay than to knock some person over. The steps on our trams are rather high and women, children and elderly people frequently experience difficulty in boarding or alighting from trams. If a motorist has to stop for stationary trams traffic will bank up. I consider that 99 per cent of motorists are careful and stop or reduce speed to such an extent to ensure that there is no danger. If the clause is accepted motorists will speed up to pass trams before stopping places and accidents will result. It has been suggested that because similar provisions operate in other States we should endeavour to be uniform but I do not think it necessary. Visitors from other States who are accustomed to stopping at trams will continue to do so and it will not affect the position.

The Hon. N. L. JUDE—We are rather proud that the number of accidents in this State has been considerably reduced in the last two years. Most members at some stage or other have praised the activities of the Police Departmen, particularly the traffic police. In the Police Commissioner's report information relating to accidents is tabulated and the causes detailed. There is nothing in the report, either in figures or recommendations, to suggest that many accidents have occurred to persons alighting from trams. I am assured that where accidents have happened to persons alighting from trams it is because they have remained on the road and after the tram has continued they have crossed in front of traffic proceeding in the opposite direction. The Police Commissioner has not made any recommendation about this proposal and surely it is not necessary to curtail the activities of motorists as proposed.

The Hon. A. J. MELROSE—I indicated during my second reading speech that I was opposed to this recommendation of the State Traffic Committee. It is not a foregone conclusion that Parliament must swallow hook, line and sinker all recommendations made by committees. If we do not accept the recommendation we must assume the responsibility. If we consider that it would be safer to continue our present laws permitting a motorist to move slowly past a stationary tram; that because of the lay-out of some of our streets and intersections a bottleneck would result if the proposal became law; and that motorists would accelerate to pass a tram before it became stationary, then we are justified in not accepting the proposal. I, too, have perused the Police Commissioner's report which clearly illustrates that there are many more accidents on the straight open roads than there are on what might be termed difficult roads with bends and corners. The report lists the number of accidents but nowhere does it state that one of the hot spots in the accident field is at places where tramcars become stationary. I

can only assume that such accidents do not assume grave proportions. My experience is that home going or city bound peak traffic is extremely courteous in that it invariably stops if a number of people are getting on or off trams. If very few people are alighting the traffic proceeds quietly past the tram although perhaps not at six miles an hour. A modern car can be stopped within two or three feet at 10 or 12 miles an hour and it is perfectly safe. I am prepared to assume what responsibility attaches to me in refusing to accept this recommendation and I hope the Committee will support my point of view.

The Hon. E. H. EDMONDS—One of the primary objectives of the control of traffic is to keep it on the move and to avoid congestion. At present a motorist can pass a stationary tram provided he does not exceed six miles an hour. From my experience of driving that seems an effective means of ensuring safety to pedestrians, tram passengers and drivers of motor vehicles. As a result of my experiences and because of the doubt expressed by Mr. Rowe as to the concluding portion of the clause I oppose it.

Clause negatived.

Clause 15 passed.

Clause 16—''Stop signs.''

The Hon. E. ANTHONEY—This clause is another innovation. The traffic authorities, in their wisdom, erected stop signs at places which are considered dangerous but we are asked to agree to an amelioration of that situation in the great cause of speeding up traffic. I do not want to obstruct traffic because I drive a car myself and do not like to be hindered but this clause provides for speed rather than safety. Those of us who have been overseas in the last few years realize that great courtesy is shown to pedestrians and we can surely be guided by the experiences of older countries which experience greater traffic problems. In many cases motorists will delay oncoming traffic in a busy thoroughfare in order to permit pedestrians to pass. This clause will permit a motorist to drive out of an intersection controlled by a stop sign into moving traffic on his left. He must, of course, be careful that the road is clear on his right. I ask members to visualize the position on the Gawler Road on a race day. A man could drive from a side street into a heavy stream of traffic and the result could be extremely dangerous. I think we would be unwise to support this clause.

The Committee divided on the clause.

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

Noes (3).—The Hons. E. Anthoney (teller), W. W. Robinson, and C. D. Rowe.

Majority of 11 for the Ayes.

Clause thus passed.

Clause 17 negatived.

Clause 18—''Stopping near tram stops.''

The Hon. F. T. PERRY—This clause was not recommended by the Traffic Committee but inserted in the House of Assembly. While I have every respect for the judgment of that House I do not think there is any need for the clause. It seeks to prevent any motor vehicle remaining at rest within 25ft. of a tram stopping place, and consequently there must be a break of 50ft.—the width of an average allotment. The clause will cause a considerable amount of difficulty in unloading goods at business premises near tram stops. It will be a disadvantage to property owners with premises confronting tram stops, and I oppose it.

The Hon. A. J. MELROSE—This provision is impracticable. The offence created by it would be in allowing a vehicle to remain at rest, and this would make it wrong to pause for a moment to put down a passenger within 25ft. of a tram stop, even on Sunday mornings when there are no trams, because the clause says nothing about trams being in the vicinity, but just that is an offence to allow a vehicle to be at rest without specifying time or purpose. I can also see a difficulty it will create to people who are not familiar with metropolitan regulations, because it is not easy for them to carry in mind all these matters. As it will present only a minor problem of traffic control, I do not think it is worth the trouble. For those reasons I oppose the clause.

The Hon. S. C. BEVAN—I support this clause, which is for the purpose of prohibiting the parking of vehicles within 25ft. in either direction from a tram stop. The only cases in which Mr. Perry's suggestion would apply are those in which a tram stop would cover the whole of the frontage of an allotment. It is the policy of the Tramways Trust to replace trams with buses, and these will not be able to pull up at stops if the space is not provided.

The Hon. N. L. Jude—That is a matter for regulation.

The Hon. S. C. BEVAN—The honourable member wants to close the door after the horse has bolted. Some of our thoroughfares, on which there are two sets of tram rails, are very narrow and carry heavy traffic and motor vehicles parked at tram stops create such congestion that accidents may easily happen unless motorists have their wits about them.

The Hon. A. L. McEWIN—I am not defending this clause, because I can see the difficulties associated with it, and also because municipalities have the power to provide prohibited areas. On Payneham Road several areas near tram stops have been declared prohibited areas by the council, whereas on the other hand there are stops at which it is impracticable to declare prohibited areas, such as stops in front of business premises. If these areas have to be kept clear, the owners of businesses will be inconvenienced.

The Hon. F. J. CONDON—When this matter was investigated in the House of Assembly, the amendment provided for a distance of 50ft. each way, but this was altered to 25ft. It is true that councils have the right to declare prohibited areas, but all councils may not fall into line. The object of the amendment is to make the practice uniform. In the city there is no need for this provision, but it is necessary on roads where there is very little room. When I suggested that the provision should apply to bus stops, I was told it is not necessary because buses can move from one side of the road to the other, unlike trams, which are on fixed lines. However, in narrow streets parked cars create congestion, and for the safety of the public these areas should be kept clear.

The Committee divided on the clause.

