LEGISLATIVE COUNCIL.

Wednesday, November 24, 1954.

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

QUESTION.

BUSINESS OF THE HOUSE.

The Hon. F. J. CONDON—I notice that eight Bills will be received from the House of Assembly today. Can the Chief Secretary say when it is proposed that the Council should go into recess, and is it the Government's intention to ask members to sit at night next week?

The Hon. Sir LYELL McEWIN—The honourable member is correct in stating that a number of Bills are coming from the other House, and I hope, with the assistance of members, discussion on them can commence tomorrow. At the moment it would be difficult to estimate when Parliament will prorogue, but it is desired to have the business of the session finished by at least the second week in December. As to night sittings, that of course will depend upon the condition of the Notice Paper. I do not anticipate at this stage that we shall have night sittings next week.

SUBSIDIES ON PRIVATE SCHOOLS BUILDING COSTS.

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

That, in the opinion of this Council, it is desirable that financial aid be made available by the Government to recognized private schools on a pound for pound basis on the capital cost to erect new school buildings similar to the scheme inaugurated by the Government to assist institutions providing for the care of aged persons.

(Continued from November 17. Page 1363.)

The Hon. F. J. CONDON (Leader of the Opposition)—I do not intend to weary the Council on this matter, but shall not give a silent vote. Mr. Bardolph, the mover of the motion, submitted some very strong points, which to date have not been refuted, when he referred to the assistance given by the Government and Parliament for the care of the aged and infirm. He gave a list of institutions which the Government had assisted on a pound for pound basis. This Government has given a lead in many directions in introducing legislation which does not exist in any other State. The matter before us concerns a number of denominations, and we should approach the motion with an unbiased mind. Private schools have played a very important part in forming the character of citizens and educating them and many of them have made sacrifices in the interests of education and religion. A religious background means a great deal to the Commonwealth as a nation. We were told during the debate that one-sixth of the population of this State were educated in private schools. I ask members to consider the experience of my family. My father and mother had to make sacrifices in paying 6d. a week each for the education of a family of eight. Then wages amounted to 6s. a day, and this contribution meant a great deal to my parents. They made the sacrifice on principle and if people are prepared to advocate and carry out principles they should not be penalized for doing so.

We know that building costs have increased considerably in recent years. The motion does not ask the Government to contribute toward the salaries and other working costs associated with private schools. In the State schools parents' committees are doing a wonderful job in raising money which is subsidized by the Government on a pound for pound basis. That being so, members should give their support to the motion. When this country experienced its hour of need during two wars did we ask anybody at what school he was educated? Did the children who went to private schools play their part in the defence of this country? Surely they are entitled to some consideration. Honourable members have been sympathetic but it is action that is wanted, not sympathy, and I cannot understand why there should be any differentiation between one citizen and another.

During the last two years the Government has spent a considerable amount of money in erecting new schools. This week inquiries into the construction of three additional schools were referred to the Public Works Committee and if honourable members will look at the annual report of the committee they will note that last year was a record for construction of schools. An amount of £6,400,000 is provided on the Estimates for education and owing to increased population the expense of running private schools has increased just the same as State schools, and because of this an extra burden has been placed on those conducting them. Religion is the best background of any education. In this State we have been very fortunate over a period of years in having had a community that has worked hand in hand in the interests of the State and the British nation and has been desirous of doing everything possible in the interests of unity. Why

should private schools not be given some assistance in the same way as it is given in other directions? If it were not for the sacrifice of all private institutions and parents of various denominations we would not be in our present fortunate position. Nearly £1,750,000 was spent on school buildings last year, total attendances to December 31 were 99,000, there were 3,619 full time teachers and the average cost of instruction for each pupil was £41. To get the total education cost we would have to add to this what parents of children of private schools paid for their education.

The Hon. E. H. Edmonds—Do your figures relate to public schools?

The Hon. F. J. CONDON—Yes. Whilst the State is spending increasingly larger amounts private schools must also face up proportionately in increasing their accommodation, and the burden falls on the parents of students. I have had to pay by way of taxation for the education of my children and of everyone else's. The Chief Secretary, when speaking on this motion, introduced the bogey of expenditure and I was rather surprised to hear such a well informed man draw this red herring into the matter because the motion merely asks for an expression of opinion. I do not object to honourable members having their own opinions but because I carry out a principle in honour of my father and mother why should I be penalized for doing so? It must be remembered that a section of the community is being penalized. If it were contrary to what we stand for, the principles of the British Empire, then I could understand honourable members opposing it, but we all stand on an equal footing. In supporting the motion I commend the Honourable Mr. Bardolph for the restraint he showed in moving it and I hope honourable members will give it the consideration that it merits.

The Hon. K. E. J. BARDOLPH (Central No. 1)—At the outset I wish to thank honourable members for their contributions to this debate. I submitted this motion on October 6, not for the purpose of issuing a mandate to the Government, but to seek an expression of opinion from this Council to the Government on lines that the Government had already established with regard to providing homes for aged and infirm people. Many honourable members have raised points that should carry a lot of weight when a vote is taken at the conclusion of the debate. My motion does not condemn or cast reflection on the present State school system of education. The Education Department is controlled by the Director and the very able Minister of Education, who is carrying on the very worthy work commenced by his predecessors, and I do not desire either by word or implication to cast any reflection on that system.

I support the Government in the extension of scholarships. There are some very able teachers in the Education Department. According to the 1954 report of the Minister of Education, in the Leaving Honours Examinations last year students from departmental schools gained 439 certificates, or 48.4 per cent of the total. Obviously that leaves the remainder to denominational and private schools so it cannot be denied that the standard of education in the public schools, as they are termed in this State—although the term has a different significance in other States—is high. Parents who desire to send their children to private or denominational schools do so as a matter of conscience; they desire to have inculcated into their minds the faith handed down to them from their own parents.

The very genesis of our educational system was the establishment of private schools and in this connection I was struck by Mr. Cudmore's remarks. I compliment him on his contribution to the debate for, although we may differ on many political questions, there are some matters of principles on which every member here may walk side by side and he expounded those principles when he spoke to this motion on October 6. The Leader of the Opposition's speech this afternoon reminded me that I am sure every member will approach this motion free from bias. I know that all desire to see justice done and, although people outside may criticize some members of this place for their conservative outlook, that criticism, I hope, will be given the lie direct when this matter of justice has to be determined. I feel sure, therefore, that on this occasion justice will be established when the vote is taken.

I was somewhat surprised by the Chief Secretary's statement. In effect he attempted to damn the motion with faint praise; he was surprised that a motion of this character was submitted to this Chamber because, he said, it dealt with money matters. With great respect I say that he was merely drawing a red herring across the trail because members cannot read into this motion any suggestion that the Council should instruct the Government to incur any expenditure; it merely makes a recommendation to the Government, and that is the function of this Council under the bi-cameral system of Government. Therefore

the point raised by the Chief Secretary was totally wide of the mark. Mr. Bevan made an excellent contribution to the debate. Like myself, he has a young family and he sends his children to private schools because he desires to do so as a matter of conscience, just as other members in this place send their children to private schools for the same reason.

The Hon. E. Anthoney—Does the honourable member imply that those who send their children to State schools have no conscience?

