LEGISLATIVE COUNCIL.

Thursday, December 9, 1954.

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

ASSENT TO ACTS.

His Excellency the Governor intimated by message his assent to the following Acts:—Building Contract (Deposits) Act Amendment, Commonwealth Water Agreement Ratification Act Repeal and Friendly Societies Act Amendment.

QUESTION.

ARDROSSAN WHEAT SILO.

The Hon. C. D. ROWE—Has the Chief Secretary a reply to the question I asked on December 1 relative to the Ardrossan wheat silo?

The Hon. Sir LYELL McEWIN—I have obtained a report from the Minister of Agriculture, who states:—

Until the report of the Public Works Standing Committee is received (and it is expected within a few weeks), the Government would not be in order in negotiating for the installation of bulk handling facilities at any place which the Committee's reference requires it to report on. Wallaroo is one of the places specifically mentioned in the Committee's reference. Therefore, the Government cannot proceed to enter into negotiations with the Australian Wheat Board for the construction of a silo at Wallaroo. The Honourable the Premier has already indicated that should it be necessary, following upon further reports from the Public Works Standing Committee, Parliament can be called together to deal with any matter of urgency on this subject.

JOHN MILLER PARK BILL DOCUMENTS.

The Hon. N. L. JUDE (Minister of Local Government) moved—

That the Clerk of the Council be authorized to return to the Town Clerk of the Corporation of the Town of Brighton, Certificate of Title Volume 1743 Folio 22 and the Indenture dated December 22, 1939, deposited with the Select Committee on the John Miller Park Bill, 1954.

Motion carried.

COMMONWEALTH AND STATE HOUSING SUPPLEMENTAL AGREEMENT BILL.

Read a third time and passed.

ELECTRICITY TRUST OF S.A. ACT AMENDMENT BILL.

Read a third time and passed.

FRUIT FLY (COMPENSATION) BILL.

Read a third time and passed.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

Read a third time and passed.

ROAD TRANSPORT ADMINISTRATION (BARRING OF CLAIMS) BILL.

Second reading.

The Hon. N. L. JUDE (Minister of Roads)—I move—

That this Bill be now read a second time.

The object of this short Bill is to prevent claims being made against the Transport Control Board or any other Governmental authority or officer for recovery of any licence fees or permit fees paid in connection with the administration of the Road and Railway Transport Act. When the decision of the Privy Council in Hughes and Vale's case was made known, it was recognized that carriers who had paid fees for interstate licences or permits, particularly those who had paid under protest, might have a claim for repayment and several lawyers who have investigated this question on behalf of the States have expressed the view that such claims would probably be well founded in law. One claim, Sir, has already been sent in to the Transport Control Board and no doubt, despite assurances to the contrary, a number of others would be made if the first were successful. It would, however, be decidedly inequitable and unfair to taxpayers if these fees had now to be refunded. The fees collected have not been extortionate, I think it is generally agreed, and are probably no more than would have been collected had we charged the persons concerned a reasonable fee for the use of our roads and the ordinary motor registration fees.

It should be borne in mind that for some years interstate vehicles—even the largest types of commercial vehicles—if registered in another State, have been exempted from registration fees under our Road Traffic Act. These fees, particularly those applicable to diesel engined vehicles, are substantial, and the exemption from them has been a valuable concession to traders, manufacturers and carriers. If, in addition to these concessions, these persons are now granted a refund of their licence and permit fees, it would be, to say the least of it, an injustice to the taxpayers of South Australia.

Another aspect of this question is that the persons who have paid the Transport Control Board's fees have almost certainly reimbursed themselves by allowing for them in prices or

other charges, which are eventually borne by the general public. If they now received refunds it would be an additional and unexpected profit to them, at the expense of the taxpayer. For these reasons there is a strong justification for barring claims to recover any licence or permit fees paid to the Transport Control Board. At the same time the Government considers it desirable to make it quite clear it is not liable to pay any damage to any person who has been refused a licence for interstate carriage, or on the grounds of any terms and conditions included in a licence that has been issued.

It is not clear whethere these claims are valid in law but whatever the law may be the position is that any action taken by the Board was taken in good faith, in the interests of the general public, and in accordance with what everybody believed, for very good reasons, to be the law of the land. The actions of the board were, in fact, supported by previous decisions of the High Court and Privy Council. There is no reason, therefore, why the taxpayers should now have to find money to compensate individuals for administrative action taken in these circumstances.

I would draw attention to one or two points. The first is, Sir, that the State of South Australia was not cited in the recent action before the Privy Council and I venture to suggest that that was because the appellants in that case were not dissatisfied with the treatment they had received at the hands of South Australia. Those who have the opportunity to study the judgment will realize that their Lordships point out that fees of certain types may be chargeable without the slightest doubt, but when the fees become prohibitive or totally restrictive, or the actions of State Governments become restrictive they break down the provisions of section 92.

The Hon. F. T. Perry—Is not the action of stoppage as bad as the financial aspect?

The Hon. N. L. JUDE—I am inclined to agree. Prohibition is accepted as contravention of the section. This State realizes that and has not sought to present evasive methods to Parliament in order to circumvent the judgment. We prefer to deal with it in a more reasonable way. Our fees are very reasonable; compared with those of other States, more than reasonable. Indeed, I have been approached on several occasions on the line—"Charge us double what you are charging now, but let us have a little less restriction." In other words, the money involved was not the objection of the people carrying on this form of business.

I also point out that our restrictions, such as they are, were applied in good faith and had the support of the Government and Parliament, which have remained the same since the conditions were applied. That is another reason, I think, why members should have no objection to meeting the case in the way suggested in the Bill. Only this session we dealt with the collection of moities for roadmaking under the Local Government Act, and this Council had no hesitation in supporting the clause which prevented any retrospective claims being made against councils which, in good faith, had collected moieties for the making of roads and footpaths.

The Hon. F. J. Condon—There were two exemptions.

The Hon. N. L. JUDE—That was no more than common British justice. I have no hesitation in commending the Bill to members.

The Hon. F. J. CONDON (Leader of the Opposition)—I should like to know whether there are others who may be involved apart from those mentioned by the Minister. This legislation is necessary to protect the Government in view of the Privy Council's decision. No doubt the legal fraternity will advise regarding any claims made. We have been told that one claim has already been received and probably before the Bill is assented to a number of others will come forward. Whether this legislation will be retrospective or not I do not know. When the Transport Control Board charges fees the carriers reimburse themselves and therefore any costs to them are paid by the public. It would not be fair to provide for any retrospective payments. It is a question of public transport or private enterprise. I am not opposed to private enterprise competing with the railways. If the public want a service, whether by the railways or private transport, they must be prepared to pay for it. A very large sum is invested in our railways and the Railways Commissioner, in order to attract traffic, has decided to reduce freight rates. I do not know whether that will meet the position. If we are to have transport on the highways, it is only right that the Railways Commissioner should be protected. The Transport Control Board last year received fees from operators on controlled routes amounting to £51,510.

The Hon. E. H. Edmonds—That is within the State?

The Hon. J. F. CONDON—I do not know; possibly some of it applies to interstate traffic. For special permits to carry passengers and

goods the board in the same year received £49,442 and the total of fees received amounted to £100,952. I should like to know how much of that amount was paid by interstate carriers. That would give us some idea of how much was involved under this legislation. I should like to be assured whether the legislation is to be retrospective or not, and whether it will come into operation from the date it is assented to, or will any person who has paid licence fees over a period of years be entitled to be recouped by the Transport Control Board or the Government. I am strongly opposed to anyone claiming from the Government any licence fees paid. I support the second reading.

The Hon. C. D. ROWE (Northern)—I support the second reading, although in doing so I am not particularly enamoured of it because I think the general principle is that people are entitled to act on the basis that what the law is at the time a contract is made shall be the law and their respective rights and liabilities are to be determined accordingly. The facts as they present themselves to me are that before the decision was given in the Hughes and Vale case both the Government, through the Transport Control Board, and the people who sought and received licences and paid fees for them were of opinion that the legal position was that the fees were payable and the board could impose them. However, it now appears that because of the terms of the Commonwealth Constitution Act and the decision of the Privy Council the fees were not properly chargeable. So, in passing this Bill we are simply making the position as everyone thought it had been.

Two principles must be observed in considering legislation. One is that the law should be left as it was when people entered into a contractual liability. There is another principle, which perhaps is an overriding one, and that is the law should be reasonable and be capable of being properly enforced. If nothing is done about the barring of these claims the position will be that certain people who paid licence fees will make claims against the Transport Control Board. These in turn may or may not be subject to claims by the consignees of goods and others and it may set in motion a stream of litigation, the end of which we cannot foresee. I am of the opinion that unless we bar these claims we will be leaving the law in a position in which it will be uncertain and unsatisfactory. The barring of claims is not entirely new to law. Under certain statutes we bar claims that have existed, but in most cases we allow a period of six months, six years and in some cases 20 years. We say that if people who have valid claims do not make them in that period the claims will be barred. In this legislation no time is allowed; it simply stops immediately the rights of any person having a claim. I take it this Bill refers only to interstate carriers and does not bar claims of licencees operating entirely within the State.