Noes (12).—The Hons. E. Anthoney, J. L. S. Bice, L. H. Densley, E. H. Edmonds, N. L. Jude, A. L. McEwin, A. J. Melrose (teller), F. T. Perry, W. W. Robinson, C. D. Rowe, Sir Wallace Sandford and R. R. Wilson.

Ayes (5).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon (teller), J. L. Cowan and A. A. Hoare.

Majority of 7 for the Noes.

Clause thus negatived.

Clauses 19 to 21 passed.

Clause 22 "Notice of damage."

Remaining clause (22) and title passed.

New clause 2a—"Time of commencement of Act."

The Hon. A. L. McEWIN (Chief Secretary)—I move to insert the following new clause 2a:—

(1) Sections 12, 13, 14, 15, 16 and 17 of this Act shall respectively come into operation on such day or days as are fixed by the Governor by proclamation.

(2) The other provisions of this Act shall come into operation on the day on which this Act is assented to by the Governor.

The effect is that upon assent the majority of the provisions will come into operation as in any other Bill, but as regards clauses 12 to 17 inclusive, which effect changes in existing traffic laws, there will be an interval to allow the public to become familiar with them.

The Hon. F. J. CONDON—The Minister said that this suggestion came from the R.A.A., but we should have an opportunity to consider the purport of the amendment and I ask that progress be reported until tomorrow.

The Hon. A. L. McEWIN—I ask the honourable member not to press that suggestion because it is a perfectly straightforward amendment, and as there are other amendments in the Bill it will be necessary for it to be reprinted before it can be reconsidered in another place.

New clause inserted.

Clause 11—"Power to compel unloading of excess weight"—reconsidered.

The Hon. N. L. JUDE—I move—

To leave out all words in section 99a (1) after "vehicle" in line 7 and insert in lieu thereof "that the vehicle is not to be driven on a road except for the purpose of moving it from the carriage way) until that part of the load which is in excess of the permitted maximum is removed from the vehicle."

In subsection (2) to leave out "refuses or fails to comply with" and insert in lieu thereof "contravenes."

As I indicated earlier, it is the intention of Parliament to protect the money spent on our highways. It is useless to detect the offence of a grossly overladen vehicle and then permit it to continue its way on a newly made highway. My amendment gives an option to the inspector to direct the driver to a place of unloading. It enables him to immobilize a grossly overloaded truck, and with this discretion he can modify the initial penalty.

The Hon. A. L. McEWIN—The amendment has been referred to the Commissioner of Highways who considers it will improve the Bill in as much as where overloading occurs the driver can be stopped, and instead of its being the responsibility of the officer to order the vehicle to a place of disposal the driver can nominate where he can dispose of the

load, subject to the approval of the officer. Both the Commissioner of Highways and the Parliamentary Draftsman consider this is an improvement on the original drafting and I therefore accept the amendments.

Amendments carried; clause as amended passed.

Bill reported with amendments and Committee's report adopted.

LOTTERY AND GAMING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 26. Page 1675.)

The Hon. F. J. CONDON (Leader of the Opposition)—The Bill provides for two new trotting zones. Previously there was one on the mainland and another on Eyre Peninsula. The South Australian Trotting League has now asked for trotting days to be allotted to the Murray lands and the South-East. The Bill proposes to increase the number of days on which trotting meetings can be held in defined areas. The present law provides for 85 trotting meetings yearly, and Eyre Peninsula is treated as a separate zone with 20 meetings. As a result of this measure the Government will get additional revenue, despite the fact that it does not believe in trotting and racing. In effect the Bill will extend betting facilities to trotting courses in various parts of the State. Before long there should be a general overhaul of the Act, which contains many anomalies. The present set-up under which the Government derives revenue from racing sources is wrong. The Trotting League provides too big a representation to country clubs, some of which hold only one meeting a year, and yet their rights and representations are equal to those of a big city club. In this respect it reminds one of our electoral system, because a majority of country clubs decides what the trotting policy should be. That is wrong. I should like to see an alteration with provision for an independent committee comprising two representatives from the metropolitan area, two from the country and an independent chairman. That would be a fairer way of dealing with the position. The Commissioner of Police is responsible for the administration of totalizators and is authorized, on the approval of the Chief Secretary, to license the use of totalizators at race courses and trotting grounds. I give the following figures to show the revenue invested in horse racing and trotting for the year 1952-53:—Totalizator—horse racing, £1,575,725; trotting £761,249. With bookmakers:—Local horse racing, trotting and coursing, £20,040,513; interstate horse racing, £4,602,235, making the total amount invested £26,979,722. The total revenue derived in 1952-53 by the State, racing clubs and charitable institutions was as follows:—State £672,574, racing, trotting and coursing clubs £529,541 and charitable institutions £31,651, making a total of £1,233,766.

If a bookmaker wants to be licensed he must first apply to the Betting Control Board and submit a bond so that an investor can, if necessary, make a claim against him, but the bookmaker himself has no redress against a bettor should he not keep to his contract. A contract is a contract, and if the bookmaker is compelled to honour it, he should also be protected against a bettor. I can visit a race course and invest £100 on a nod bet and if the horse wins it is all right. On that investment the bookmaker has to pay a tax, but if the horse does not win he has no legal right to sue for money owing to him by the bettor. There are many cases in our courts concerning people who have bet beyond their means or invested money which does not belong to them knowing that the bookmaker has no right of redress against him. If a bookmaker is compelled to put up a bond, he should have some protection. As the bookmaker is bound by law to meet his obligations to the bettor, it is only right that the bettor should be compelled to meet his obligations also. I cannot move an amendment now to provide for his protection, but will take the first opportunity to include that provision in our law. I support the Bill and hope that at some future time the majority of members will be prepared to agree to a reasonable and fair request in the direction I have indicated.

The Hon. J. L. COWAN (Southern)—This Bill deals with an outdoor sport that has become increasingly popular both in the city and country centres in post-war years. As further evidence of its popularity numbers of country shows have put trotting events on their programmes in order to cater for the followers of well-bred trotting horses. This Bill sets up two new zones in each of which up to 20 meetings may be held, but the most important factor is that these meetings are to be held either on Saturdays or public holidays. Many young people from the country journey to the metropolitan area to indulge in various types of sport, and trotting is one of them. Eventually, they decide to take up an occupation in the city and that is one of the reasons

why the balance of population is in the present state of disproportion. It is only right that sports available to people in the metropolitan area should be extended to the country and this Bill tends to do that. It is rather alarming to note that in South Australia only 17 per cent of the population is engaged in rural pursuits in country areas, the balance being in the city or large country towns. This is a dangerously low number of people to produce all the foodstuffs required for the remainder. In other countries 25 per cent of the population engaged in rural pursuits is considered to be low enough, and that is the figure in America. We must take note of these things and endeavour to arrest centralization by providing amenities, sporting and otherwise, that will tend to keep people in the country. That is why I support the Bill.

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

LOCAL GOVERNMENT (CITY OF ENFIELD LOAN) BILL.

Adjourned debate on second reading.