The Hon. K. E. J. BARDOLPH—I intended to leave the honourable member until last in my comments, but as he has interjected I remind him—and he should know because he was an excellent teacher in one of these denominational schools; I think he taught languages which is probably why he is such a word-spinner—that he attempted, whether by design or by chance I do not know, to create the impression that I was reflecting on the State school system. I will leave it to his own conscience and remind him that when his conscience speaks in that last hour the soul can be no longer deaf to its voice. Mr. Condon mentioned the cost of schools and I would quote some extracts from the report of the Minister of Education:—

The percentage of 15 to 16-year old children taking the Intermediate and Leaving certificates has more than quadrupled since 1930 . . . Migrants have made marked progress in all studies, including English . . . The total expenditure by the Education Department for 1953 was £6,300,000, of which £4,300,000 was for activities directly controlled by the department and £1,100,000 for buildings . . . The expenditure was £333,982 less than in 1952 and the cost of buildings was down by £769,000 . . . The expenditure was at the rate of £8 6s. 9d. per head of population.

That is what it is costing for our State schools. Again, according to this report, there were 19,858 children between the age of six and the school leaving age attending private schools at the last census, and it needs only a simple multiplication sum to find out that, on the basis of £8 6s. 9d. a head, these private or denominational schools are saving the Government £220,000 a year in running expenses, excluding entirely the cost of buildings. This was admitted by the Premier in another place on October 7 when, in reply to a question, he said:—

The Architect-in-Chief's Department has made a comparison between the cost of State schools and those established by one of the churches, and it is found that for a similar school area the State schools are costing nearly twice as much, arising out of what may be regarded as rather excessive specifications and amenities. This problem is being examined

All my motion does is to recommend to the Government that those school buildings which are being erected for the purpose mentioned in the motion be subsidized on a pound for pound basis, on the same principle as was done in respect of denominational homes for aged people. The question was raised by Mr. Anthoney and the Chief Secretary that there was no money to meet the cost, but I remind them of the financial statement submitted to Parliament by the Treasurer.

The Hon. Sir Lyell McEwin—When did I say there was no money?

The Hon. K. E. J. BARDOLPH—Mr. Anthoney said that.

The Hon. E. Anthoney—I said no such thing.

The Hon. K. E. J. BARDOLPH—The following is contained in the Treasurer's financial statement made on October 21 last:—

Last year's expenditure under this category included £203,000 being the grants made towards provision of additional accommodation in homes for aged persons. The Government's offer to subsidize capital additions last financial year was accepted eagerly by the religious and other bodies which have accepted the responsibility of caring for the aged, with the result that practically every denominational home of any size participated in the scheme. These people are fully committed at present in meeting their financial responsibilities on approved schemes, and it is not likely that they will be able to embark on further schemes this year. There are some smaller homes, whose schemes were not fully formulated last year, which may be in a position to go ahead this year. If this is the case the Government will consider representations from these people. The State scheme for this purpose will not be affected by the announcement that the Commonwealth will sponsor a similar scheme.

Those members who consider that the Government is in an unfinancial position should realize that it still intends to provide money for those schemes which could not be embarked upon last year. It is interesting to note that South Australia's population, as disclosed by the last census, has increased by 23½ per cent compared with an overall increase in Australia of only 18½ per cent. Because of the growth of districts, additional denominational schools are necessary.

As the Leader of the Opposition said, the cornerstone of our society is based upon religion. Many people have sacrificed the material things of the world because they have a vocation in order to teach in private schools where they can disseminate religious knowledge and give as well an academic training which will fit children to become citizens worthy of the State and of the Commonwealth. The Leader of the Opposition pointed out that during two world wars no one was asked what school he attended when joining the fighting

forces, and there was just as big a proportion in those services from the denominational schools as from the other schools. I ask honourable members to consider the proposal without bias and vote for it on its merits, and thus help the schools which have played such a prominent part in the interests and the development of the State, of which we are justly proud.

Motion declared carried.

The Hon. K. E. J. BARDOLPH—Divide.

The PRESIDENT—The honourable member, being on the side of the majority as determined on the voices, can call for a division but must vote with those whose voices, in the opinion of the President, were in the minority.

As the division bells were ringing—

The Hon. K. E. J. BARDOLPH—Mr. President, I did not hear your decision in my favour and I ask leave to withdraw my call for a division.

The Hon. Sir LYELL McEWIN—On a point of order, Mr. President. It is obvious that the honouable member did call for a division. I should like to know the effect of his withdrawal of the call.

The PRESIDENT—The honourable member has sought leave to withdraw his call for a division, which leave must be unanimous after the call has been withdrawn. The Chief Secretary having objected, the division must proceed.

The Hon. F. J. CONDON—On a point of order, I think Mr. Bardolph should have the right to withdraw the call if he so desires.

Leave to withdraw granted.

The Hon. Sir LYELL McEWIN—Divide.

The Council then divided on the motion.

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

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

Pairs.—Ayes—The Hons. C. R. Cudmore and L. H. Densley. Noes.—The Hons. R. J. Rudall and N. L. Jude.

Majority of 8 for the Noes.

Motion thus negatived.

JOHN MILLER PARK BILL.

The Hon. Sir Lyell McEwin for the Hon. N. L. JUDE (Minister of Local Government), having obtained leave, introduced a Bill for an Act to authorize the Corporation of the Town of Brighton to lease to the Somerton Yacht Club Incorporated portion of the John Miller Park.

Read a first time.

The Hon. Sir LYELL McEWIN—I move—

That this Bill be now read a second time.

The purpose of this Bill is to empower the Brighton Corporation to lease to the Somerton Yacht Club a portion of a public park reserve known as the John Miller Park. This park, which has a frontage of 445ft. to the Esplanade at Somerton and a depth of 130ft., was in 1939 given to the Brighton Corporation by Mrs. B. E. Miller, of Somerton. The park is named after her late husband as a memorial to his memory. The indenture executed by Mrs. Miller declaring the trusts upon which the land is to be held by the corporation declares that the land is to be held for all time as a public park, garden and pleasure ground.

The Somerton Yacht Club, until the disastrous storms which occurred during the winter of 1953, had club premises on the foreshore in which the boats of members were kept. These premises were destroyed during the storms and the club is now without premises. Obviously, a club such as this needs premises on the sea front, and both the council and Mrs. Miller are agreeable to the club obtaining a lease of a portion of the John Miller Park for this purpose. However, the trusts upon which the council holds the land preclude the use of the land for this purpose and, to enable a lease to be granted to the club, statutory provision is necessary.

The Bill accordingly provides that the council may, from time to time, grant to the Somerton Yacht Club a lease of a portion of the John Miller Park, but the area leased is not to exceed one quarter of an acre. The term of any lease is not to exceed 15 years and every lease is to provide that, before any building, fence or other structure is erected on the land, the prior approval of the council and, during her lifetime, of Mrs. Miller, must be obtained. It is also provided that, during her lifetime a lease is not to be granted unless Mrs. Miller consents to the lease and approves of its terms and conditions.