The Hon. N. L. Jude—The judgment dealt only with interstate carriers.

The Hon. C. D. ROWE—That is a point that was not covered in the second reading speech, and which should be cleared up. During the depression legislation relating to the relief of mortgagors and others was brought in and had the effect, if not of entirely barring claims, of suspending them. In my opinion that legislation had an unfortunate effect, because whereas at one stage real estate was regarded as a first-class security the legislation has entirely depreciated its value as such, because it is realized that the same thing might happen again. This type of legislation should be discouraged as much as possible, but in all the circumstances, particularly in view of the flood of claims that might follow, first against the Transport Control Board and secondly against licencees, I feel there is no other alternative but to support it, although I regret the position that made it necessary. That position has been brought about because we have a dual system in which the Commonwealth Constitution controls certain matters and the State Constitution controls others.

The Hon. E. ANTHONEY (Central No. 2)—I support the second reading. I can imagine under ordinary circumstances very pretty arguments arising as to the propriety of the Bill. It is really an attempt by the Government to contract itself out of possible liability. As we understood the matter, the Transport Control Board was set up to protect our railways, because railways revenue had been drifting for a considerable time and the competition of the hauliers had been increasing to its detriment. I am sure it was of very great concern to members that the taxpayers' money invested in this great instrumentality should be safeguarded. This Bill deals with the barring of likely claims of road transport proprietors against the Transport Control Board. When permits were issued, they were given to hauliers to go upon the public highway. Although I have never seen a permit, I imagine they provided no other contract than to carry out a lawful occupation of carrying goods from one State to another on the public highway. I

think it is reasonable to assume that it was realized that they would do considerable damage to the highways, which are not suitable for modern transport of this kind, so would it not have been obvious that they should have been expected to pay for that damage? After having paid for it I am sure in their wildest dreams they never felt that they had any claims.

The Hon. L. H. Densley—Were they paying for damage, or for the Transport Control Board?

The Hon. E. ANTHONEY—The fees went to the Transport Control Board.

The Hon. L. H. Densley—They were not used for roads, were they?

The Hon. E. ANTHONEY—The money was paid into consolidated revenue and I do not argue against that because I have always felt that all moneys should be paid into that fund and not to the various departments.

The Hon. N. L. Jude—What about petrol tax?

The Hon. E. ANTHONEY—I do not think it should go to the Highways Department, but to consolidated revenue to be disbursed as the Government sees fit. However, we have departed from that practice and have set up funds from which the money can be disbursed. Parliament has very little control over those departments and knows very little about them except for the Auditor-General's reports. I support this Bill, but I point out that hauliers in this State are not unreasonable in the matter because we have not been unreasonable towards them; we have been lenient, which they have recognized and appreciated. I would be surprised if any claims were lodged by carriers in this State, although many would have claims.

The Hon. S. C. Bevan—One claim has already been lodged.

The Hon. E. ANTHONEY—That may be so. We must recognize that road transport is a modern development and that it is no use the railways attempting to drive it off the road. I do not think any legislation should be penal, but feel that we should encourage road transport, which has done a tremendous amount to develop this State. However, without unduly penalizing it, we have the right to protect the railways. There may be a discussion on road transport at a later stage, but at the moment I support the second reading.

The Hon. N. L. JUDE (Minister of Highways)—I had no intention of replying, but as specific questions were asked I think I should endeavour to reply to them. Mr. Condon wanted further assurance that this Bill would bar claims for refunds of any licence fees paid. In the opinion of the Crown Solicitor there will be no chance when this Bill becomes law that any fees will be repayable. It is conceivable, of course, that action might be taken by interstate hauliers to contest the matter on the ground that the legislation contravenes section 92 of the Constitution.

The Hon. F. J. Condon—I was not referring to claims made after the Bill is passed, but those made between now and then.

The Hon. N. L. JUDE—All I can say is that, backed by the law, it is expected that these claims will be voided. There is only one claim—no, two, I alter that—made by interstate hauliers. We are placing a tax on the interstate men who come here and not taxing our people who go interstate, as Victoria and New South Wales are doing. On the question of contravention of the Constitution, the judgment sets down that New South Wales, in applying a threatened ton-mile charge, was restricting to the point almost of prohibition. In a following paragraph the judgment made it quite clear that regulation for protection of roads by various methods might be in order provided it did not reach a restrictive position.

It might interest honourable members to know that reputable hauliers in this State are entirely in favour of licensing and have already approached me because they do not like being left out in the cold when there is competition. I prefer to avoid as much bureaucratic control as I can in these matters, and that is why we are seeking a simple way out. The judgment deals entirely with interstate operators, and section 92 in no way invalidates any of the transport laws within any State.

The Hon. C. R. Cudmore—Are you satisfied that this will not bar claims by intrastate people?

The Hon. N. L. JUDE—Yes.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Barring of claims."

The Hon. C. R. CUDMORE—Is the Minister quite satisfied that this would not bar intrastate claims as well as those made by interstate hauliers?

The Hon. N. L. JUDE (Minister of Local Government)—I cannot quite follow the reasoning of my learned friend. He seeems to be missing the point that the judgment goes out

of its way to say that it will have no effect on the intrastate cartage of goods. No judgment having been found against these people what claims could they have if the judgment says that the State's laws are perfectly valid?

The Hon. W. W. Robinson—It could be illegal without the judgment.

The Hon. N. L. JUDE—If it were illegal a claim upon the board would be met in ordinary justice. This Bill is clearly designed to debar claims by interstate hauliers.

The Hon. C. R. CUDMORE—But it will, in effect, bar claims made by people who are simply taking goods to, say, Loxton. I see nothing in this clause to limit it to interstate people.

The Hon. N. L. JUDE—The honourable member is quite right. Of course it bars claims, but what claims would they have?

The Hon. C. R. Cudmore—Why should we interfere with their rights?

The Hon. N. L. JUDE—We are not. However, if the honourable member would like me to get further information from the Crown Law authorities I am prepared to report progress, and I move accordingly.

Later,

The Hon. N. L. JUDE—Mr. Cudmore, when we were dealing with this previously, suggested that whilst the Bill purported to bar claims of interstate hauliers, in effect it was of a general nature and equally barred claims of intrastate hauliers. The Parliamentary Draftsman advises that there is no likelihood of any claim being made or substantiated by an intrastate haulier unless he tries to come in under section 92, in which case he would immediately come within the ambit of this measure. I would like the honourable member to indicate what other claims he can visualize, but even then we could probably argue that it was a mistaken payment made in law, and the haulier would still not be justified in getting any recompense. In any case I gather that it is the opinion of the Committee that, as payments were made and were reasonable, the Government must protect the taxpayers from being unjustly sued for the recovery of money paid in respect of benefits which the carrier has undoubtedly already gained.

The Hon. C. R. CUDMORE—With all respect I do not think the reply takes the matter any further. If the Government is satisfied I do not desire to press the matter, but I still feel that if there are any claims by intrastate hauliers they will be barred by this Bill, and I do not think they should be.

Clause passed.

Title passed.

Bill read a third time and passed.

LICENSING 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 gives effect to the amendments which the Government considers it desirable to make in the Licensing Act. They are not radical amendments but are for the purpose of adapting the existing provisisions of the Act to modern requirements. They all deal with the supply of liquor and local option. The first amendments of substance are contained in clauses 4, 5 and 6. These deal with the rights conferred by storekeepers' licences, brewers' Australian ale licences, and distillers' storekeepers' licences, in connection with the sale of spirits. These licences are often called wholesale licences because they only allow the sale of liquor in relatively large quantities. A storekeeper's licence only allows sales of spirits in quantities of not less than one gallon of one kind of spirits. Brewers' and distillers' licences allow sales in quantities of not less than two gallons of one kind of spirits.

At present the minimum quantity of one gallon or two gallons must be made up of the same kind of spirits. It would not be permissible, for example, for the holder of a one gallon licence to sell half a gallon of whisky and half of brandy. It is proposed by the amendments to enable a licensee to make up the minimum quantity of spirits which he is entitled to sell by aggregating more than one kind. The amendments will facilitate the business of wholesalers without making any inroads on the general principles of the Act. Clause 7 declares that the alteration in the effect of the wholesale licences will apply to existing as well as to future licences.

Clause 8 provides that any of the wholesale licences to which I have referred may be removed from one local option district to another. At present the law does not permit a licence of any kind to be so removed. The Government has been asked to propose a relaxation of this provision in favour of the wholesale licences only. Some wholesale traders in wines and spirits have in recent years

found it desirable to move their businesses from existing premises in order to avoid high rents, but have been restricted by law in their choice of a suitable alternative site. The Government considers that there is no strong reason for restricting the removal of wholesale licences in the same way as publican's or wine licences. The latter directly affect the consumption of liquor and the opportunities for drinking in a particular district. But the particular location of a wholesale licence has little effect on consumption, and is of little concern to the local residents.