(Continued from December 1. Page 1728.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the Bill, which authorizes the Enfield city council to borrow £250,000 from the Savings Bank to carry out drainage works within the municipality. I compliment the Savings Bank on the manner in which it has always come to the rescue of local government authorities, and particularly the Housing Trust in the carrying out of its great programme. In recent months the Housing Trust has built many hundreds of homes within the municipality of Enfield, and quite a number of private homes have been built as well, until it has become one of the largest municipalities in the metropolitan area. With the building of homes it became imperative to provide ways and means of disposing of the surplus water from roofs and streets and the council prepared a comprehensive plan in collaboration with the Commissioner of Highways. Under the Local Government Act any municipality borrowing money must repay the loan within 42 years, but this Bill extends the period to 60 years. It is somewhat similar to the provision made for the Adelaide city council to borrow money to carry out its street widening scheme. In that case the extension for repayment was to 50 years. Every loan under the provisions of the Act has to receive the assent of the Governor-in-Council, and this is a protection for the ratepayers. I commend the legislation to members because it will enable an adequate drainage scheme for the area to be undertaken, without which there would be chaos.

The Hon. E. ANTHONEY (Central No. 1)—The proposal commends itself to me for, left to its own rating devices, this very large municipality would never be able to go on with this scheme. The city of Enfield has developed considerably in the last few years, largely owing to the activities of the Housing Trust, but in part to building by private owners. Many problems arose from this rapid development, as is the case, of course, with many other municipalities. In England, when a large subdivision takes place, all the work is carried out by the local body; roads are made, footpaths formed, drainage schemes carried out and every possible amenity provided before the people take possession, and I think that it is the right thing to do. As this Bill is a step in that direction, I commend it to the favourable consideration of members. A Select Committee has investigated this measure and is satisfied that the provisions are sound. The town clerk of Enfield has assured me that the ratepayers are satisfied with the scheme and have no objection to it. The council has examined all aspects of it and is anxious to proceed with the work. I have pleasure in supporting the second reading.

The Hon. F. T. PERRY (Central No. 2)—This Bill is an example of a municipal body accepting responsibility for the position confronting it. I am rather astounded that the council is prepared to borrow on loan to the extent of £250,000 but I am pleased that a 60-year term of repayment is provided. Enfield is not the only council confronted with the problem of providing drainage and other amenities. Other councils, which have had group settlements thrust upon them, are faced with the necessity of drainage and constructing roads and footpaths but they cannot undertake all the work from rates and must obtain loans. I was interested to hear Mr. Anthoney state the attitude of the Enfield Council, which is to be congratulated on the progressive step it is taking and the responsibility it is assuming in seeking this loan. I understand the scheme was formulated in collaboration with the Highways Department and as every precaution has been taken I have no hesitation in supporting the second reading.

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

EARLY CLOSING ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

The purpose of the Bill is to make butter and cheese in any amount exempted goods under the Early Closing Act and also to make tobacco, cigarettes and cigarette papers exempted goods. Under the Act certain classes of shops are designated as exempted shops. They are exempted from the closing-time provisions and can sell the exempted goods specified in the Act after closing time. At present butter and cheese are exempted goods in quantities not exceeding two ounces in any one purchase. Tobacco, cigarettes and cigarette papers are not exempted, though they can be sold in an exempted shop until the closing time of tobacconists' shops, which is 6 p.m. on week days, and 12.30 p.m. on compulsory weekly half-holidays.

Recently the Government was approached by the Federated Retail Confectionery, Refreshment and Mixed Businesses Association of Australia with a request for the complete exemption of butter and cheese and for the exemption of certain other foodstuffs, tobacco and cigarettes. The association argued that in recent years the convenience of the public rendered it necessary for the goods to be exempted. They pointed out that earlier closing of non-exempt shops has meant that people with jobs have considerably less opportunity to shop, and that the increase in employment of married women has accentuated this difficulty. They also drew attention to the fact that New Australians find the law most difficult to understand coming as they do from countries where there are no early-closing laws. They stated that it is not uncommon for New Australians, when refused cigarettes after closing time, to believe that the shopkeeper is keeping the cigarettes for Old Australians, a belief which is damaging to custom. They also argued that it was highly desirable that the goods should be obtainable over Christmas and Easter, and at week-ends, when non-exempt shops were closed. The association stated that tobacco and cigarettes are exempt in Western Australia, New South Wales and Queensland, and that the matter was under consideration in Victoria.

The Government is not prepared to make all the exemptions asked for, but considers that it would be desirable to exempt tobacco, cigarettes and cigarette papers and to exempt butter and cheese completely. It believes that special considerations apply to these goods. Butter and cheese are, as has been stated, at present exempted in quantities not exceeding 2oz. in any one sale. This means that butter and cheese do not have to be locked up by a shopkeeper at closing time but remain on his counter. It is almost impossible in the circumstances to expect either shopkeepers or the public to observe the law, and the Government feels that the best solution is to make butter and cheese completely exempt.

Cigarettes and tobacco are, of course, required to be locked up at closing time, so that the temptation to sell them illegally is not so great. However, the demand for them is so great that they are commonly so sold. The difficulty which has arisen is not that the Act cannot be policed, for there are many prosecutions, but that despite the prosecutions, the offence continues unabated. The Government believes that in these circumstances the proper course is to exempt cigarettes and tobacco and thus make them available to the public after closing time. The Government is aware that these proposals are prejudicial to the interests of tobacconists and grocers and, in fact, has received representations from the Retail Tobacco Sellers' Association and the Retail Storekeepers' Association to that effect. The Government believes, however, that the effect of its proposals will be very slight on such businesses. The Bill accordingly in clauses 3 and 4 makes the necessary amendments to the principal Act.

The Hon. F. J. CONDON (Leader of the Opposition)—The Opposition intends to oppose this measure because it trespasses on long standing principles held by our Party. Its purpose is to make butter and cheese in any quantity exempt goods under the Early Closing Act as well as tobacco, cigarettes and cigarette papers. Many years ago Parliament decided to restrict the sale of these goods. It has been suggested that because there are many prosecutions for trading in them after hours it is necessary to amend the legislation, but that is a poor argument. When attempts have been made to extend the hours of trading in other avenues there has been strong opposition. This Bill represents a contravention of the principles for which the Opposition stands, as it proposes to extend hours of trading. I have received letters from interested persons who desire that the legislation be extended because it suits their interests. Laws can be made for various

sections but an employer restricted to certain hours of trading will suffer because small shops will be able to trade in these articles to any hour they desire. That is unfair and I oppose it.