Thus, whilst the Bill will authorize the council to lease part of the park contrary to the trusts created by Mrs. Miller, the donor, the Bill makes provision to secure that, when the council grants such a lease, Mrs. Miller must, during her lifetime, be fully consulted. The Bill has been prepared in consultation with Mrs. Miller and the council and both have approved of its terms.

This is a hybrid Bill within the meaning of the Joint Standing Orders and, after being read a second time, will accordingly be referred to a Select Committee for inquiry and report.

The Hon. F. J. CONDON (Leader of the Opposition)—As the Chief Secretary said, the Bill must be referred to a Select Committee for inquiry and report. Anything I need say about it can be left to a later stage. I support the second reading.

Bill read a second time and referred to a Select Committee consisting of the Hons. S. C. Bevan, E. Anthoney, C. R. Cudmore, E. H. Edmonds, and the Minister of Local Government (Hon. N. L. Jude); the Committee to have power to send for persons, papers and records and to report on Thursday, December 2.

METROPOLITAN TRANSPORT ADVISORY COUNCIL BILL.

Read a third time and passed.

LOTTERY AND GAMING ACT AMENDMENT BILL (GENERAL).

Second reading.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

The Bill contains some diverse amendments of the Lottery and Gaming Act. One of its objects is to authorize the holding of trotting races at night on Eyre Peninsula. It also alters the constitution of the South Australian Trotting League in accordance with the wishes of that body, permits the payment by the Treasurer to claimants of unclaimed totalizator dividends and makes a number of minor amendments to the principal Act. Prior to 1950 the Lottery and Gaming Act only permitted a totalizator to be used outside the metropolitan area at 60 trotting meetings in any year. In 1950, at the request of the Whyalla Racing and Trotting Club, the Government altered the principal Act to enable the totalizator to be used at an additional 20 meetings on Eyre Peninsula.

The Club and other interested parties asked only that they should be permitted to hold meetings on Saturday afternoons and the Betting Control Board made a recommendation to this effect. Accordingly, when the principal Act was amended in 1950, day meetings only, to be held on Saturdays and public holidays, were allotted to Eyre Peninsula. This means that night meetings cannot be held on Eyre Peninsula, nothwithstanding that under the principal Act day or night meetings can be held in other country districts. The Port Augusta and Whyalla clubs recently decided that they wished to hold trotting meetings at night, and the South Australian Trotting League has requested the Government to alter the principal Act to enable them to do so. The Government sees no reason why this request should not be granted. Clause 3 accordingly amends section 21 of the principal Act to permit the totalizator to be used at trotting meetings held at night on Eyre Peninsula.

Clause 4 deals with the question which has been recently discussed in Parliament concerning the constitution of the Trotting League. Under the present law the league consists of one delegate from each affiliated trotting club. There is no power for delegates to appoint proxies, and no power to have an executive committee or any sub-committee of the league. With the increase in the number of clubs the league has become a somewhat unwieldy body and, in addition, country delegates often find it inconvenient to attend meetings. The requirement that all business must be transacted by the full body of the League has been productive of inconvenience. In addition, there has been a demand for greater representation by the South Australian Trotting Club and for some representation by the Owners, Breeders, Trainers and Reinsmen's Association. The main proposal in clause 4 is to constitute an executive committee of the league which will be appointed annually. The committee will consist of two members nominated by the South Australian Trotting Club, five representatives of the country trotting clubs and one member nominated by the Owners, Breeders, Trainers and Reinsmen's Association. Subject to any directions given by the league the executive Committee will manage and control the affairs of the league, including the issue of permits for meetings as provided in the Act.

The clause sets out the method of choosing the five persons to be nominated as representatives of the country clubs. This will be done at a meeting of the representatives of all the country clubs, at which five nominees will be chosen from among the representatives. The league is empowered to make rules prescribing any incidental matters in connection with the nominations, or the work of the executive committee. Clause 4 also lays it down that it is the duty of the league to ensure that an executive committee is appointed within three months after the passing of the Bill and annually thereafter. It is hoped that the appointment of the executive committee, coupled with the power to appoint proxies, will facilitate the smooth running of the business of the league.

Clause 4 also makes one other minor amendment of the constitution of the league. Under the present law if a trotting club fails to nominate a delegate to the league, the Betting Control Board is required to do so. This is not a satisfactory arrangement as the matter is of no direct concern to the Board. It is proposed to alter the provision in question so that on default by a trotting club to nominate a delegate, the league itself will make a nomination.

Clause 5 deals with unclaimed totalizator dividends. Section 29 of the principal Act provides that a racing or trotting club shall pay to the Commissioner of Police any totalizator dividends unclaimed for two months after they become payable. The Commissioner is then required to pay the dividends to the Treasurer who is in turn required to apply them for the public uses of the State. It frequently happens that, by some misfortune or other, people who are entitled to dividends do not or cannot claim them until after they have been paid to the Treasurer. When this occurs the claimants cannot be paid the dividends since the Treasurer has no authority to pay out the money he has received. The claimant's position at present compares unfavourably with that of the claimant of an amount payable in respect of a bet. Such amounts, if unclaimed, are held by the Betting Control Board until the expiration of 12 months after they became payable, and can be paid to claimants at any time while they are so held. The Government believes that the claimant of a totalizator dividend should be in the same position as the claimant of money payable in respect of a bet. Accordingly clause 5 enables the Treasurer to pay an unclaimed dividend to a claimant at any time within 12 months of the time when the dividend became payable. Payment, however, will be made only where the claimant is the holder of a totalizator ticket entitling him to the dividend.

The remainder of the Bill makes minor amendments. For convenience, I shall deal with these in the order in which they appear. The first is clause 6, which deals with the penalty for playing at or betting on a game of chance in a public place. Section 51 of the principal Act requires a person found guilty of this offence to be adjudged a rogue and vagabond under the Police Act, whereupon he can be imprisoned for any term up to six months. Since the Police Offences Act was passed last year, persons can no longer be adjudged to be rogues and vagabonds. It is therefore necessary to alter section 51 of the Lottery and Gaming Act. It is proposed by clause 6 to strike out the reference to rogues and vagabonds in section 51 and to substitute a penalty of £50 for the offence in question. Clause 7 makes a similar amendment to section 60 of the principal Act, which creates the offence of betting in a public place. Section 60 provides that for a second offence an offender may be dealt with as a rogue and a vagabond. Clause 7 substitutes for this a provision that the offender may be imprisoned for not more than six months. The clause thus does not alter the law.

Clause 8 extends the period within which instruments of gaming which have been seized by the police must be claimed if they are not to be forfeited under section 71 of the principal Act. The period is at present four days, which is a rather short period. Clause 8 extends the period to 21 days.

Clause 9 repeals section 98 of the principal Act. This section provides that no witness in lottery and gaming proceedings shall be excused from answering a question on the ground that it is incriminating, and that a witness answering incriminating questions is entitled to a certificate exempting him from prosecution or penalties in respect of the matters about which he was questioned. Section 98 has for a long time given cause for complaint. The section was intended to assist the prosecution of offenders. In practice, it is invoked almost entirely by the defence for the benefit of defendants. For example, when three persons are charged with separate offences arising out of the same incident or circumstances, two of them may be called as witnesses for the defence in the first case, and thereupon claim a certificate which renders them immune to further proceedings. The effect of the section is merely to hinder the administration of justice. The repeal of the section will restore in lottery and gaming proceedings the ordinary rule of evidence concerning incriminating questions, that is, that a witness is not compelled to answer them.