Clause 9 deals with the licensing of barmaids. Section 182 of the Licensing Act provides that a woman who serves liquor at, in, or about a bar room is required to be registered as a barmaid. There is some doubt as to whether a woman who obtains liquor from a bar and delivers it to customers in a lounge is serving liquor "at or about" a bar room within the meaning of the present provisions. In practice it has been assumed that a woman serving liquor in such circumstances need not be registered as a bar-maid. It is now proposed to declare the meaning of these provisions to be that which has been generally accepted, and clause 9 makes amendments for that purpose.

Clauses 10 and 11 extend the time during which liquor may be served in hotels and restaurants with meals in the evening. The present law is that restaurants and hotels may obtain permits to supply liquor to customers taking meals between 6 and 8 o'clock in the evening. It is proposed to extend the period of operation of these permits so that liquor may be served in the cases mentioned until 9 p.m. It is, of course, well-known that persons dining in hotels and restaurants often do not finish dinner until after 8 o'clock and there has been a strong demand for an extension of the permits as now proposed. The extension will apply to existing permits as well as to those granted in the future.

Clause 11 also makes another amendment to the law respecting permits granted to hotels to supply liquor at meals. The Act at present provides that liquor cannot be supplied under the permit unless the meal costs 1s. 6d. This amount was fixed many years ago and like many other monetary amounts now needs adjustment because of the changed value of money. It is proposed in the Bill to alter it to 5s.

Clause 12 permits interstate and overseas visitors to South Australia who are *bona fide* lodgers in hotels to buy drinks for not more than six persons at one time. The liquor must be consumed on the premises in the presence of the lodger and must be supplied at his expense and entered on his account. Clauses 13, 14 and 15 make amendments consequential on those made by clauses 10 and 11.

The remaining clauses contain the Government's proposals for amendments of the law relating to local option. The existing provisions on this subject have several disadvantages and defects. The first is that under the present system each local option district consists of the whole of an Assembly electoral district. Such areas are too big for a proper system of local option. Because of the size of the districts an attempt to obtain an additional licence in one town may be decided by the votes of persons in another town at the other end of the district. It is not really local option at all. For example, in the district of Eyre the question of additional licences in Streaky Bay could be influenced and possibly determined by the votes of electors in Cowell. The question of an additional licence for Karoonda could be decided by the votes of electors in Renmark.

Another difficulty in the local option system is that the electors can only vote on an increase or decrease by one-third of the total number of each class of licence. It is not open to the electors to have a poll on the question whether there shall be one or two more licences of any particular kind; but at every poll the general question of increasing or decreasing every kind of licence is opened up. It is very often not possible to take a poll on the real question which people want to have decided. Another unsatisfactory feature of the system is that polls can only be held on Parliamentary election days. Thus local option questions are confused with other political issues to the embarrassment both of candidates and those interested in the local option polls. The amendments proposed in this Bill are in the main directed towards curing these defects.

Clause 15 provides that in future local option districts will consist of electoral subdivisions. The existing number of licences in each new local option district will not be altered except for the purpose of giving effect to any resolution carried before the passing of this Bill, or under the new provisions. If the area of a local option district is altered resolutions carried before the alteration will be carried into effect as if the alteration had not been made.

Clause 17 provides that local option petitions may be presented in the month of March or April in the year 1955 or in any third year thereafter, and that every local option poll must be held on the last Saturday in June next after the presentation of the petition. The object of these provisions is to arrange matters so that local option polls will not coincide with general elections for Parliament. Every petition must be presented by a quorum of the electors as at present, that is to say, 500 electors or one-tenth of the total number in the local option district, whichever is the less. Every petition must be limited to one resolution, and in order to prevent the presentation of frivolous or unnecessary petitions it is provided that a fee of £50 will be payable on presenting a petition.

Clauses 18, 19 and 20 contain consequential amendments. In clause 20 the questions which may be submitted to electors at a local option poll are set out. These questions are that the number of licences of any specified class may be increased or reduced by any specified number. Thus, for example, it will be open to petitioners to ask for one additional publican's licence or one additional club or one additional wine licence. All the resolutions in respect of which valid petitions are presented in the same local option district will be included in the same ballot paper and voting will be by writing "Yes" or "No" opposite to each question. Where there are two or more petitions asking for the same resolution to be submitted, the resolutions will only be set out once in the ballot paper. Petitions may be withdrawn before the expiration of the prescribed period for presenting petitions.

In order that a resolution may be carried it will be necessary that more votes should be given for it than against it. If two or more resolutions should be carried in favour of increasing or reducing any licences by different numbers the resolution which provides for the greatest increase or reduction shall be binding on the Licensing Court. If a resolution in favour of a reduction of licences is carried that resolution will be given effect to by the Court in the same way as a reduction is effected at present. If a resolution in favour of increasing the number of any licences is carried the Court will be empowered to grant increased licences in accordance with the resolution.

The Bill does not provide for submitting to the electors the question of no change in the number of licences, because that question is always in issue whenever there is a poll. Unless the electors vote for an increase or reduction the law does not permit any change to be made. Apart from the matters which I have mentioned, the local option polls will be conducted very much as at present. Every House of Assembly elector will be entitled to vote and the existing electoral machinery will be used to conduct the polls. Voting is not compulsory. The remaining clauses, 21 to 31, are all consequential on the matters I have explained.

The Hon. C. R. CUDMORE (Central No. 2) —This is a small amendment and is a matter for discussion of the details in Committee. Last year I spoke at some length on the Licensing Act and advocated that we should alter our system to have English hours with the closing period in the afternoon. There has been so much misundertanding and misquoting of my speech that I want to emphasize that under my amendment the hours of drinking were not to be extended, but reduced. My Bill was to reduce the hours during which hotels could be open from 13 to nine a day. Certain people outside keep talking about extended hours. I wanted people to be able to drink when they finished their work instead of drinking when they should be working.

The main alteration in the Bill relates to local option. I made it quite clear last year, and I quoted the English Committee's report to show that local option is entirely wrong in principle. It should be left to the court to decide after proper investigation. We have a Licensing Court and why should it not decide whether there shall be new licences, where they shall be and what clubs should be able to obtain licences and so on. I made my remarks on the question in August last year. At the time the Maxwell Report was being considered, and it was suggested by some people that I should have waited until it was published. It came out in March this year and one of the questions referred to Mr. Justice Maxwell was expressly that of local option. Clause 4 of the term of reference was:—

> The desirability of reintroducing into the Liquor Act the local option provisions which were repealed in 1946.

Mr. Justice Maxwell in his report said:—

> I feel that I am both empowered and required to see whether, apart from the addresses on behalf of persons represented, there is any evidence from any body or person favouring the reintroduction of the repealed provisions. It is proper to say at once that no witness directly expressed himself as being in favour of reintroducing them . . .
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> It is advisable to repeat that all persons or interests who addressed the Commission following the evidence opposed the reintroduction of the repealed provisions.

Both the temperance and the liquor people were opposed to the reintroduction of local option. The report also stated:—

It is clear that the only conclusion based upon the evidence tendered in relation to this term must be that it is not desirable to introduce into the Liquor Act the local option provisions which were repealed in 1946. In stating this conclusion I draw attention to the widely differing reasons offered by a number of interests—for agreement in a view against reintroducing the repealed provisions. There is, I think, some assistance on the subject of local option generally to be obtained from the reports of the Royal Commissions in England and in New Zealand, passages from each of which are quoted in dealing with the subject of removals.

I quoted the report of the Royal Commission in England on this question last year and therefore will not repeat it. Informed opinion everywhere that I could find is against local option associated with liquor licences. I think it is a retrograde step that we should try to straighten out this problem and still retain local option. I agree that local option should be removed from State elections. I am entirely opposed to local option in any form, but if we are to have it, polls certainly should not be held at the time of a State election. There have been numerous dummy elections and the new proposal will get over that. Another point is that in future a local option poll will not be in an Assembly district but in the subdivisions, and as the Minister pointed out that will enable subdivisions to decide for themselves whether they want an increase or decrease in their area. I think that is even more dangerous than the present provisions relating to districts. It is quite possible that some subdivisions may be made entirely dry under that, but that is a matter I shall refer to in Committee, as I have an amendment on the subject.