The Hon. F. T. PERRY (Central No. 2)—This Bill is for the purpose of extending to the public the right to purchase certain commodities at a later hour than now applies. In common with other members I have received a number of letters from interested parties both favouring and opposing the legislation. That is only natural because legislation of this nature does affect many people. I suggest that in deciding this legislation the only section to be considered is the general public. We have provided that the public can purchase two ounces of butter after the normal trading hours, but if a large family desired to purchase butter it would necessitate at least three visits to a shop. It is now proposed to be more rational and permit a person to purchase a reasonable quantity of butter. The measure will be of advantage to the general public and I do not think it will do much harm to those engaged in the business of selling these commodities in restricted hours. Mr. Condon suggested that the Bill is designed to extend hours but that is not so. Shops that are now open for the sale of unrestricted goods will remain open whether or not they sell the commodities affected by this measure and it will make no difference to their hours of trading. It will do no harm to shopkeepers and will provide a convenience of advantage to the public and I support the second reading.

The Hon. S. C. BEVAN (Central No. 1)—I oppose this measure. If it is passed there is no logical reason why a business of any description should not be permitted to remain open for the specific purpose of selling these goods.

The Hon. L. H. Densley—If you advocated that you might get a lot of support.

The Hon. S. C. BEVAN—If a storekeeper whose business is conducted by himself and members of his family is permitted to sell these commodities surely it is logical to permit any storekeeper stocking them to remain open.

The Hon. F. J. Condon—John Martin's and the Myer Emporium could remain open.

The Hon S. C. BEVAN—Exactly. We must consider the person whose only business is trading in these goods. The tobacconist is mainly dependent on the sale of tobacco and cigarettes and the suburban grocer is recognized as the principal trader in butter and cheese. Departmental stores have infiltrated into practically every branch of trading and the small suburban storekeeper has been seriously affected by the competition. The Early Closing Act has not created any difficulties to the general public in regard to the purchase of these goods, although there may be isolated occasions when a housewife desires to purchase butter after closing time. It is no argument to suggest that because the law is being repeatedly broken in regard to the sale of these articles it should be amended.

The Hon. F. J. Condon—What about the sale of margarine?

The Hon. S. C. BEVAN—Perhaps it is desired to further the sales of butter and cheese because of the lifting of restrictions on the manufacure of margarine. No logical argument can be advanced to permit stores to remain open to sell these goods. If it could be proved that hardship has resulted to the general public I would support this legislation but I am not convinced that that has happened. It may be that on a public holiday a man at a seaside resort runs out of tobacco or cigarettes and would find it convenient if he could purchase these goods but generally speaking smokers ensure they have adequate supplies to last them over the week-end or a holiday.

It has been suggested that a person can enter a hotel after exempted hours and purchase cigarettes. That may be possible until 6 p.m. —and then if the person is known to the hotelkeeper—but if he enters a hotel after that hour he is breaking the law. After 6 o'clock it is impossible to purchase cigarettes at a hotel unless, perhaps, the purchaser is a boarder. If the law is being broken the culprits should be brought to justice. If it is good enough to permit some storekeepers to sell these goods after normal trading hours it is reasonable to permit those who rely on the sale of those goods to remain open. This Bill represents the thin end of the wedge in increasing the hours of employees employed by storekeepers. The next move will be for storekeepers who rely on the sale of these goods to remain open and they will then request that their employees should remain on duty to sell them. I oppose the Bill.

The Hon. L. H. DENSLEY (Southern)—It is very refreshing to find a body of people anxious to give service, because in recent years many have shrunk somewhat from doing so. It has been suggested that this measure is an effort to increase employees' hours, but as far as I can see there is no provision that will do this. The Bill simply gives a right for

these commodities to be sold. In all sections of the community there are people who from time to time find it advantageous to be able to obtain certain specified goods outside normal trading hours. This applies particularly to the travelling public and people on camping holidays who from time to time must provide their own requirements and store them without having adequate provision for doing so. In many cases both husband and wife are working in the day-time and endeavouring to keep house outside working hours, so this measure will provide a very welcome facility. The Retail Traders Association is prepared to provide this service and I do not think it is possible that an attempt will be made to break down the hours that employees are required to work. To enable these people to provide the services they desire, I support the second reading.

Council divided on the second reading—

Ayes (12).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, L. H. Densley, E. H. Edmonds, N. L. Jude, A. L. McEwin (teller), F. T. Perry, W. W. Robinson, C. D. Rowe, Sir Wallace Sandford, and R. R. Wilson.

Noes (5).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon (teller), A. A. Hoare, and A. J. Melrose.

Majority of 7 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Exempted goods."

The Hon. A. J. MELROSE—I move—

To delete—

(*b*) by adding at the end thereof the following paragraph: II. tobacco, cigarettes and cigarette papers.

I am willing to concede there is some merit in the argument that foodstuffs, such as milk, butter, bread and perhaps meat and smallgoods, which may be regarded as fundamentals for emergency meals, may be sold after normal trading hours to give the traveller, arriving home and finding the larder empty through spoilage of food or the arrival of unexpected mouths to feed, every opportunity to go to the shop to obtain these things. However, this argument cannot possibly apply to what after all is only luxury, and perhaps even a vice. Parliament as a whole disapproves of legislation to protect fools from themselves, and in my experience we have never descended so low as to protect men who have not the foresight to provide themselves with an extra packet of cigarettes to last over the evening. That is one reason why I ask the Committee to strike out this provision. There is another very serious reason that is equally potent, that we who claim to represent the more fixed part of the population—I hesitate to use the word stable, although perhaps that would be appropriate—those who have invested their money in businesses and who form part of the structure of the State, in this case those who conduct the business of tobacconists almost entirely, should not let every Tom, Dick and Harry sell tobacco, papers and cigarettes. If we do so, should we not also allow every trader affected by the Early Closing Act to have the same privilege? Tobacconists have all their money invested in one particular business, but by this Bill the shopkeeper who sells tobacco and cigarettes as a minor sideline will be granted privileges that we would not grant to others. I urge the Committee to be consistent and fair and to bear in mind that if we are going to open the door to the trifler in tobacco we should at least swing it wide open to the people who are now restricted by the Act.

The Hon. A. L. McEWIN (Chief Secretary)—I was interested and intrigued to hear the honourable member introduce consistency as an argument, because I have never heard a greater sponsor of freedom than he is, and he is certainly much more at home speaking in that vein than when he spoke on this Bill a moment ago. We have found from experience that restrictions have gone too far. Mr. Melrose suggested that people who have invested money in businesses will now be threatened because the public is going to get some consideration. Because there have been so many prosecutions, we have found that the restriction of trading hours has caused people to say, "The law is stupid because we cannot get what we want." When the honourable member talks about stock in trade he must have access to what the general public cannot get for they cannot even pick their own brand leave alone stock up for the week-end and holidays. We must keep a few privileges for the community at large, and to suggest that the odd packet of cigarettes sold under this provision will ruin those in the tobacco industry is an exaggeration.

The Hon. F. J. CONDON—I appreciate the point raised by Mr. Melrose and for once we both agree. If members accept the Minister's contention why not extend the principle to the licensing laws? If the argument is sound that we should alter the law because there are prosecutions, again let us be consistent and alter the Licensing Act for that reason. I support the amendment.