Clauses 10 and 11 amend evidentiary provisions of the principal Act. Section 99 of the principal Act provides that an allegation in a complaint that a race was run at a certain time and place and that certain persons or animals took part shall be *prima facie* evidence of the facts alleged. It will be appreciated that this is a most necessary provision to simplify proof of the running of races—particularly those conducted in other States. As at present framed, section 99 applies to horse races, cycle races, foot races and coursing events, but does not apply to trotting races. Clause 10 amends section 99 so that it will apply to trotting races.

Under section 103 the discovery in premises entered under warrant under the principal Act of instruments of gaming and certain other things is, in certain cases, *prima facie* evidence that the premises are used for unlawful gaming. It will be noticed that this section is limited to cases where the entry is under warrant. But the police can enter premises in many cases under powers given by Statute without a warrant. There is no reason why section 103 should not apply to these cases also. Accordingly, clause 11 alters section 103 so that it may apply no matter how the premises concerned are entered.

Clause 12 repeals section 111 of the principal Act. This section provides that in lottery and gaming proceedings up to three charges may be included in one complaint, but that a conviction may be recorded on only one of the charges. At the time this section was enacted a complaint could only contain one charge. In 1943 the Justices Act was amended to provide that any number of charges might be included in one complaint, and the amendment over-rode the provisions of section 111 so far as they restricted the number of charges which might be included to three. Though that part of the section is now ineffective, the section no doubt still restricts the court to convicting on one charge only. In view of the present general rule that any number of convictions may be recorded on charges joined in the same complaint, there is no virtue in preserving this provision. Accordingly this Bill repeals the entire section.

It may be thought that it is unfair for the prosecutor to be able to include any number of charges in one complaint and, if the evidence warrants it, to secure as many convictions as there are charges. But, in fact, this procedure is only a simpler way of achieving what could be achieved by another method. It is always open to the prosecution to lay as many separate complaints as are warranted by the offences alleged to have been committed, and to obtain convictions for each offence proved. The joinder of separate charges in one complaint often shortens the proceedings and saves trouble and costs. Joinder of charges in criminal indictments has been permitted by the law of England for many years. Of course, all the rules permitting joinder of charges do not affect the fundamental principle that a man is not liable to be convicted twice for the same offence.

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

APPROPRIATION BILL (No. 2).

Adjourned debate on second reading.

(Continued from November 23. Page 1454.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I do not intend to take up the time of the Council in commenting on all the details of the Bill because I think most of the items have been discussed and the Leader of the Opposition has placed Labor's viewpoint in regard to the provisions of the Budget. The Government is most fortunate in having such officials as the Under Treasurer, Mr. Drew, and his chief assistant, Mr. Carey, to prepare the Budget. They are the officers responsible for the presentation of South Australia's financial claims before the Grants Commission from time to time and they are to be commended for the able manner in which they do it, as well as for the preparation of the Budget and other financial papers which we discuss here from time to time. I pay a tribute also to the heads of the various Government departments. I think this is an occasion when all members can express their commendation of the services rendered to the community and the Government by these excellent officers. I have always received the utmost courtesy from them and their officials on any subject that I have submitted to them for information or advice in connection with my Parliamentary duties.

I pay a tribute also to the South Australian Housing Trust. All the plaudits that the Government is receiving from the splendid housing scheme of which the State can be justly proud are due to the efficiency and keenness of the members of the board and its officers, from Mr. Ramsay down, in carrying out the project with which they are charged. We can be proud of the fact that the administration of this scheme far excells that of the major States, as instanced by the fact that in one State the arrears of rent are between £60,000 to £70,000, whereas according to the last report of the Housing Trust the arrears of rent in this State amounted to only £32. This illustrates the general overall efficiency, both on the architectural and constructional side and in the business administration, and I add my mead of praise to the manager and his officials for their splendid work on behalf of the Government and the people of South Australia.

I have always contended that the State is tied to the wheels of the financial chariot of the Loan Council established by a Liberal Government, and I repeat that South Australia is one of the States suffering disabilities

under Federation. Through the Financial Agreement we gave away our sovereign rights as a free State in financial matters. I do not propose to trace the history of the Loan Council beyond saying that it was brought into being by the signing of the Financial Agreement, and as long as South Australia is a party to that agreement she will suffer financial difficulties. As the Treasurer has indicated this year he will budget for a deficit of over £200,000. My friend Sir Wallace Sandford was at one time a member of the Grants Commission and I am not attempting to decry the work performed by this reputable body, but in effect the Grants Commission dictates the policy of the claimant States in respect of Loan works, whilst not being responsible directly to the people. This is a sorry state of affairs and whatever the political complexion of the Government that is sent to Parliament to discharge the policy accepted by the electors it is hamstrung to a large extent by the policy of the Grants Commission.

My contention is borne out by the Treasurer's own utterance in the financial statement presented to Parliament on October 21. He bewailed the fact—and I agree with him—that the Grants Commission demands that the mendicant States may carry out their proposed Loan works only provided their Budgets are balanced. At first blush no-one objects to that because no business can carry on—and the Government is the biggest business in the State—unless there is some possibility of attaining equilibrium between expenditure and income. However, whatever savings South Australia may make must be offset against any deficiencies which may accrue through unforeseen circumstances. That does not apply in the larger States because they may use whatever surpluses they have in any way they desire. The Treasurer said:—

My one serious complaint in this connection, and it is not a complaint against the Commonwealth Grants Commission or its methods, is that the State finances seemed to be precluded from additional benefit arising out of the greatly improved state of our economy. We can be assured of a balanced budget so long as we budget for both revenues and expenditures upon a basis reasonably comparable with other States.

That means that the Grants Commission has laid it down that whilst South Australia is a State suffering disabilities her financial position is judged upon the standard of the larger States. The Treasurer goes on:—

But we are not permitted a better result. If, for any reason, we should become entitled to increased tax reimbursement payments, the grant recommended by the Grants Commission correspondingly reduces.

South Australia has the greatest increase in population in the Commonwealth, namely, 23½ per cent compared with 18½ per cent in Australia as a whole, but we will not benefit in our tax reimbursements because we are a State suffering a disability, in other words, a mendicant State. The Treasurer continued:—

New South Wales, Victoria, and Queensland, not being claimant States in fact do better and have been able to secure Budget surpluses and appropriate them for such desirable purposes as building up reserves, writing out old losses, and reducing debt. It is the continuance of the uniform income tax arrangements in the hands of the Commonwealth which has created the position. If the State had recourse to its own income tax on anything like the pre-war basis, or even if the reimbursement payments were revised upon a more realistic basis, South Australia would have no need for recourse to the Commonwealth Grants Commission. Then the State would be in a position to reap some of the fruits of its expansion and prosperity by way of income tax, instead of it all going to the Commonwealth.

The two Labor Governments which preceded the present Federal Government indicated that they were prepared to hand back income taxing powers to the States.

The Hon. J. L. S. Bice—On what basis?