The only other matter I want to mention now is that the Bill provides that it shall be lawful for the holder of a publican's licence who holds a permit under section 198 of the Act to supply liquor on his licensed premises to a non-excepted person provided that the liquor is supplied at the expense of a *bona fide* lodger whose ordinary residence is outside the State. I do not see why a person who travels from here to Port Augusta or Mount Gambier and stays in a hotel should not be allowed to entertain people in that hotel, whereas a person from a few miles across the Victorian border living at Casterton could do so in a hotel at Mount Gambier. It amounts to extending a privilege to interstate and overseas people, but not to our own. In Committee I shall submit an amendment to alter that. In the same way as we provide that a person who has travelled 60 miles can get liquor at a hotel, I suggest that we alter this and not make it apply only to interstate or overseas people, but anyone who is staying in a hotel which is more than 60 miles from his permanent residence. That will enable people from the north or south who come to Adelaide to entertain their friends in a hotel. I take it that is what the amendment is really for, and I think that will be better.

The Hon. F. J. CONDON (Leader of the Opposition)—In supporting the second reading I agree with what Mr. Cudmore said. This legislation makes some alterations that are long overdue. However, I point out that the responsibility should be on Parliament to make decisions, and not on referendums. I can well remember our esteemed President, when on the floor of this Council, saying that referendums are a sheet anchor for shufflers, and I think there is a lot of truth in that.

This legislation is somewhat of a class nature. If a man resides at Burns in New South Wales, he can come to Adelaide and entertain a number of friends at an hotel, but if he lives at Cockburn, about half a mile away, he cannot do so. That is ridiculous. It is proposed to give special preference to visitors from another State, but no consideration is given to local people. If a person comes from another State, he can entertain half a dozen people. The measure provides that the account must be rendered to him as a lodger of the hotel. Other State Parliaments have altered their liquor laws without local option polls or referendums, although of course referendums have been taken in some places. It is wrong for us not to have the courage to decide matters for ourselves. I am not concerned with the origin of referendums but I point out that Parliament should decide these matters, and if things are abused it should take the necessary action.

I feel that further consideration should have been given to the legislation on this subject introduced last year. I am not advocating an increase in trading hours but pointing out that Parliament should endeavour to legislate in a way that will avoid abuses. Under this Bill it is proposed to extend the time in which liquor can be served with meals by one hour, which of course applies only to a few hotels. I do not know whether it is profitable for them to avail themselves of this provision, but if there is a demand I think they should have the right to meet it. I have read of an

instance in another State in which people who commenced a meal at 7 p.m. were still eating at 11. However, if this provision becomes law Parliament will have to take action if any abuses like that occur. The measure also proposes to extend by one hour the time in which liquor can be consumed with a meal on Christmas Day. Hotels are permitted to serve liquor from 9 a.m. until 11 on Christmas Day, and to serve liquor with meals from 11 to 2. I think it is necessary to extend the time until 3 p.m., because I appreciate that it is not always possible to get a meal at the expected time and that many people do not have meals in their own homes on Christmas Day.

The Bill proposes to depart from the custom of holding local option polls on election days. As stated this afternoon, abuses have occurred because this has been done. As Mr. Cudmore pointed out this is not a Bill for long discussion on the second reading, but is a Committee matter. I agree with what he said. The Bill does not make any great alteration, and I think many other matters should have been included. Local options will continue, because the measure does not do anything to modify the position. I am not attempting to do away with them but they should be made workable if possble, and there is room for doing that in this legislation. The law is wrong in that there is no power to transfer licences from one district to another. Many hotels were licensed in Moonta in the mining days. When mining ceased, however, the hotels remained. Other districts have increased in population, so I cannot see why the law should not allow them to have licences transferred from places such as Moonta. My remark applies also to Kapunda and Burra. Licences can be transferred to other parts of an electorate, and in recent years that has been done. In Bowden and Hindmarsh there are eight or nine hotels.

The Hon. E. H. Edmonds—Hasn't there been a recent transfer of a licence there?

The Hon. F. J. CONDON—Yes. In some places there are many hotels close to each other. If the public wants them, that is all right, but why not put them where they are wanted? From Rosewater to the Exeter Hotel at Brompton, on the eastern side of the railway line, there is no hotel, and that is a distance of about 6½ miles. Instead of increasing the number of licences, would it not be better to transfer them to places where the public wants them?

The Hon. E. Anthoney—Are they required for accommodation?

The Hon. F. J. CONDON—They should provide accommodation, and the Licensing Court is ensuring that they will do so.

The Hon. E. Anthoney—It is about time it did.

The Hon. F. J. CONDON—I agree with that. The hotels to which I am referring were built many years ago and have not sufficient accommodation, but I agree that it should be provided. I do not advocate extra licences, but I point out that they could be transferred from one district to another, and the court should be given a discretion in the matter. The population in many parts of the metropolitan area has almost doubled yet there is still the same accommodation as there was 20 years ago.

The Hon. E. Anthoney—Whose fault is that?

The Hon. F. J. CONDON—It is the fault of local option polls. If that is not so, it is a matter for Parliament to make the necessary provision. Instead of having a number of hotels close together, they should be spread out. When considering legislation of this nature, which is generally contentious, we should all be a little broadminded and consider the matters I have mentioned. People have the right to express strong views if they possess them, but I am always prepared to take the responsibility of my vote, instead of trying to throw the responsibility on someone else.

The Hon. E. ANTHONEY (Central No. 2)—No industry receives so much legislative attention as the liquor industry. Scarcely a year goes by that we do not do something to the Licensing Act; whether we do it effectively may be arguable. Today we have it before us once more, but we are not tackling it in a comprehensive way. I suggested some time ago, and I still believe, that the whole business needs a complete investigation to see whether we cannot evolve some system that will suit the public and will be decent. Can we say that the conditions under which a number of hotels are carried on are decent? Observe what is going on before 6 p.m. in the metropolitan area. What provision have publicans made to cope with the extra traffic the honourable member speaks about? In very few cases have the licensees enlarged their houses.

I would say that the average Australian does not want to drink like a pig; he does not do that from choice, but because there is no provision for him to do otherwise; because he has to spread out on to balconies and footpaths, as is going on within all members' electorates. A few publicans have been wise and have provided open air drinking facilities, a thing which

should be encouraged more—if the business is to be encouraged at all. There should be places where open air drinking can be indulged in in comfort and decency, where everyone can see what is going on and where it can be kept decent. This constant tinkering with the law must be very disturbing to the publicans who are trying to conduct their businesses. On the other hand, we can seriously criticize the Licensing Court as, in my opinion, it has not exercised the functions Parliament has already given it. Why has it not insisted on hotelkeepers providing proper accommodation for the travelling public? Very few hotels have reasonable accommodation available.

The Hon. E. H. Edmonds—That is an exaggeration.

The Hon. E. ANTHONEY—It is not a great exaggeration. Go outside the immediate metropolitan area and what chance has one of getting accommodation in these so-called hotels? People who have gone abroad know that, in England particularly, the inns or hotels are homes and the innkeeper is a host. Everyone knows what trafficking goes on in licences here; how difficult it is to get one and what one has to pay for it. There are dozens of things in the business that should be inquired into.

I support the Bill as it provides for a little more decent treatment of travellers.

The Hon. F. J. Condon—Interstate travellers.

The Hon. E. ANTHONEY—If the honourable member's proposed amendment is carried it will also give the same right to people within the State and I see nothing wrong with that. What is the difference between a person who travels from Perth to Adelaide and the man who has travelled 60 or 70 miles within the State? We all know the conditions that exist except in the best hotels; they are very bad indeed and something of which we cannot be proud. I hope that an early opportunity will be taken by this Parliament to see that a comprehensive inquiry is made into this business in order that we may be able to get a report on which to establish a decent trade.

Bill read a second time.

In Committee.

Clauses 1 to 11 passed.

Later,

Clause 12—"Supply of liquor at expense of guests."

The Hon. C. R. CUDMORE—I move—

In paragraph (*a*) of new section 198a to delete "outside the State of South Australia" and to insert "at least sixty miles from the premises."

The amendment provides that the right given by the Bill to interstate visitors to entertain guests at their hotels shall be extended to persons in South Australia who are resident at least 60 miles from the premises.

The Hon. Sir LYELL McEWIN—There is much in the amendment that can be commended, but I find it difficult to decide whether 60 miles is the appropriate distance in this matter. The amendment could lead to abuses, and, because the Bill was the result of negotiations between all parties concerned in the consumption of liquor and because the proposal in the amendment was rejected after consideration in another place, I am unable to support it.

The Hon. F. J. CONDON—I am concerned not with whether certain parties have agreed to the provisions of the Bill, but with the fact that under the Bill a person from another State would enjoy a privilege denied a *bona fide* traveller whose home is in this State. Why should we differentiate between interstate visitors and South Australians who are visiting another part of their own State? The proposal should be given a chance and, if it is abused, the offenders could be dealt with under the law. I support the amendment which I believe is fair and reasonable.