The Hon. C. D. ROWE—I support the amendment. As far as I am aware tobacco is still in short supply and the people accustomed to handling these lines are not yet able to get all they require. Apparently the quotas are fixed by a committee within the trade and Parliament has no control over them. Therefore, apart from Mr. Melrose's argument, to allow this to get out of the hands of the people who rely on these lines as their main livelihood is probably unwise.

The Hon. E. ANTHONEY—I live at the seaside where there are thousands of visitors during the holiday season and shops in those places are under a good deal of pressure to supply these goods. We legislate for this group and that, so why not give the general public a chance sometimes? I cannot see that it can do any harm.

The Hon. A. J. MELROSE—We are on very dangerous ground if we stand on the argument that because the law is constantly broken and people chafe under it it should be amended. The Minister would almost lead us to believe there are innumerable prosecutions, but my authority is no less a person than the Commissioner of Police who, in his report for the year ended June 30, 1952, says that in 1952 there were 29 prosecutions under the Early Closing Act and 11 in 1953. I am sure the Minister will be pleased to know there are not innumerable prosecutions. Now let us consider an argument which must make an even greater appeal to the Minister because breaches under the Licensing Act in 1952 were no fewer than 1688 and had risen to 2068 in 1953. If we are to be consistent, and the Minister prays that we shall be, we must throw the Licensing hours wide open because there are so many people who want to have alcohol in prohibited hours. There were nearly 6,000 offences under traffic regulations. Surely it is not suggested that because so many people, apparently quite sanely and sensibly, infringed those regulations we should throw the Road Traffic Act wide open. Only today we have rather restricted it, so if anyone is to be accused of inconsistency I can only feel that I am in good company, and I still ask the Committee to strike out that part of the clause which tends to protect the improvident.

The Committee divided on the amendment:—

Ayes (6).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, A. A. Hoare, A. J. Melrose, and C. D. Rowe.

Noes (11).—The Hons. E. Anthoney J. L. S. Bice, J. L. Cowan, L. H. Densley, E. H. Edmonds, N. L. Jude, A. L. McEwin (teller), F. T. Perry, W. W. Robinson, Sir Wallace Sandford, and R. R. Wilson.

Majority of 5 for the Noes.

Amendment thus negatived; clause passed.

Clause 4 and title passed.

Bill reported without amendment and Committee's report adopted.

MINING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from December 1. Page 1726.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the Bill which relates principally to difficulties which have arisen in connection with the administration of the Mining Act regarding royalties and mining leases. Opportunity was taken in the preparation of the Bill to exclude from the Act references to oil, the prospecting and obtaining of which is now dealt with in other legislation. The Bill does not alter the law in that regard. The Director of Mines has informed the Government that legal doubts have arisen as to whether salt obtained by evaporation from seawater brought on to land artificially can be legally said to be obtained from the land and therefore there are doubts whether royalties are payable. I support the second reading.

The Hon. A. J. MELROSE (Midland)—Although this Bill does not cover a very wide field of people, nevertheless there are some industries interested in it. Its purport is to simplify decisions on the question of royalties; how, when and perhaps where they shall be obtained. It simplifies the Act, which must be very obscure. A great deal of reading, concentration and thought is necessary to understand the Bill, and it seems to me that a bush lawyer would have a field day wondering about the possibilities of interpretation of different parts of it. Notwithstanding official objections to this proposal, it would simplify matters if royalties were paid on a tonnage basis for such products as pyrites, marble, gypsum, limestone, because when taken from Mother Earth they must be marketable products of some sort, and royalties paid at that stage would at least recompense the owner of the land who, never having mined or treated the product himself, finds the matter taken out of his hands by some company or body because of the capital necessary to carry out the operation.

The idea of royalties is to recompense the owner for his interest, although not to give

him the full reward that might accrue from the various stages of treatment of the raw material into a finished product. I know this would not be simple. In the case of gold, for instance, it is mined and separated from its ores in the final stages, and we can go through a conglomeration of similar products on which it is hard to say when royalties should be paid except on the commencement of the process. I am assured by people who know more about the matter than I that this Bill clarifies the position and, subject to an amendment Mr. Rowe will move, meets the requirements of the various interests concerned. I support the second reading.

The Hon. C. D. ROWE (Midland)—This legislation deals with something that does not affect the whole community. I have not at any stage made a careful perusal of the Act, but apparently the Act of 1946 was not satisfactory and did not work very well, and various difficulties have cropped up which have had to be overcome from time to time in various ways. After much work and effort, this Bill has been submitted and, although it appears to be an improvement on the present position, there is still room for further improvement in certain directions. My attention has been drawn to proposed new clause 23d (1), which covers substances used in manufacture but not minerals sold in a raw state. To cover such cases, particularly salt and gypsum, I propose to move an amendment of which I will give a detailed explanation in Committee. I understand it is acceptable to the Government and I have pleasure in supporting the second reading.

The Hon. E. ANTHONEY (Central No. 2)—All that can be said on this matter has already been said. This legislation is necessary largely as a result of a query on a legal point raised by the Auditor-General about payment of royalties. It seems that these payments have not been properly made, and to ensure that they will in future be legally paid these amendments have been drawn. I spoke to the Director of Mines this morning about the matter because I did not know much about the Bill, and he told me that the amendments, which are very simple, are to clarify the basis of the payment of royalties.

The Hon. F. J. Condon—Why were the amendments not moved in the House of Assembly?

The Hon. E. ANTHONEY—I do not know, but we have to deal with matters as they arise. I understand that royalties will now be paid on the marketable product and not on the untreated product, which was the basis of previous payments. I asked the Director of Mines what market value of pyrites was, and he told me that when it is mined it is not in a marketable condition until it is submitted to a simple operation of removing the rubbish.

The Hon. F. J. Condon—This Bill has been before the House of Assembly for about six weeks, yet when it is introduced here the first thing that is done is to move an amendment.

The Hon. E. ANTHONEY—I have not seen the amendment, but this is a good place to move them, and if a Bill needs rectifying that should be done here. This measure has been introduced to rectify something that is wrong and to provide that in future royalties will be put on a proper basis.

The Hon. F. T. PERRY (Central No. 2)—I listened with a great deal of interest to the Minister's explanation of this Bill, and the further he went the more amazed I became that the measure should have been introduced at such a late stage. It may be perfectly simple to the Minister and to the Mines Department, but I am totally unacquainted with the proposed provisions and have not had sufficient time to consider whether they are acceptable or not. It is true that it is sought to rectify an error that occurred in the 1946 Act, but some royalties that have been paid for many years are calculated on a different basis altogether from that provided in this Bill. Whether these old royalties are justified and whether they are being reconsidered or not, I do not know; if not, it is rather a serious thing because the owners of properties who have been supplying materials for years are at a very definite disadvantage because they are paid royalties under conditions existing 10, 20 or 30 years ago. I do not think the development of the State is finished and this matter should have some consideration. Royalties are fixed under a variety of conditions. This Chamber has approved of royalties which have been fixed for all time. When I was in the House of Assembly Parliament fixed royalties for 75 years for minerals on Crown lands at Iron Knob. It sounded perfectly correct at that time, but values have considerably altered since and those royalties remain fixed for the remainder of the term. The altered conditions necessary for the development of the area are costing the Government much more money, and seems to be that in the original conception it would be far wiser at

that time for Parliament to have had some regard to values. I see one difficulty in this in as much as a low rate may be fixed in one year and a higher rate in another. I would like to have had a little time to ascertain the facts. It seems to me that it is unfair to this Chamber that a Bill of this nature should be introduced at such a late hour. We have simply had the Minister's statement of the position and no time to fortify our own judgments. I therefore oppose the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—''Interpretation.''