The Hon. K. E. J. BARDOLPH—On a basis to be determined by the Treasurers in consultation with the Commonwealth, and more recently the present Prime Minister intimated that he was prepared to do it. Notwithstanding this no effort has been made by our Treasurer to take up the challenge and to get back to the basis which he says he desires.

The Hon. Sir Lyell McEwin—That is not correct, of course.

The Hon. K. E. J. BARDOLPH—No statement has been made to Parliament as to what the Government proposes to do about it, although there has been much shadow sparring and a lot of publicity in the press about what the Treasurer is going to do. It is his responsibility as the Leader of the State to take some positive action, but none has been taken although he says in his financial statement that it is because of uniform taxation that South Australia finds itself in such a sorry financial position. Parliament should be given an opportunity to discuss this matter. I do not want to be charged with bringing politics into the statement I am about to make, but in his financial statement the Treasurer pats himself and his Government on the back when he says:—

When we look back a period of 20 years we cannot fail to be impressed with the amazing change in the industry, attitude, and outlook in South Australia. South Australia had, for many years, been regarded as a

poor State, dependant for the maintenance of frugal standards of social services and struggling industry upon assistance from the more prosperous and populous States. It suffered more severely from variations in economic activity and from seasonal variations than did other States. The State was losing population to other States and seemed faced with a future as dismal as its recent past. There was even evidence of defeatism, particularly so far as industrial expansion was concerned. All the new developments seemed to go elsewhere, and even some old established industries contemplated transfer.

It is quite true, as the Treasurer says—there was an atmosphere of defeatism in South Australia. There was a similar atmosphere among some of the captains of industry, who desired to transfer their works to other States, but there was a reason for that. At that time the L.C.L. Government proposed imposing a duty upon the export of motor bodies. This would have placed manufacturers in the other States engaged in a similar industry at a great advantage. The Treasurer should be fair and tell the people in his report that the buoyancy which he says had been established over the past 20 years could be mainly attributed to the activities of the trade union movement and the co-operation of workers in industry. It was not the success of only one section led by the Premier. But for the co-operation of workers, the leaders of the trade union movement and members in both Houses of the Parliamentary Labor Party the success he now claims he is responsible for could not have been achieved. The Treasurer goes further and says that South Australia has a value of production per head in primary and secondary industries together greater than any other State, and a net income per head practically equal to that of Victoria and above that of every other State.

The Government is claiming credit for the benefits enjoyed by the people. The Treasurer says without humility that the Government is responsible for all the good things enjoyed by South Australia. The Labor Opposition in this Chamber always gives credit to Government Party members when they support the many projects we submit from time to time. The Treasurer in his statement mentioned large industries which had been induced to establish themselves here. He takes credit for the growth of the Adelaide Cement Company, and the establishment of the pyrites industry and of a sulphuric acid plant. As Treasurer he is entitled to only a small portion of the glory, and I remind him that recommendations to the Government for guaranteeing money for those projects were made by the Industries Development Committee, of which Mr. Densley and myself are members, and Mr. Perry a former member. But for that committee those projects would not be in their present happy position. Full credit and the limelight cannot be taken by the Government, most of which is due to the committee which made the recommendations after full investigations.

Mr. Anthoney mentioned the large trailers using our roads and said that the only way to run them off the roads was for the railways to speed up its transport service. I take a definite view, and I think it is shared by most honourable members, that the railways are doing a special job. This was particularly so during the war, when with so many breaks of gauge in the various States and with equipment which had got to a very low ebb they did a job which was not excelled under similar circumstances in any other part of the British Empire. The Railways Commissioner and his officers are doing a remarkably good job for South Australia, and it is futile to suggest that in order to prevent carriers from using our roads the position should be made more attractive for the carrying of freight between the States. I remind Mr. Anthoney that the railways can always be looked upon as a develop mental project. Many hauliers are using the roads to the detriment of our railways, and in so doing are making huge profits by carrying goods interstate. Therefore, definite action should be taken by the Government not on the lines indicated by Mr. Anthoney, but on competitive lines, in order that the railways should become the major transport system.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Appropriation of General Revenue."

The Hon. F. J. CONDON (Leader of the Opposition)—The amount involved is £40,525,326. I take it that I will be in order in discussing the position in general terms rather than dealing with individual items. On many occasions in this House I have voiced my opinion regarding the unfairness of the Government's refusal to pay people what I consider they are entitled to. I now desire to draw honourable members' attention to unclaimed race dividends. In 1949-50 they amounted to £16,787; in 1950-51 to £19,539; in 1951-52 to £20,589; in 1952-53 to £25,924 and in 1953-54 to £26,332. These figures show that they have increased by approximately £10,000 from 1950-1

to 1953-54 and all this money goes to the Treasury. If a man loses his passbook he can secure it again by submitting proof by statutory declaration or affidavit, but if he invests in the totalizator and loses his ticket he is given a period of two months in which to submit it. If he is then unable to do so, he has no claim and the money to which he was otherwise entitled is retained by the Treasury.

The Hon. E. H. Edmonds—What do you suggest should be done with unclaimed dividends?

The Hon. F. J. CONDON—If a man can give satisfactory proof that he has a rightful claim to the money he should receive it. If the honourable member lost goods on the railways and could prove it, he would be entitled to receive the value. Therefore, why should not the same principle apply regarding dividends? I know of instances where people have lost their totalizator tickets, but under the law the Commissioner of Police has no power to remit money to those who can prove that they are entitled to it

The next question concerns an alteration of the law relating to bookmakers. I hold no brief for these people, but if an injustice is being done it should be rectified. Parliament has recognized bookmaking as a profession. It has said that the persons concerned must enter into a bond, in some cases of £2,000, before being granted a licence, and if they default or make illegal bets their licences will be cancelled. A big bettor is able to go to the racecourse and make book bets and lose more money than he can afford, yet there is no redress for the bookmaker. This encourages people to gamble beyond their means. I know of several cases in which people have invested more than they could afford knowing that the bookmaker had no redress. The bookmaking profession is an honourable one and as its members have to stand up to all these obligations why should not the ordinary person also have some obligation? If you or I contract a debt in ordinary business the law can take its course, but that does not apply to investments made on a racehorse in this way, and a bettor can invest as much as he likes.

The Hon. E. Anthoney—He can if the bookmaker will take it.

The Hon. F. J. CONDON—I appreciate that. It is one way traffic and the bookmaker should have the same redress and privileges as other citizens. Bookmakers are charitable men but they have no protection, and I shall endeavour to see that they get the same protection as every other citizen. They are bound to pay bets; if they do not they are taken to the Betting Control Board and can lose their licences.

I now turn to a matter to which I have drawn the attention of the Minister of Local Government. I do not think one should be compelled to repeat matters from time to time without getting any satisfaction. If the answer is to be no, let it be no. In the Estimates provision is made for the payment of £2,600 by the Harbors Board to the Port Adelaide and Port Pirie Councils. It is suggested that the Commonwealth Government will give consideration to councils in the matter of non-assessable property. On July 29 I asked the Minister of Local Government about non-ratable property at Port Adelaide and pointed out that the council has lost £450,000 since the acquisition of the wharves. The Minister told me on that occasion that the matter was being considered by Cabinet. On several occasions since then I have raised the matter again and I have received some encouragement. I am aware that the Minister does not control the Harbors Board but this is no small matter because the ratepayers of Port Adelaide, Port Pirie, Port Lincoln, Port Augusta, Wallaroo and other seaports have had to make up the loss of revenue.