The Hon. F. T. PERRY—Although all members have a great respect for Mr. Cudmore in his efforts to improve our licensing laws, I believe that his ideas are not accepted by all South Australians. At first glance, the amendment seems reasonable, but this legislation has been the subject of much controversy among earnest people, some favouring the restriction and others the relaxation of the legislation. This Bill is an improvement on the existing legislation and contains some of the relaxations proposed by Mr. Cudmore in his Bill last session. I take it that the Government has carefully examined the position and considers that the provisions of the Bill represent the desires of the public; I therefore oppose the amendment.

The Committee divided on the amendment:—

Ayes (9).—The Hons. E. Anthoney, K. E. J. Bardolph, S. C. Bevan, F. J. Condon, J. L. Cowan, C. R. Cudmore (teller), E. H. Edmonds, A. A. Hoare, and A. J. Melrose.

Noes (8).—The Hons. J. L. S. Bice, N. L. Jude, Sir Lyell McEwin (teller), F. T. Perry, W. W. Robinson, C. D. Rowe, Sir Wallace Sandford, and R. R. Wilson.

Pair.—Aye—Hon. L. H. Densley. No—Hon. R. J. Rudall.

Majority of 1 for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 13 to 15 passed.

Clause 16—''Repeal of sections 223 and 224 of the principal Act and enactment of other provisions.''

The Hon. C. R. CUDMORE—I move—

To add at the end of new section 224 ''Provided that the number of licences of any one class shall not be reduced to less than two.

I mentioned this matter during the second reading debate. I am entirely against local option. Under the new law it will apply to subdivisions, whereas previously it applied to districts. I regard this as being more dangerous than the previous practice, from the point of view of turning many parts of the State completely dry. Anyone could present a petition asking that a certain class of licence in a subdivision be reduced by any given number. That may be all right in some places where there are many hotels. It would be a bad thing if parts of the State were ''dry'' while others were ''wet.'' The amendment applies mainly to hotels. If a general question were submitted to electors ''Are you in favour of licences being increased'' or alternatively ''reduced'' it would not take much organization to make a number of places ''dry.''

The Hon. Sir LYELL McEWIN—There is a difference between the local option districts created under this Bill compared with those under the existing legislation. Under this Bill every subdivision becomes a licensing district and it is questionable whether some of the towns in such subdivisions could support two hotels. I should think that if the honourable member altered his amendment to provide for ''one'' instead of ''two'' it would meet the position under the new conditions.

The Hon. C. R. CUDMORE—I appreciate the point raised by the Minister that there will be some small subdivisions as regards population, and there may be only one small town in a subdivision. I am prepared to alter the amendment as suggested.

[*Sitting suspended from* 10 *p.m. to* 1.30 *a.m.*]

On resumption,

The Hon. C. R. CUDMORE—I ask leave to amend my amendment by striking out the word ''two'' and inserting ''one.''

Leave granted.

Amendment as amended carried; clause as amended passed.

Clause 17—''Right to petition for poll.''

The Hon. C. R. CUDMORE moved to add the following new subsection—

(1c) If the Minister certifies in writing that the effect of any resolution, if carried, would be to reduce the number of licences of any one class in the local option district to less than one, the persons who have paid the fee on the petition shall be entitled on application by them to a refund of the fee.

Amendment carried; clause as amended passed.

Clauses 18, 19 and 20 passed.

Clause 21—''Resolutions which may be submitted.''

The Hon. C. R. CUDMORE moved—

At the end of subsection (1) of new section 230 to add the following proviso—

Provided that no petition shall set out a resolution the effect of which would be if carried to reduce the number of licences of the class in the local option district to less than one.

Amendment carried; clause as amended passed.

Clauses 22 and 23 passed.

Clause 24—''How reduction to be effective.''

The Hon. C. R. CUDMORE moved—

At the end of the clause to add ''and inserting in their place the words 'subject to section 224 of this Act.' ''

Amendment carried; clause as amended passed.

Clause 25—''Effect of reduction of licences after poll.''

The Hon. C. R. CUDMORE moved—

At the end of the clause to add ''Provided that the court shall not provide for the reduction of the number of any one class of licence to less than one.''

Amendment carried; clause as amended passed.

Clause 26—''Licensing Court to give effect to resolution.''

The Hon. C. R. CUDMORE moved—

At the end of the clause to add ''and inserting in their place the words 'subject to section 224 of this Act.' ''

Amendment carried; clause as amended passed.

Remaining clauses (27 to 32) and title passed.

Clause 12—''Supply of liquor''—reconsidered.

The Hon. Sir LYELL McEWIN—Previously clause 12 was amended by striking out certain words relating to the supply of liquor at the expense of guests. It provided exemptions for interstate guests, but it was altered to 60 miles. There was a division on the alteration, but in view of the circumstances

I feel that the alteration will cause difficulty and the Committee might be prepared to reconsider the matter and restore the clause to its original position so that agreement may be reached with the House of Assembly. I therefore move—

In paragraph (*a*) of subsection 1 to delete "at least 60 miles from the premises" and to insert " outside the State of South Australia."

Amendment carried; clause as amended passed.

Bill reported with amendments and Committee's report adopted. Read a third time and passed.

Later the House of Assembly intimated that it had agreed to the Legislative Council's amendments without amendment.

POLICE PENSIONS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from December 8. Page 1776.)

The Hon. F. J. CONDON (Leader of the Opposition)—This Bill deals with a further amendment of the Police Pensions Act. We considered and passed a Bill in this Council on October 27, and after this short interval we are called upon to amend the Act further owing to an unforeseen difficulty which arose, as the Chief Secretary explained, when the calculations of specific amounts of pensions payable were being made. I think it is quite reasonable that we should correct a mistake that was made through no fault of our own. In the former Bill a change was made in the variable part of the pension, so that instead of being based on years of service it was based on years of age. This was done for sound actuarial reasons, but in certain circumstances involving the age and service of some existing pensioners it does not give them the increase that was contemplated. As it appears that an injustice was unwittingly done, we have no option but to support the measure.

The Hon. C. R. CUDMORE (Central No. 2)—I also support the second reading. I pointed out when we were considering the Bill which established this scheme how difficult it was for anyone except the Public Actuary to understand how schemes of this sort worked. I tried to make comparisons with other superannuation schemes I knew of, both in the Public Service and in private companies, but owing to the way in which this was drawn up I found it impossible. I feel that we have no option but to support this Bill. A mistake has been discovered and I am quite sure that I am in the same position as other members—I do not understand this Bill any more than I did the original one, and I can only hope that it is right this time.

Bill read a second time and taken through its remaining stages.

URANIUM MINING ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Minister of Mines), having obtained leave, introduced a Bill for an Act to amend the Uranium Mining Act, 1949-1952. Read a first time.

The Hon. Sir LYELL McEWIN—I move—

That this Bill be now read a second time.

It deals with the employment of officers by the Government on uranium mining and treatment projects. In 1952 the Government decided that for the speedy and efficient development of Radium Hill it was desirable that the Public Service Act should not apply to the employment of officers there. It was felt that the high salaries which it would be necessary to offer would not be consistent with public service classifications and that the procedures of the Public Service Act relating to applications, promotions and appeals were too cumbersome, having regard to the nature of the undertaking. A proclamation was accordingly issued under the Public Service Act declaring that the Act should not apply to the employment of officers at Radium Hill. This proclamation left officers already employed at Radium Hill under the Public Service Act.

Recently the question arose whether the employment of officers at the Port Pirie Chemical Treatment Works should also be not subject to the Public Service Act. The same considerations apply to the employment of officers on this venture as to the employment of officers at Radium Hill, and the Government decided that the Public Service Act should not apply to their employment. The status of public servants already employed on that project was considered and the Government came to the conclusion that those officers should not remain under the Public Service Act, but that they should, nevertheless, not lose the rights which they had acquired under that Act up to that time and, further, that their service in that project should be counted as service under the Public Service Act if they desired, at any time, to re-enter the public service. It was thought also that officers of the public service who should, in future, take employment at Port Pirie should be given similar privileges if they desired at any time to re-enter the public service.

Further, the Government thought that the service of an officer employed at Port Pirie who was not previously a public servant should count as service under the Public Service Act should he at any time apply for a position in the public service. This scheme cannot be effected by proclamation under the Public Service Act and, accordingly, the Government is introducing this Bill. It provides, therefore, for the employment of officers subject to special conditions for the purpose of the Uranium Mining Act, and for those officers to have special privileges under the Public Service Act. The benefit of the Bill will extend to all officers employed in works or undertakings carried on under the Uranium Mining Act.

The Hon. F. J. CONDON (Leader of the Opposition)—This is a very formal Bill. It deals with the employment of officers by the Government in uranium mining and treatment projects, in which it was necessary to pay high salaries in order to get suitable men. A proclamation was issued under the Public Service Act declaring that that Act should not apply to officers at Radium Hill. Now it has been decided that similar conditions should apply to officers of the Port Pirie chemical treatment works. These men are very valuable officers and should be encouraged by legislation. These officers would not lose any privileges to which they were entitled under the Public Service Act. I support the second reading.