The Hon. F. J. PERRY—Are royalties fixed at present calculated on a different basis to that provided in this Bill and are they affected by it?

The Hon. A. L. McEWIN (Minister of Mines)—It may relieve the honourable member's anxiety to know that this Bill has been before Parliament since August 27 and was deliberately left low on the Notice Paper because of approaches to me regarding existing agreements. Mr. Cudmore intimated that he did not consider the Bill really covered certain cases, *i.e.*, salt and gypsum, where they were processed on the spot. Amendments will be moved by Mr. Rowe, which I shall accept, which will clarify the situation with relation to present salt and gypsum royalties. This Bill does not interfere with existing agreements. There is no opposition to it by anybody interested in mining and it simply makes interpretation of administration easier.

Clause passed.

Clause 4—''Basis of royalties.''

The Hon. C. D. ROWE—I move—

At the commencement of section 23d (1) insert ''Notwithstanding any other provision of this Act.''

In line 4, after ''and'' insert ''(*a*).''

In line 5, after ''lease insert ''or (*b*) the said substance is salt or gypsum.''

The object of the amendments is to extend the operation of the section so that the Minister of Mines, in his discretion, is empowered to agree to a royalty on a quantity basis, not only where the product is used in manufacture but, in the case of salt and gypsum, where it is processed as opposed to used in manufacture. The computation of royalty on sale price as provided by section 59 presents difficulties in the case of salt, which can best be overcome by adopting the principle contained in new section 23d. The power is discretionary and the Minister is not obliged to apply the principle if he feels there is no need for it. Mr. Cudmore was working on these amendments, but when he became ill I undertook to submit them.

The Hon. A. L. McEWIN—The amendments have been examined by the Director of Mines who is prepared to accept them. In view of the complicated nature of dealing with royalties I took the precaution of instructing him to confer with the Auditor-General and I have received his endorsement of the amendments. That shows that they have been properly examined.

The Hon. F. J. CONDON—I am pleased to hear the Minister's explanation that he has submitted the amendments to the Auditor-General, who is a subordinate officer in receipt of a salary £250 greater than that of the Minister.

The Hon. E. ANTHONEY—I am not quite clear on the effect of the amendments and would like the mover to give a little further information.

The Hon. C. D. ROWE—In brief, it will be much easier for everybody concerned to determine what is a reasonable royalty on salt and gypsum.

Amendments carried; clause as amended passed.

Remaining clauses (5 to 11) and title passed.

Clause 4—''Enactment of ss. 23b and 23c of the principal Act''—Reconsidered.

The Hon. A. L. McEWIN—I move—

In new section 23d to insert the following new subsection:—

(1a) A sum agreed upon under this section shall be payable in respect of substances mined during such period as is agreed upon between the Minister and the lessee.

This amendment gives effect to the recommendation of the Auditor-General and the Director of Mines on Mr. Rowe's amendment. They recommended that it would be advantageous to enable the Minister and a lessee mining salt or gypsum to agree upon a rate of royalty based on the weight or volume of the substance mined. At the same time they considered that it should be made clear that such a royalty should be payable for a specified period. The amendment provides accordingly and also applies to a royalty based on weight or volume agreed upon between the Minister and a lessee who uses the substances mined by him in manufacture.

The Hon. E. ANTHONEY—Can the Minister say whether this will enable a private owner to receive the same amount of royalty as the Crown?

The Hon. A. L. McEWIN—The amendment will not affect agreements already in existence.

Amendment carried; clause as amended passed.

Bill reported with amendments and Committee's report adopted.

SUPERANNUATION ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

The sole purpose of this Bill is to deal with a difficulty which faces the Superannuation Board in connection with the administration of the Superannuation Act. The matter in issue is this. Under a law passed in 1948, whenever the salary of a contributor to the Superannuation Fund is raised from one salary group to another he has the option either to increase or not to increase the number of units of pension for which he will contribute. If, within the time fixed by law, he does not send to the board a written election not to increase his units he is deemed to have elected to contribute for the additional units, and it thereupon becomes the duty of the departmental officers concerned to deduct additional contributions from the contributor's salary. Owing to the frequent increases in wages and salaries since 1948 and the shortage of trained staff in some departments additional contributions due by many employees whose units were automatically increased, as I explained, have not been deducted from their salaries.

The matter was brought to the notice of the board by the Auditor-General, and the board thereupon made an investigation. It found that at least 2,500 contributors had not been contributing for the additional units for which the law required them to contribute, and that the number of units involved was of the order of 4,500. Unless the law is altered it is now the clear duty of the Superannuation Board to treat these contributors as having elected to take up the additional units and to collect, by means of salary deductions, the arrears of contributions. This, of course, would be a task of some magnitude and difficulty, and, in addition, the payment of the arrears would cause considerable hardship to many of the contributors. These factors alone would justify the Government in bringing the matter before Parliament in order to remedy the situation; but there is an even stronger reason for doing so, namely, that the board does not know whether the contributors concerned do really desire to take up the additional units. It appears quite possible that in many cases the contributors were not supplied with the appropriate forms at the relevant time and that their minds have not been applied to the question whether they desire to take the additional units or not. The board believes that a good many of them do not desire to contribute for the additional units. It often happens that contributors owing to their age and the cost of the units, or because they are eligible to some extent for Commonwealth old age pensions, do not take up additional units when the opportunity occurs.

The Bill therefore proposes a solution of this problem by giving all the contributors affected a new right to elect within six months after the Bill is passed whether they will subscribe for the additional units of pension or not. If they elect to subscribe they will contribute as from the month after the election at the rate appropriate to their ages at that time. If they elect not to take them there will be no question of collecting any contributions from them. In either event the problem of collecting arrears accumulated during several years will be overcome. It will be seen, therefore, that the Bill will not work injustice to anyone and will provide a relatively simple solution of a difficulty which, if not dealt with in this way, would cause a considerable amount of trouble and hardship both to the administrative officers and to the contributors concerned. It may be mentioned that the Superannuation Board is making arrangements to ensure that there will be no repetition of this type of trouble.

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

RADIUM HILL WATER SUPPLY AGREEMENT BILL.

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

The Hon. A. L. McEWIN (Minister of Mines)—I move—

That this Bill be now read a second time.