The Hon. E. Anthoney—That applies to all municipalities that have non-ratable property.

The Hon. F. J. CONDON—How much non-ratable property has Brighton compared with the places I mentioned?

The Hon. E. Anthoney—No property owned by the Harbors Board, but by other Government bodies.

The Hon. F. J. CONDON—Port Adelaide has post offices and a Commonwealth Bank the same as other places. Port Pirie and Port Adelaide receive about £2,000 a year for property that is sublet, but that is a small amount compared with the amount that has been lost. I do not want to harass the Government on this matter but a half promise has been made to councils that the Commonwealth Government will give them some consideration, and all I ask is that the State Government will consider the position of the Port Adelaide and other councils I have mentioned. Honourable members know that a State instrumentality cannot be taxed and I point out that country councils with ports naturally feel the pinch more than those in the metropolitan area. I stress that this matter has been under consideration since July 29 and I had hoped it would have reached some finality.

Clause passed.

Remaining clauses (4 to 7) and title passed.

Bill reported without amendment and Committee's report adopted.

SUCCESSION DUTIES ACT AMENDMENT BILL.

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

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

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

STAMP DUTIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 23. Page 1448.)

The Hon. F. J. CONDON (Leader of the Opposition)—This is a very innocent Bill, consisting of one important clause. It exempts organizations registered under the National Health Act from payment of stamp duty on receipts given to contributors. The Mutual Hospitals Association seeks this assistance as it is a non-profit organization which is desirous of reducing its costs to its members. This Bill places it on a par with the friendly societies which have rendered such a wonderful service over a long period. A large number of people have not received benefits that were expected with the introduction of the National Health Scheme, for lodge fees, the price of medicine and in some cases even doctors' fees have been increased. It is remarkable to find the number of medicines that one would naturally expect to be on the free lists that are not there and if one is unfortunate enough to have an illness it is no-one's business what one has to pay for medicine. I am interested in a couple of cases now before Sir Earle Page where people have been compelled to pay as much as £60 for medicine. My general observation of the scheme is that it has not relieved a large section of the people from hardship to the degree that was expected. The amount received by the Government in stamp duties for the year ended June 30, 1954, amounted to £1,189,436, and the receipts from impressed, adhesive and printed stamps was £943,482, an increase of nearly £134,000 over the previous year, so the Government ought to be in a position to grant this small concession. I have pleasure in supporting the second reading.

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

ANATOMY ACT AMENDMENT BILL (No. 2).

Returned from the House of Assembly without amendment.

WATERWORKS ACT AMENDMENT BILL.

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

The Hon. Sir. LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

It deals with the rating of country lands under the Waterworks Act, and its object is to enable the amount of the rates to be fixed from time to time by the Minister of Works. Under the present law country lands are subject to rates based on the acreage and unimproved value of the land, in accordance with a scale set out in the Act. The scale was fixed in 1925. The rates vary from 4d. to 7d. an acre according to the unimproved value. The minimum of 4d. an acre is payable where the value does not exceed £2 2s. 5d. and the maximum rate 7d. an acre applies to land of a value of £3 7s. 6d. an acre, or more. The Government is of opinion that this scale, fixed nearly 30 years ago, is out of line with modern requirements and should be altered. Since it was fixed, costs have increased three-fold. Before the war the amount received from a 7d. rate was sufficient to pay interest on a 3in. main, but it is now impossible to construct any main at such a cost that the rates will pay interest. The rates are not even sufficient for the running costs. Another consideration which favours an increase in the rates is that such an increase would enable mains to be extended to many farmers still needing water without imposing an increasing burden upon the State's financial resources.

The Government has obtained full reports on this matter from the Engineer-in-Chief, who strongly supports the proposal that the rates should be increased. The Bill therefore empowers the Minister of Works to fix rates on country lands from year to year by a notice in the *Gazette*. Thus the method of fixing and altering these rates will become the same as the method of fixing and altering rates on city and township properties from which by far the greater part of waterworks revenues is derived. The Bill at the same time enables the Minister to define the lands on which the rates are to be payable. It has not been the practice to rate the whole of the land in a country lands water district. Only the lands which are near enough to a water main to benefit from the main or to be capable of benefiting from it

have been rated. These lands are at present defined in the schedule to the principal Act which fixes the scale or rates. The Bill repeals the schedule and provides for the ratable lands to be defined in future by the Minister by the notice fixing the rates. This will enable the rates, as before, to be levied on only those parts of country lands water districts which are near to water mains.

The Bill makes the necessary amendments to the principal Act for the purposes which I have explained. The amendments will provide for the rating of country lands on the same principles as have been followed in the past, with the exceptions that the amount of the rate will be fixed by notice in the *Gazette* instead of by the Act and that the lands on which the rate is payable will also be defined by the notice instead of by the Act. The Bill will apply to this year's rates as well as to rates in future years. At the same time the opportunity has been taken to make some amendments of the principal Act in the nature of statute law revision. They do not alter the policy of the Act, but are desirable in view of changed Ministerial and official titles, and for the purposes of clarifying the Act.

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

COMMONWEALTH WATER AGREEMENT RATIFICATION ACT REPEAL BILL.

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

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

Its object is to repeal the Commonwealth Water Agreement Ratification Act of 1940 and to provide that the Agreement to which that Act applies shall cease to have effect as from July 1, 1952, after which new arrangements will operate. The agreement in question is the one under which the State supplies water from the Morgan-Whyalla pipeline to the Commonwealth at Port Auugsta and places adjacent thereto. The agreement was made in 1940, and since then there have been considerable changes both in the amount of water required and the cost of supplying it. There is also a provision in the agreement which restricts the State's rights in respect of its Commonwealth grant, and is regarded as unsatisfactory. For these reasons it has been arranged with the Commonwealth that the agreement will be rescinded by mutual consent, and that in future water required by the Commonwealth from the Morgan-Whyalla waterworks will be supplied under conditions agreed on from time to time by the Commonwealth and States by exchange of letters. Conditions of supply intended to operate as from July 1, 1952, until further notice have already been agreed upon between the State and the Commonwealth.

I will indicate the main differences between the new conditions and the agreement of 1940. The first matter is the quantity of water which the State is bound to supply. The old agreement limits the State's obligations to 3,000,000 gallons in any week and 150,000,000 gallons in a year. Since these amounts were agreed upon the Commonwealth's requirements have been increased because of the growth of the township at Woomera. Under the new arrangements the State binds itself to supply up to 4,500,000 gallons in any week and 225,000,000 gallons in any year—an increase of 50 per cent.