Bill read a second time and taken through its remaining stages.

Later the Bill was returned from the House of Assembly without amendment.

WEST BEACH RECREATION RESERVE BILL.

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

The Hon. N. L. JUDE (Minister of Local Government)—I move—

That this Bill be now read a second time.

Its purpose is to provide for the creation of a public reserve at West Beach to be known as the West Beach Recreation Reserve and to establish a trust to manage the reserve. The area of land in question, about 375 acres, is situated west of the new airport and between the sea coast and Tapleys Hill Road. This land was purchased a few years ago by the Housing Trust and it was intended to develop the land as a large housing estate. However, this area is probably the only extensive tract of sea front land which has not been subdivided or built over and the view was consequently taken that it would be better for this area to be kept as an open space and not turned into another closely settled urban area. Accordingly, the trust transferred its holding to the Treasurer and the Corporations of Glenelg, West Torrens and Henley and Grange were asked whether they would be willing to combine and undertake the management of the land as a public reserve.

When the proposal was first placed before the three councils, all agreed that this presented a fine opportunity to preserve for posterity an extensive area as a public reserve and all the councils agreed to collaborate for this purpose. However, at a later stage, the Henley and Grange Council withdrew from the scheme but the two other councils, Glenelg and West Torrens, have combined to give the proposal enthusiastic support and details of this Bill have been worked out in consultation with them.

The Bill provides for the constitution of a trust consisting of a chairman and six members. Each council will appoint three members of the trust and the six members so appointed will appoint a seventh person as a chairman. The term of office of members will be three years and provision is made for one appointee from each council to retire in every year. The Trust is authorized to remunerate the members at a rate, in the case of the chairman, not exceeding £100 per annum and, in the case of other members, not exceeding £50 per annum. The usual provision relating to the incorporation of the trust, casual vacancies, voting at and conduct of meetings, audit of accounts, appointment of employees and so on are included in the Bill. After the first members of the trust are duly appointed, the Treasurer may transfer to the trust the land in question and this land is to be held and maintained by the trust for all time as a public reserve.

Clause 17 provides that the Treasurer is to pay £20,000 to the trust, and clause 18 requires each of the two councils over a eperiod of seven years to pay to the trust £1,430 a year. Thus, whilst the Government contribution will be £20,000, the two councils will, over the period of seven years, contribute a similar amount to the trust. In addition, the two councils are authorized to make further contributions to the trust but the contributions by the two councils must be equal. The trust is given power to borrow on overdraft or on debentures. If money is borrowed on debentures, the prior consent of the councils must

be obtained and clause 24 provides that the two councils must make good any default of the trust. The Bill exempts from stamp duty the transfer to the trust of the reserve and the transfer of any land which the trust may purchase to augment the reserve. It is also provided that the reserve is to be exempt from local government rates and land tax.

The trust is given power to carry out works on the reserve, to erect buildings and otherwise to improve the reserve. It is given power to grant leases and licences over parts of the reserves, buildings and so on. While the manner in which the reserve will be developed will, of course, be for the decision of the trust, it may be expected that facilities such as caravan parks, ovals, golf courses, kiosks, other buildings for the use of the public, etc., will be erected and, these can, in an appropriate case, be expected to be let on lease or hire to sporting bodies and others in order to produce an annual income for the trust. It is also provided that the foreshore immediately adjacent to the reserve is to be under the control of the trust instead of the council. This will enable the reserve and the adjacent foreshore to be developed and maintained together. The trust is given power to make by-laws for the control of the reserve and the foreshore. A by-law of the trust must be confirmed by the Governor.

Clause 37 provides that, if the Henley and Grange Council at some future time wishes to join the trust, it may do so on terms approved by the trust, and Glenelg and West Torrens Councils and the Governor. It is provided that the Governor may by proclamation make any necessary provisions relating to the constitution of the trust and other relevant matters arising out of inclusion of Henley and Grange Council in the trust. Clause 38 provides that, if any part of the reserve is needed for a public purpose, it may be resumed by the Government. No compensation is to be paid for any land so resumed but compensation is to be paid to the trust for any improvements made by the trust on the land resumed.

Thus, the effect of the Bill is that a large tract of land with a sea frontage will be reserved for all time as a public reserve. It will be managed by a trust controlled by the two local government authorities concerned and the trust will have ample power to carry out the work necessary to create out of the reserve an extremely valuable public asset and, in order to provide financial assistance for this purpose, the trust will receive £20,000 from general revenue.

The Bill is a hybrid Bill within the meaning of the Joint Standing Orders on Private Bills and was consequently referred to and considered by a Select Committee of the House of Assembly. After hearing evidence the Select Committee reported in favour of the passing of the Bill.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the Bill because it is strictly in accordance with Labor's policy. We feel that the recreation reserve will be a great acquisition to the public. Unlike some of the other parklands, parts of which have been vested in various councils and the public excluded except upon payment for admission, this reserve will at all times be open for the enjoyment of the people. Observe the difference between the Adelaide Oval and the University Oval. The latter is open to the public at all times and is a credit to the city, whereas the Adelaide Oval has been fenced in and grandstands erected. Sport today has become commercialized and people are required to pay exorbitant prices to attend the Adelaide Oval to witness the various games that are played there.

The proposed recreation reserve at West Beach will be controlled by a trust and all the things necessary for the exercising of the powers conferred upon it by the Bill are vested in the trust. This land was originally acquired by the Housing Trust, but has been transferred to the Government and the proposed trust. The Government's contribution is £20,000 and the two councils will each contribute a similar amount over a period of seven years. I presume this money is to reimburse the Housing Trust, although the Minister did not indicate what the land originally cost.

The Hon. S. C. Bevan—Does this include the new golf links?

The Hon. K. E. J. BARDOLPH—I do not know and the Minister did not tell us, but of course the trust could establish golf links if it thought advisable. It is of interest to note that the Henley and Grange council is not a party to the agreement, but provision is made for it to come in later if it wishes. The other parts of the Bill are merely machinery clauses and I have much pleasure in supporting the Bill.

The Hon. C. R. CUDMORE (Central No. 2)—This Bill sets up a new trust and I am all against new boards, trusts and committees if

they can be avoided. The Bill was founded in the Committee of the Whole in the House of Assembly on November 24 and it is a great pity that we have not had a chance to see it earlier. At first blush I would say that the proposed trust is too big. I suggest that two representatives from each council would be more workable. We are all agreed, I think, that this recreation reserve is most desirable and will be a great acquisition to the State. I am glad also to note that in addition to the actual land the trust will have control of the foreshore right down to low water mark in front of the reserve. The main provision in the Bill is that the trust shall use and maintain the area for all time as a public reserve. I do not question the financial provisions because I have not had time to work out what they mean. When a long Bill like this reaches us at a time when we are so busy with other Bills it is quite impossible to go into all the details. However, from what I have been able to see of it I offer no objection and support the second reading.

The Hon. F. T. PERRY (Central No. 2) I support the Bill. The provision of reserves in and around Adelaide is very desirable, and this one takes in the only portion of the foreshore and adjacent country still more or less in its natural state. It should be possible to develop it into a valuable sports ground and pleasure resort for the enjoyment of posterity, and unless we take this action now the land will be lost and we will be blamed for lack of vision. I am a little doubtful about the financial arrangements. Each council is to provide £10,000 over a period of seven years and the Government a total of £20,000. How far £40,000 in seven years will go I do not know, but it will enable a start to be made and gradually I think the area will become what the Government and the councils envisage. I hope that it does not become a drag on the councils concerned; it is a very large area to develop and could be a considerable drain on their resources. I certainly admire their aims and if they feel that, with the assistance of £20,000 from the Government and, I suppose, further assistance from time to time, they can bring this scheme to fruition, we should support them.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Membership of trust."

The Hon. C. R. CUDMORE—On the second reading I said I was at a loss to understand why it was necessary to have three representatives of each council. The Bill also provides that the Henley and Grange council may come in, and when and if it does it will have to be represented and then the trust will be unwieldy. I believe in small committees. Moreover, the members of the trust are to be paid not exceeding £50 a year and the chairman not exceeding £100. I believe two representatives of each council should be sufficient, and I would like to know why it is proposed to have three.

The Hon. N. L. JUDE (Minister of Local Government)—In agreeing to be parties to the agreement the councils insisted on having three members each on the committee.

The Hon. C. R. CUDMORE—It is this Parliament which has to decide what is proper and not the councils. If the Henley and Grange Council wants to come in we shall have an unwieldy and unworkable committee. We do not have that principle in the appointment of the Housing Trust or the Electricity Trust. A committee of five is the ideal number. I therefore move:—

In the first line of subclause (1) to strike out "six" and insert "four".