The development of the uranium field at Radium Hill necessitates the provision of a reliable water supply for mining and domestic purposes. A considerable amount of boring for water has been undertaken on the field. The only result has been a rather limited supply of inferior brackish water not suitable for domestic use but possibly fit for some industrial

processes. This has been harnessed and is being used where possible. Detailed investigations followed to investigate the practicability of impounding supplies of local flood-waters, particularly from the Olary Creek. The capital cost of all schemes was prohibitive and the supply doubtful. Pipeline schemes, one direct from the River Murray to Radium Hill and the other drawing water from the Morgan-Whyalla scheme at Jamestown, were next designed. Once again the estimates of cost were extremely high and the schemes were rejected. The urgent requirement of a domestic supply of good quality water to a rapidly growing population remained and water carried from Olary railway supply was costing £6 15s. per thousand gallons.

The nearest assured source of supply was Broken Hill where the city and mines obtain water by gravity from two reservoirs, Umberumberka and Stephens Creek, and by pumping from the River Darling at Menindee when necessary. A preliminary examination showed that the capital cost of a scheme to supply Radium Hill from Broken Hill would be much lower than from any other source. The members of the Broken Hill Water Board indicated that they would be willing to assist in providing water for Radium Hill. They agreed that a supply of 50,000,000 gallons a year could be made available and detailed designs of a scheme were prepared. The capital cost of this scheme was the most reasonable of all investigated. The Broken Hill Water Board submitted the matter to the New South Wales Government and the Premier of that State advised that his Government would be prepared to introduce legislation to permit the sale of the water at a rate of 21s. per thousand gallons initially, with periodical reviews of the charge.

The Parliamentary Standing Committee on Public Works was then asked to examine the proposition. Its report recommended that a pipeline and pumping station be constructed at an estimated cost of £287,000. Negotiations with the Government of New South Wales have resulted in an agreement acceptable to both sides. The Bill now submitted is for the ratification by this Parliament of this agreement; and the Government of New South Wales has promised to submit similar legislation immediately into the New South Wales Legislature. The agreement will come into force when ratified by both Parliaments, and will operate for 10 years in the first place, and thereafter until terminated by 12 months' notice given at any time after the commencement of the tenth year.

The New South Wales Government undertakes by agreement to include in its ratifying Bill provisions to give South Australia authority to construct pipelines and ancillary works within New South Wales, and to secure for South Australia the land in New South Wales required for such pipelines and works. The New South Wales Water Board undertakes to grant to the Government of South Australia rights to construct and maintain such pipelines and works in the Umberumberka storage area as are necessary for the purposes of the agreement. South Australia will be entitled under the agreement to take water from the Broken Hill Water Board's works at a point selected by the board in the Umberumberka storage area. The maximum amount which we can take is 200,000 gallons on any day, and 1,250,000 gallons in any week. South Australia is responsible for building and maintaining all the works necessary to take the water from the point of delivery, and also for any costs incurred by the Broken Hill Water Board in connection with works necessary to take water from its existing works to this point. The price of the water is to be 21s. a thousand gallons for the first three years. Thereafter the price will be fixed by by-laws to be made under the legislation of New South Wales.

The other provisions of the agreement are ancillary to those I have mentioned. They deal with matters such as metering, payment of accounts, interest on overdue payments at the rate of 5½ per cent, arbitration and other minor matters. The Bill in addition to ratifying the agreement will enable the South Australian Government to expend loan money, voted by Parliament for uranium production, on works and operations carried out under the agreement either in this State or in New South Wales. In the absence of such a provision the authority to expend loan money in New South Wales would be doubtful.

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

HARBORS ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

The Bill provides for increased pilotage fees and for the registration of fishing boats at a small fee. Members are aware that the Government proposed to increase revenue from harbor

dues and charges in order to cover the increased expenses of the Harbors Board. All but two of the proposed increases can be made without legislation. The two which require legislation are provided for in this Bill.

Under the Act it is not possible to charge a pilotage fee of more than £20 on the arrival or departure of a ship. The revenue from these fees does not cover the cost of the services provided. The Government considers it desirable to remedy this position, but, because of the limit fixed by the principal Act it is not possible to do so. South Australian pilotage fees are at present only a fraction of those charged in other States, particularly the fees charged for the pilotage of larger vessels. The increases to be made in this State have not yet been decided upon, but the Government can assure members that they will be reasonable, especially in comparison with the fees charged elsewhere. The Bill accordingly removes the limit on pilotage fees.

Recently the Board incurred considerable expenditure at Robe, Port Wakefield, Port Kenny and Port Adelaide on facilities for fishing boats, and accordingly the Government is of opinion that some small amount should be paid by fishermen as a contribution towards this expenditure. Legislation is required for this purpose and the Bill, therefore, provides for the registration of fishing boats used by fishermen in the course of their business at a fee not exceeding £5 a year.

The Hon. F. J. CONDON (Leader of the Opposition)—I offer no objection to the Bill. Recently Parliament agreed to increase wharfage and other harbour dues. Pilotage fees in South Australia are lower than in any other part of the Commonwealth, and therefore there is every justification for the Government to obtain extra revenue from this source. I understand that registration fees will not be charged to fishermen unless a service is rendered by the Harbors Board. Fishermen at Port Adelaide receive excellent service, therefore, there can be no objection to the fees proposed.

The Hon. E. H. EDMONDS (Northern)—I gather from the Minister's remarks that professional fishermen will be called upon to pay a fee of up to £5 to register their boats. I represent a district where this industry is operated on a fairly extensive scale, and have in mind promises made a long time ago that fishing havens would be provided to encourage those engaged in the industry. However, they are more or less at a nebulous stage and nothing has been done. If we are to agree to this Bill providing for certain fees, it is only fair that every endeavour should be used to give the fisherman some service in return. Although I raise no objection to the Bill, I emphasize that that point should be considered.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Regulations."

The Hon. J. L. S. BICE—I understood the Minister to say that unless a service is given by the Harbors Board the registration fee for fishing boats will not be charged. Can he explain the position? The Harbors Board provides a wonderful service at Robe, but there is no haven at Beachport.

The Hon. A. L. McEWIN (Chief Secretary)—The honourable member misunderstood me if he thought I suggested that if fishermen did not get a service they did not pay. It is a general registration fee which will apply throughout the State.

The Hon. J. L. COWAN—Will the fee apply to fishing boats on the Murray? The fishing industry there has declined and the suggested fee would be a serious impost.

The Hon. A. L. McEWIN—I take it that if it is general it will apply, because these boats are under control of the Harbors Board.

Clause passed.

Title passed.

Bill reported without amendment and Committee's report adopted.

HIGHWAYS ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

The Bill proposes important changes in the policy of the Highways Act. That Act set up a fund called the Highways Fund and it is provided that there is to be paid into this fund the nett revenue derived from motor registration fees and driving licence fees collected under the Road Traffic Act. In addition, any loan moneys appropriated for road purposes are to be paid into the fund. Section 32 of the Highways Act provides that the moneys in the Highways Fund are to be used by the Commissioner of Highways for the various purposes set out in the Act. These purposes include the construction and maintenance of

main roads, the payment of grants to municipal and district councils for various road purposes, and making of advances to councils, and similar objects. The Act gives to the Commissioner the power to decide as to the manner in which the moneys in the Highways Fund are to be expended and it is for the Commissioner, and only the Commissioner, to decide for what purposes authorized by the Act and to what extent, the fund is to be expended.