The next matter is the price. Under the old agreement the price was 2s. 4d. a thousand gallons subject to the right of the State to a minimum annual payment for the total amount of water supplied. Under the new arrangements the price payable by the Commonwealth will be the actual cost to the State of supplying the water calculated from year to year in accordance with the principles hitherto used by the State Treasury in costing water from the Morgan-Whyalla pipeline. Under present conditions this will mean a charge of about 5s. 1d. a thousand gallons. There is no provision under the new arrangements for any guaranteed minimum payment. In the old agreement there was a provision for the Commonwealth to pay to the State half of its loss on the Morgan-Whyalla waterworks during each year, with a minimum payment of £25,000 and maximum of £37,500. The beneficial effect of this clause was, however, nullified by another clause in the agreement which provided that the State was not to base any claim for financial assistance from the Commonwealth upon any loss incurred by the State in connection with the Morgan-Whyalla waterworks.

It is considered by the Government's advisers that if the State is paid for the water supplied to the Commonwealth on the basis of cost and is not restricted in its right to ask the Grants Commission to take the loss on the Morgan-Whyalla waterworks into account, the State will be at least as well off as it was under the old system, and probably better. The new arrangements

will continue until altered by mutual agreement. In order to carry out these arrangements it is necessary to repeal the existing Act and to declare that the old agreement shall not apply to water supplied to the Commonwealth from the Morgan-Whyalla waterworks on or after July 1, 1952. The Bill makes provision for these matters.

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

BUILDING CONTRACTS (DEPOSITS) ACT AMENDMENT BILL.

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

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

The Building Contracts (Deposits) Act, 1953, provides that, where a builder contracts to erect a dwellinghouse and accepts a deposit before he commences building, the deposit is to be paid into a special purpose account which is only to be operated on for the purpose of making payments to the builder for work performed. The Act makes no special provision as to the time within which complaints for offences against the Act must be laid and, consequently, the ordinary rule under the Justices Act applies, namely, that a complaint must be laid within six months of the time of the commission of the offence.

The provisions of the 1953 Act are, in substance, the same as those contained in section 12 of the Building Operations Act, 1952. That Act, except for some formal provisions, ceased to operate from the end of 1953. However, section 24 of that Act provided that complaints for offences against it could be laid within 12 months of the time of commission. The Building Operations Act, of course, applied to many more topics than the matter dealt with by the Building Contracts (Deposits) Act, 1953.

The question whether the time for laying complaints under the Building Contracts (Deposits) Act, 1953, should be extended to 12 months was recently brought to the notice of the Government when the activities of an agent who also operated as a builder on a fairly large scale were reported. This person apparently accepted deposits, but failed to pay them into special purpose accounts and it was not until after the lapse of six months that this default was reported. It would appear from the experience in this case and from experience under the Building Operations Act that offences of the nature in question are frequently not disclosed until after the lapse of six months. It is accordingly proposed by the Bill that the time for laying complaints under the 1953 Act shall be 12 months, as was provided by the Building Operations Act.

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

WHEAT INDUSTRY STABILIZATION BILL.

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

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

It proposes to repeal the Wheat Industry Stabilization Act, 1948-1954, and to substitute other provisions for the purpose of carrying into effect the new scheme of orderly marketing and price stabilization recently accepted by the Australian wheatgrowers. It would have been possible to provide for the new scheme by amending Bills making a number of amendments to the existing legislation of the Commonwealth and States. The Commonwealth Government, however, came to the conclusion that in the interests of simplicity and uniformity it was preferable to have new Acts. A new Commonwealth Act has already been introduced and passed by the Federal Parliament and as it is highly desirable that all the legislation under which the Wheat Board obtains and markets wheat in the various States and Territories should be uniform, the State Government has agreed to fall in line with the Commonwealth and to propose the repeal of the existing legislation and the passing of a new Act which, as far as possible, will be similar to the Acts in all the other States.

Honourable members are, of course, familiar with the results of the poll on the new plan. The total vote was 46,584 in favour of the plan and only 2,934 against it. In these circumstances the Commonwealth has decided to bring its legislation for carrying out the plan into force as soon as the States pass Bills for the same purpose, or satisfy the Commonwealth Government that they will do so. The details of the new plan are now well known, but I will remind honourable members of the main outlines. The plan provides for the continuance of orderly marketing by the Australian Wheat Board for five years commencing from last season and for a Commonwealth price guarantee to operate during

the same period. The guarantee will ensure a return to the growers of the cost of production in respect of not more than 100,000,000 bushels of wheat exported from Australia in each year covered by the plan. A price stabilization fund will be built up by means of a wheat export tax not exceeding 1s. 6d. a bushel. The fund will be a circulating one in the sense that when it reaches £20,000,000 repayments of excess accumulations will be made to the growers. If the proceeds from exported wheat fall below the cost of production, the money in the fund will be used to raise the proceeds from not more than 100,000,000 bushels of wheat exported from Australia up to the cost of production. If the fund should be insufficient for this purpose any additional money required will be paid by the Commonwealth Government out of revenue.

While the Commonwealth thus guarantees the export price, the plan provides that the States will fix the home consumption price at a figure not less than the cost of production. Subject to the general rule that the home consumption price must not be below the cost of production, the State legislation is to provide that the price for wheat sold for consumption in Australia for domestic purposes and for pigs, poultry and dairy stock will be 14s. a bushel in bulk f.o.r. ports. If, however, the International Wheat Agreement price, or, in the event of no such agreement being in force, the export parity price at the commencement of any season should be less than 14s. a bushel then the home consumption price will be equal to the International Wheat Agreement or export parity price (as the case may be) provided always that it is not lower than the cost of production. The scheme also provides for a premium of threepence a bushel on wheat exported from Western Australia. This is a recognition of the freight advantage which Western Australia derives from being nearer to the principal overseas markets. Provision is also made for the Wheat Board to pay the cost of transporting wheat from the mainland to Tasmania in each season.

The Bill contains the provisions necessary to carry the new plan into effect. A good deal of it is on the same lines as the existing legislation, but I will give a short explanation of the clauses. Clauses 1 to 5 contain the usual preliminary matters such as the commencement and interpretation of the Act, and provisions for the repeal of the existing legislation. I draw attention to clause 3, subclause (4) which makes it clear that last season's wheat will come under the provisions of this Bill and that payments for that wheat, after taking into account any advances already made, will be made in accordance with the provisions of this Bill. I would also draw attention to the definition of "the cost of production" in clause 4. This is an important definition because it determines what is to be the guaranteed price, and the lowest possible home consumption price, throughout the life of the scheme. As regards last season's wheat it is 12s. 7d. a bushel. As regards future wheat it is the amount determined in pursuance of the provisions of the Commonwealth Act by the Federal Government after consultation with the appropriate Minister in each State. It is, of course, well known that the Commonwealth Government has the assistance of expert agricultural economists to assist it in determining the cost of production.

Clause 6 provides for a continuance of the existing system of licensing receivers to receive wheat on behalf of the board. Clause 7 sets out the general powers of the board which are substantially the same as under the old Act. The power of the Commonwealth Minister to give directions to the Wheat Board is retained, but more clearly expressed. A similar clause is in the Commonwealth Act and was specially dealt with by the Commonwealth Minister in the Federal Parliament. He said that the Commonwealth Government had no intention to use the clause so as to open the way to Commonwealth interference in the wheat selling operations of the board; but it was obvious and the Wheatgrowers Federation had been informed that as the Commonwealth Government had guaranteed the price of wheat from public revenue, then, in the interests of the taxpayers generally, the Government could not be indifferent to the price at which the board might be selling wheat at some particular time or to some particular market. There appears to be some force in this argument. Clauses 8, 9 and 10 contain provisions for ensuring that farmers will deliver their wheat to the Wheat Board for sale. There is no change in the substance of these clauses.