The Hon. N. L. JUDE—The chances of the Henley and Grange Council coming in have been considered and it would be permissible for the Governor in Council to provide that two of the six members come from that council, thus making two from each council. That position was envisaged in drawing up the Bill. It is hoped that Henley and Grange will see their way fit to come in. In the meantime the committee will comprise three representatives each from the other two councils. The Parliamentary Draftsman assures me that it would be in order for the Governor by proclamation to arrange for two of the representatives to come from the Henley and Grange Council. If the amendment were accepted it would be rather awkward if Henley and Grange wanted to come in, because the Act would then have to be altered.

The Hon. E. ANTHONEY—The question of Henley and Grange wanting to come in is in the air, but if they did come in they would want to select their own delegates.

The Hon. K. E. J. BARDOLPH—I think the position could be resolved if the constituent councils who are a party to the agreement were named—Glenelg, West Torrens and Henley and Grange to have two representatives each. Until such time as Henley and Grange came in there would be only four representatives, in addition to the chairman.

The Hon. N. L. JUDE—I ask members to have a look at clause 37 which makes special provision for the corporation of Henley and Grange to come in by the issue of a proclamation by the Governor.

The Hon. S. C. BEVAN—Clause 4 provides that the trust shall consist of a chairman and six other members and that of the six members three shall be appointed by the Glenelg Council and three by the West Torrens Council. If Henley and Grange came in with the same representation we should then have a committee of 10. Surely it would be possible for one representative from each council to place his views before the committee. Glenelg and West Torrens might object to withdrawing one representative each to allow Henley and Grange to come in.

The Hon. C. R. CUDMORE—I do not apologize for raising this hornet's nest. It is only because we have not had time to consider the Bill fully. Under clause 37 the Governor may by proclamation vary any of the provisions of the legislation. There is nothing to limit the number of representatives.

Amendment negatived; clause passed.

Remaining clauses (5 to 38) and title passed.

Committee's report adopted.

Read a third time and passed.

PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL.

Second reading.

The Hon. F. J. CONDON (Leader of the Opposition)—I move—

That this Bill be now read a second time.

This short Bill is introduced for the purpose of prohibiting the sport of pigeon shooting. It is based upon legislation passed in England many years ago. Legislation for the same purpose is in force in New South Wales and Western Australia, and I believe also in some other British countries. The Bill is aimed at all those who promote or arrange or take part in any event in the course of which captive birds are liberated for the purpose of being shot at. Any person who permits his premises to be used for the purpose of any such event will also be guilty of an offence.

The Bill does not apply to any isolated individual who may shoot at a bird liberated from captivity, but only at organized shooting of this kind such as is conducted at meetings, competitions, displays and on other like occasions. The justification for the Bill is that it is at present very doubtful whether the principal Act prohibits pigeon shooting or similar sports and that birds that are wounded but not killed in the course of those sports suffer considerable pain and often lingering death. These consequences, though not desired, are just as objectionable as if they were brought about deliberately.

The Bill provides a simple amendment to the principal Act and is to prohibit the release of captive birds for shooting sports. The effective portion of the Bill is clause 3 which enacts new section 5a as follows:—

5a. (1) Any person who—

(*a*) promotes, arranges, conducts, assists in, receives money for, or takes part in, any event in the course of which captive birds are liberated from captivity for the purpose of being shot at; or

(*b*) being the owner, occupier, or person in charge of any premises, permits such premises to be used for any purpose specified in paragraph (*a*) of this subsection,

shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

(2) In this section "event" means any meeting, competition, exhibition, display, practice, pastime or other event whatever.

That is a replica of the English legislation on this matter and conforms in principle to the legislation of other Australian States all of which, with the exception of Victoria and South Australia, have prohibited this sport.

The prevention of cruelty is a distinguishing mark of civilized man just as the perpetration and disregard of cruelty is the distinguishing mark of the barbarian or primitive man. All States as they have proceeded towards civilization have progressively prohibited cruel acts whether they be sports or practices, as they have been recognized as such. Section 5 of the principal Act prohibits the torment and baiting of animals and I consider that the new section 5a will prohibit another form of torment and baiting because the practice of trap shooting pigeons is cruel. In moving the second reading of this Bill, I point out that the penalty provided is a maximum. I understand that the matter has received careful consideration in another place.

The Hon. L. H. Densley—Does the Royal Society for the Prevention of Cruelty to Animals support it?

The Hon. F. J. CONDON—I do not know, but I would think so in view of the good job it has done in the past. I ask honourable members to support the Bill and give it a speedy passage.

The Hon. C. R. CUDMORE (Central No. 2)—I support this measure with the greatest pleasure and I would say at once that the Royal Society for the Prevention of Cruelty to Animals has wanted such a measure for a considerable time. I do not know how Mr. Jennings came to move it. Some honourable members, like myself, have shot pigeons from traps and clay pigeons. Since clay pigeons were introduced there has been no real excuse for the cruelty involved in this sport. Monte Carlo was the home of pigeon shooting and even there the shooting of live pigeons was discarded for a considerable time in favour of clay pigeons, although both are used now. As I have said when speaking on the question of Plumpton and open coursing, there is a vast difference between going out and shooting a wild animal when it has a chance to get away and catching a wild animal and shooting it when it is released from a trap and has very little if any chance of getting away. We all recognize that 100 years ago cock fighting and all these things were allowed, but the human race has become a little more humane, or, as some might say, a little more sentimental. However, we must move with the times.

The shooting of pigeons from traps was prohibited in England in 1921. In the United States it is prohibited in 46 of the 48 States, which shows how universal the prohibition is. In New Zealand and Queensland Bills were passed this year prohibiting trap shooting, Western Australia banned it in 1948 and New South Wales in 1941. I think it can be said that the prohibition is fairly universal in English-speaking countries. If this measure is carried Victoria and Tasmania will be the only States without legislation to prohibit this sport, but I do not know how much of it goes on there. Clay shooting is an alternative, and it does not stop the gun clubs from having their shoots and sweeps, which they love. I know that the R.S.P.C.A. is very keen that this amendment to the Act under which it works should be adopted. I strongly support the measure, and hope that it will be carried.

The Hon. L. H. DENSLEY (Southern)—I am rather surprised that this Bill has been brought before the House today. Although pigeon shooting has been in operation in South Australia for 70 years and meetings have been attended from time to time by police and representatives of the R.S.P.C.A., no complaint has been made to the clubs about the practice of shooting pigeons, starlings or sparrows. Some of the gun clubs in South Australia are desirous that this Bill should not be passed. For 25 years clay pigeons have been used in addition to live birds, but it has been found that they are not satisfactory. I think everyone would agree that pigeons are a nuisance in public buildings, and starlings and sparrows are an accepted nuisance in all parts of the State. This sport is an accepted manner of dealing with them, and while the gun clubs catch the birds they are of some advantage in their extermination. We all know the amount involved in clearing pigeons from public buildings. It is desirable that the matter should be left as it is. It has been said that the sport is a relic of barbarianism. However, looking around, one sees that the tendency is to become more selfish and to ignore obligations. These small items are not exactly a sign of advancing civilization, and I hope that the Council will reject the measure.

The Hon. A. J. MELROSE (Midland)—Like other honourable members, I presume, I was circularized in this matter, and I cannot say that I was impressed by the arguments advanced in favour of shooting trapped pigeons. I do not know very much about trap shooting, but in my very limited experience I was deeply shocked to find how much betting was involved in the events. If man has to find sport against living things he should take it on on equal terms. I share the opinion of Mr. Cudmore that to catch an animal and then let it out for the purpose of shooting at it is very far from that ideal. Landowners are allowed to shoot dogs that worry sheep, but they are not allowed to shoot them once they have caught them. If a dog is caught they must take proper legal steps to deal with it. If people want to shoot for sport they should shoot on some sort of equal terms. I am not very keen on people shooting ducks in enormous quantities. I think there is a reasonable excuse in shooting for the pot, but I do not find anything to interest me in a man armed with modern firearms shooting at another creature. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Prohibition of shooting at captive birds."

The Hon. N. L. JUDE—I listened with some surprise to the Leader of the Opposition

sponsoring a minor Bill with a penalty of £50, because he is a champion of small penalties. I therefore move:—

To strike out "fifty" and to insert "twenty."

The Hon. F. J. CONDON—I think it is always good advice to stick to a Bill. It is quite true that I have always advocated smaller penalties, but I have always been defeated. The Minister cannot change on this occasion because I have introduced a Bill, and say that I have always been right and that I am now wrong. The penalty is a maximum one, and I am prepared to leave it to a court to decide what it should be.

The Hon. C. R. CUDMORE—I am rather amazed at this amendment, coming from where it does. As Mr. Melrose said, big betting is involved in this sport and if the people who indulge in it could not find a fine of £50, they would not be there. If it is decided to prohibit it, there should be a proper maximum penalty. This is a maximum penalty, and I think we should leave it.

The Committee divided on the amendment—

Ayes (4).—The Hons. J. L. Cowan, L. H. Densley, N. L. Jude (teller), and Sir Wallace Sandford.