The amount expended for road purposes and similar purposes is considerable and during the last financial year approximately £3,500,000 was expended in this manner. The proposals for increases in motor registration fees, now before Parliament will, if enacted, increase appreciably the amounts which will be paid into the Highways Fund. As has been previously mentioned, the present scheme of the Highways Act is that revenue derived from the registration of motor vehicles and other revenue under the Road Traffic Act must be paid into the Highways Fund and the responsibility for the expenditure of the moneys in the Highways Fund is vested in the Commissioner of Highways. Thus, unless the law is altered, whilst Parliament has enacted that certain revenue is to be earmarked for expenditure on roads and similar purposes, neither Parliament nor the Government have any direct control over the expenditure of the very large sums of public money which are involved.

The Government considers that the existing policy of the Highways Act should be changed and that the Act should provide that, in effect, the Commissioner of Highways is to be accountable to the Minister. In his turn, the Minister is, by the nature of his office, responsible to Parliament for the carrying out of his duties and consequently the Government proposes that, by providing for a degree of Ministerial control over the expenditure of moneys from the Highways Fund and over the exercise of other powers given under the Highways Act, the principle of Ministerial responsibility and the resultant accountability to Parliament, will be restored. The Bill therefore provides that, in general, the approval of the Minister must be obtained to the exercise by the Commissioner of the powers vested in him under the Highways Act. The usual Act of Parliament provides that the powers conferred by the Act are to be exercised by the Minister to the administration of whom the Act is committed. In some cases, it is provided that the exercise of Ministerial power must be on the recommendation of some official or board. For example, in many cases the Crown Lands Act provides that the Land Board must make a recommendation before the Minister exercises a power given by the Act. It is not proposed to apply this method of Ministerial control to the Highways Act but, as before stated, the Act will still provide that, with one or two exceptions to be mentioned later, the power in question will continue to be exercised by the Commissioner of Highways but the approval of the Minister will be required to that exercise of power.

The principal power given to the Commissioner under the Act relates to the expenditure of the moneys in the Highways Fund and what is proposed in this regard will be mentioned later. However, the Act also gives a number of ancillary but important powers to the Commissioner. For example, he is given power to acquire land or materials either by agreement or compulsorily, to sell land and other property, and to re-align the boundaries of main roads. It is proposed by the Bill that, in the case of most of the sections of the Act conferring powers on the Commissioner, the approval of the Minister must be obtained to an exercise of power by the Commissioner. Clauses 2, 3, 5 to 14, 21 and 22 make amendments of this nature to various sections of the Act.

An amendment of a slightly different nature is made by clause 16. Section 28 provides that the Commissioner is to make an annual report to the Governor which is then to be tabled in Parliament. Clause 16 requires this report to be made to the Minister. As is now the case, the clause requires the report to be presented to Parliament. Another alteration in procedure is proposed by paragraph (*d*) of clause 5. Subsection (2) of section 20 provides that the Public Supply and Tender Act is not to apply to any contract entered into by the Commissioner for the sale, purchase or supply of road metal or similar materials where the consideration does not exceed £1,000. It is proposed to repeal this subsection and it will follow that these transactions will come within the purview of the Public Supply and Tender Act.

As regards the control of the expenditure of the Highways Fund, the effect of clause 17 is that the moneys in the fund are to be expended by the Commissioner but subject to the approval of the Minister. This provision is subject to certain modifications set out in clause 19. Among other things, clause 19 provides that, before the commencement of any financial year, the Commissioner is to submit to the Minister a schedule of proposals for the construction or maintenance of roads and of

other work proposed to be carried out during the financial year. From time to time, additions to or alterations of this schedule may be submitted to the Minister by the Commissioner. The Minister may approve of the schedule, with such variations as he thinks proper, and that approval will be sufficient authority for the Commissioner to proceed with any of the works included in the schedule.

It is also provided by clause 19 that the Minister may give general approval of expenditure by the Commissioner up to £5,000. If approval is so given, the Commissioner may expend this amount for any purpose for which, under the Act, he is authorized to spend money and without obtaining any other approval by the Minister and without the Minister approving the specific purpose of expenditure. When any £5,000 so approved by the Minister has been expended, the Minister may give further approval for another £5,000 and so on. The purpose of this provision is to secure that, at any given time, there will be moneys available for expenditure by the Commissioner for minor purposes which may be expended by him without specific reference to the Minister. At the same time, however, the Minister will have control of the total expenditure in this manner as every successive amount of £5,000 to be made available for expenditure by the Commissioner in this manner will need his general approval.

Section 35 of the Act provides, in effect, that the Commissioner shall, in every financial year, determine the amount which is to be allocated to councils for road purposes and the amount which, in turn, is to be expended by councils from their own funds. It is proposed by clause 18 that the power in question shall be exercised by the Minister on the recommendation of the Commissioner. Section 37 provides for the withholding of funds from councils when they fail to carry out their duties. It is proposed by clause 20 that, in this case also, the power under the section should be exercised by the Minister and not, as is now the case, by the Commissioner.

Some further amendments are proposed by clause 19. It is provided by the clause that, where the Minister so directs, the Commissioner is to invite public tenders for the carrying out of any work under the Act. This power can be exercised by the Minister in any case where it appears to him that it would be in the public interests to call tenders for any work. Another provision in clause 19 deals with the giving of Ministerial approval to acts of the Commissioner. As has been previously explained, the general effect of the Bill is that Ministerial approval will be needed to most acts performed by the Commissioner. It is provided by clause 19 that, where thought fit by the Minister, he may give a standing approval to the doing of any particular acts by the Commissioner. In instances it may be convenient for the Minister to give such a standing approval where the approval is required to the exercise of minor powers by the Commissioner.

Thus, the general effect of the Bill is to provide for a general Ministerial control over operations under the Highways Act and this imports a consequent Ministerial responsibility to Parliament. At the same time, however, the Bill has been so framed as to enable the day by day things to be done without requiring specific Ministerial approval for the many relatively small matters which must arise in the administration of the Act. The clauses which have not been previously mentioned all make minor amendments to the Act which are of a drafting nature and in no case affect the policy of the Act. This legislation has been introduced to give effect to an announcement made by the Premier earlier in the session, and to bring the administration of this department more directly under Ministerial control. It is an important measure, and I commend it to members.

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

MENTAL DEFECTIVES ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

WHEAT PRICE STABILIZATION SCHEME BALLOT BILL.

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

DA COSTA SAMARITAN FUND (INCORPORATION OF TRUSTEES) BILL.

Returned from the House of Assembly with an amendment.

HONEY MARKETING ACT AMENDMENT BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

ADJOURNMENT.

At 10.02 p.m. the Council adjourned until Thursday, December 3, at 2 p.m.