Clauses 11 and 12 deal with the calculation and payment of the price of wheat to growers. These are, in general, similar to provisions now in force but have been amended to make them harmonize with the provisions of the Commonwealth legislation as to the wheat export charge and as to the Commonwealth guarantee. The clauses also provide for the payment of the premium of 3d. a bushel on wheat exported from Western Australia, and

for a deduction from the proceeds of wheat sold in Australia to pay the freight on wheat shipped to Tasmania. Subject to these arrangements the existing pooling system will be retained. Clause 13 is a machinery provision to ensure that when the old season's wheat is delivered to the board that fact will be declared by the wheatgrowers to the board's officers. Clauses 14, 15 and 16 are machinery provisions to assist the board in the administration of the Act.

Clause 17 provides for determining the home consumption price on the lines which I have already explained and requires the board to sell wheat for consumption in Australia at that price. Clause 18 requires the board to keep the money deducted for freight to Tasmania in a special account. If there should be a surplus in this account at the end of any season the board is required to apply it for the benefit of the wheat industry in such manner as the Commonwealth Minister, after consultation with the appropriate Minister of each State, directs. Clauses 19, 20 and 21 are machinery clauses dealing with offences, regulations and other ancillary matters. Clause 22 sets out the duration of the scheme by declaring that the Bill will not apply to wheat harvested after September 30, 1958. There are, of course, a number of minor technical details dealt with in the Bill which I have not specifically mentioned; but if any honourable member should desire information on these I will be pleased to make it available in Committee.

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

LEIGH CREEK NORTH COALFIELD TO MARREE RAILWAY AGREEMENT BILL.

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

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

Its object is to ratify an agreement which has been made between the State and the Commonwealth in connection with the construction of a standard gauge railway from Leigh Creek North Coalfield to Marree. Some months ago the Commonwealth Government decided that it would proceed with this work, and on October 28 last a Bill to authorize it was introduced into the Federal Parliament. The agreement between the two Governments was executed on October 27.

It is a simple agreement, providing for two matters. The first is that the State gives its consent, as required by the Constitution of Australia, to the construction of the railway. The State had by a previous agreement, ratified by this Parliament, given its consent to the conversion to standard gauge of all Commonwealth railways in the State, but the railway now proposed involves more than a conversion of gauge. It will follow the general direction of the existing line, but there will be deviations of up to four miles. The law officers of both the Commonwealth and the State have advised that such deviations amount to new railway construction which cannot lawfully be carried out without the express consent of the State. The agreement provides that the State gives such consent.

The other matter in the agreement is an undertaking by the State to grant to the Commonwealth, free of charge, land, stone, soil, and gravel required for the railway. The clause dealing with the subject is similar to one in the Brachina to Leigh Creek North Railway Agreement. The State promises to grant the Commonwealth any Crown lands which may be required for purposes of the railway. In the case of Crown lands subject to leases, however, the Commonwealth must acquire the rights of the lessees. The State also agrees to grant to the Commonwealth stone, soil and gravel on Crown lands, or on leased lands of the Crown from which the State has the right to take such materials. The agreement needs the approval of Parliament for its validity. The Bill provides for the grant of such approval, and authorizes the Government to carry the agreement into effect.

The advantages of extending the standard gauge northwards to Marree will be obvious to all members. Among other things it will facilitate the transport of cattle from Marree and Farina by removing the necessity for transfer to standard gauge trucks at Leigh Creek, which would have to take place if the standard gauge ended there. The time for the journey from Marree to Port Pirie Junction will be reduced by about 12 hours. Marree is a much more suitable place for transferring and spelling cattle than Leigh Creek. It has a good water supply; and facilities for establishing a transfer station between the 3ft. 6in. and 4ft. 8½in. gauge railways already exist there. By constructing the new line the Commonwealth will be carrying out part of its obligations under the standardization agreement, and at the same time will avoid the need for expensive repairs to the present

line between Leigh Creek and Marree, and will prepare the way for a reduction in running costs.

The Hon. S. C. BEVAN secured the adjournment of the debate.

HIGHWAYS ACT AMENDMENT BILL.

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

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

Section 36a of the Highways Act, which was enacted in 1944, provides that in February in every year the Municipal Tramways Trust shall, by way of contribution towards any costs incurred by the Commissioner of Highways for the maintenance or lighting of roads used by the motor omnibuses, trolley omnibuses, and other omnibuses of the trust, pay to the Commissioner an amount equal to .17d. for every mile travelled on roads by those vehicles of the trust. Paragraph (*g*) of subsection (2) of section 31 of the Act provides that the amounts paid by the trust under section 36a are to be paid into the Highways Fund. Section 32 makes provision for the payment out of the fund of amounts to councils for road works.

It is estimated that during the current year road vehicles of the trust will operate for about 5,300,000 vehicle miles. The contribution under the existing provisions of section 36a would amount to approximately £3,800 or approximately £20 a vehicle. If the trust were required to pay the current rates for registration of motor vehicles, the amount payable would be from £20,000 to £25,000. The Government is of opinion that the present rate of contribution required from the trust, namely, .17d. a vehicle mile, is inadequate and that the trust should pay an amount approximately equal to the amount which would be payable if ordinary registration fees were required to be paid for its vehicles. Accordingly, it is proposed that the rate of contribution to be paid by the trust is to be increased from .17d. to 1d. a vehicle mile. This increase will have the effect of requiring payment of the rate of approximately £130 a year a vehicle which is approximately the average amount which would be payable if the ordinary registration fees were payable in respect of these vehicles. It is proposed by the Bill that the existing rate of .17d. is to be payable up to June 30, 1954, but that the new rate of 1d. is to apply from July 1, 1954.

The present section provides that in February of every year, the trust is to pay the contribution in respect of the 12 months ending on the preceding January 31. The Bill provides that, in the month next after the passing of the Bill, the trust is to pay to the Commissioner of Highways the amounts due from February last to the end of the preceding month and thereafter the trust will be required, in every month, to pay the contributions attributable to the previous month.

It is also provided by the Bill that the payment by the trust is to discharge fully its obligations as to the maintenance and lighting of roads used by its road vehicles, but this does not apply to any obligation imposed on the trust by the Municipal Tramways Trust Act relating to the duties of the trust as to roads on which it has laid any tramway. As has been mentioned before, the Highways Act already provides that the contributions of the trust are to be paid into the Highways Fund and makes the necessary provision to enable money to be granted from the fund to councils for the maintenance of roads used by road vehicles of the trust where the maintenance of these roads is the responsibility of the councils. These provisions will be used for the purpose of the allocation for various road purposes of the moneys derived from the contribution received from the trust and paid into the Highways Fund.

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

ADJOURNMENT.

At 4.22 p.m. the Council adjourned until Thursday, November 25, at 2 p.m.