Noes (14).—The Hon. E. Anthoney, K. E. J. Bardolph, S. C. Bevan, J. L. S. Bice, F. J. Condon (teller), C. R. Cudmore, E. H. Edmonds, A. A. Hoare, Sir Lyell McEwin, A. J. Melrose, F. T. Perry, W. W. Robinson, C. D. Rowe and R. R. Wilson.

Majority of 10 for the Noes.

Amendment thus negatived; clause passed.

Title passed.

Bill read a third time and passed.

LOTTERY AND GAMING ACT AMENDMENT BILL (GENERAL).

Returned from the House of Assembly with the following amendment:—

Clause 4, subsection 7(*b*), leave out all words after "nominated" and insert—"at a meeting of representatives of the affiliated trotting clubs, other than the South Australian Trotting Club Incorporated. The committee of each such trotting club shall be entitled to appoint one person to represent it at the meeting, and the five persons to be nominated shall be chosen by and from those attending the meeting;".

Consideration in Committee.

The Hon. Sir LYELL McEWIN (Chief Secretary)—The Council inserted an amendment which provided for the selection of country representatives from specified zones. The other place has deleted this provision and restored the clause to the way in which it first appeared. This means that the five representatives of country clubs will be chosen at a joint meeting of representatives of all affiliated clubs. To test the feeling of the Committee I move that the amendment be agreed to

The Hon. L. H. DENSLEY—I ask the Committee not to agree to the amendment. I point out that the Council's amendment was carried by a substantial majority, and that the Bill was initiated in this place. On the other hand, the majority for the Assembly's amendment was a small one. This Council was quite satisfied that it would be desirable in the interests of trotting that representation should be spread throughout country areas. It will be borne in mind that the Council has decided to divide the State into zones. It is a simple matter for those zones to appoint their representative to the league. It is desirable that the South-Eastern club, which is isolated from the rest of the State, should have some say in the sport, particularly as numbers of interstate horses rather than horses from elsewhere in South Australia attend its meetings and also those in the Murray zone. In view of the large number which supported the original clause, and the small majority which opposed it in the other House, we should disagree with the House of Assembly's amendment.

The Hon. F. J. CONDON (Leader of the Opposition)—I support Mr. Densley. I can understand the Chief Secretary's agreement to the House of Assembly's amendment, because he opposed Mr. Densley's original amendment. It is not a question of how many voted on the previous occasion, which was 10 to seven, but of upholding the prestige of the Council. The result of the amendment will be to do away with the wider selection provided for by this House and will result in control by a clique. We should not be bluffed on this occasion by the other House. I ask members to be loyal to Mr. Densley and support not only him, but also the dignity of the Council.

The Hon. F. T. PERRY—I also support Mr. Densley. The Bill was only introduced because there was disagreement in the league. The spreading of the voting in zones does not necessarily mean that a man from Streaky Bay, Renmark or Mount Gambier will be appointed. Those clubs can appoint whom they like. I think a wider selection for the whole State is desirable.

The Hon. A. J. MELROSE—I am surprised at Mr. Condon's arguments. On many occasions this august Chamber has amended legislation which originated in the other House. That so many of our amendments are accepted by the Assembly proves the wisdom of having this Chamber of second thought. If we are to accept that as a principle, surely when we have amendments sent to us by the Assembly we would be intolerant if we adopted Mr. Condon's suggestion. In fairness to the Council and to another place we should fully consider the merits of the suggestion. I am surprised at the stand taken by Mr. Bice in supporting Mr. Densley's amendment. It is a pretty general practice here to take notice of an official body interested in any matter, whether it is a trade union, the wheatgrowers, stock breeders or anyone else. If an official body sends down a recommendation, we have the habit of giving it the fullest consideration. I presume other honourable members have received a long circular from the Trotting League which says it is opposed to zoning, and I am willing to be guided by it. It takes the view that zoning might result in the appointment of a man who may find it impossible to attend meetings of the league, and the opinion is expressed that if such a man were chosen the delegates, having the interest of the country clubs at heart, would take care to select representatives who were not only capable, but were able to attend the necessary number of meetings. We would be doing ourselves nothing but credit if we reconsidered our own decision and gave to the Assembly's amendment the consideration it deserves.

The Hon. Sir LYELL McEWIN (Chief Secretary)—Mr. Melrose has made the point which I was about to make—that it is within the province of this House to review legislation and to make amendments. Almost repeatedly during this session we have had Bills returned to us from the House of Assembly agreeing to our amendments. It was not a question of what my own views were. I regret that Mr. Condon should suggest that I was in any way acting improperly. I cannot see any association with the question of the dignity of this Chamber. Everything said has been quite dignified. I assure the honourable member that I have no interest in the Bill, but I am trying to make the institution of Parliament operative. We should not take a stand and say that we insist on our amendment. We must consider the merits of the case and decide whether we shall stand for the original decision or not.

The Hon. S. C. BEVAN—I am supporting the Bill as it left the Chamber, as nothing has occurred to influence me to change my previous view. During the debate I referred to a statement in another place regarding the selection of delegates, and asked why they should be selected from the near metropolitan area and country districts. Mr. Melrose referred to a circular sent to honourable members and suggested that we should consider the opinions expressed therein. It may be advisable to see what this circular says. It includes the following:—

> It is desirable that the five most capable persons in the country areas of South Australia be elected as delegates. Under the zoning system this may not be possible because some zones may not always have a suitable person available for selection . . . The most capable persons in these zones may not be able to spare the time to attend meetings.

The Bill provides that an elected delegate, and not the club, may appoint a proxy. In the circular the following appears:—

> Owing to the distance of some of the zones from the city, the time involved in travelling would involve the club, the league and the delegate in further expense.

Is that not a further contradiction? Can it not be assumed that the first part was a red herring to give effect to what was desired in the last paragraph? I support zoning, because it will get the most capable representatives from country districts. The five delegates will be appointed from those attending the meeting, and it is only fair to have them appointed from all country clubs. The league meets at the most once a month. Why shouldn't the person that the delegates feel is the most capable to represent the South-Eastern zone be appointed? He should not be debarred because of the distance he lives from the metropolitan area. The cost involved in travelling should not be a bar. The fairest way to deal with the matter is in the way provided when the Bill left this Chamber—that all zones have the right of representation. I ask the Committee to stick to the Bill as it was when it left here.

The Hon. R. R. WILSON—I opposed zoning when the Bill was before the Chamber, and I intend to support the amendment of the House of Assembly. I cannot see how zoning will benefit trotting. In the Murray zone there is only one club, the Barmera Trotting Club, and this may go out of existence. This would disorganize the Committee. In the South-Eastern zone there is only one club, the Mount Gambier Trotting Club. Possibly Naracoorte will soon have a trotting club.

The Hon. S. C. Bevan—What about Penola?

The Hon. R. R. WILSON—That has not been formed yet. If we do not have zoning we will get more capable men on the committee. Even if the men in the zoned areas are capable, it will be very costly for some of them to attend meetings, and if they can only attend occasionally they will not be of much value. As nominations will be from all country clubs, I cannot see how cliques will be formed. I support the amendment.

The Committee divided on the motion:—

Noes (9).—The Hons. E. Anthoney, K. E. J. Bardolph, S. C. Bevan, J. L. S. Bice, F. J. Condon, J. L. Cowan, L. H. Densley (teller), A. A. Hoare, and F. T. Perry.

Ayes (8).—The Hons. E. H. Edmonds, N. L. Jude, Sir Lyell McEwin (teller), A. J. Melrose, W. W. Robinson, C. D. Rowe, Sir Wallace Sandford, and R. R. Wilson.

Majority of 1 for the Noes.

Amendment thus disagreed to.

Later,

The following reason for disagreement was adopted:—

It is essential that trotting country clubs have proper representation on the league.

Later,

The House of Assembly intimated that it insisted upon its amendment to which the Legislative Council had disagreed.

The Hon. Sir LYELL McEWIN (Chief Secretary)—We have already considered the matter once, upon which a close decision took place. I feel that at this stage it would not be wise to carry this matter any further. There is much of importance in the Bill, and to take any risk regarding those important matters would be unwise. I therefore move that we do not further insist on our amendment.

The Hon. L. H. DENSLEY—Surely, if there are matters of importance in the Bill that is no justification for our withdrawing from our position. I think we should press for our amendment.

Disagreement not insisted upon.

[*Sitting suspended from* 5.42 *to* 7.45 *p.m.*]

SUPERANNUATION 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.

This is a complex Bill containing some rather involved amendments of the principal Act and a number of tables of figures, but the basic ideas of it are relatively simple. The most important proposal is to increase the pensions of employees and ex-employees of the Government. It can be regarded as another consequence of the monetary inflation of recent years. The amount of these pensions was last considered by Parliament in 1951 and in that year an increase of one-fifth was made. The unit of pension was then increased from £32 10s. to £39 and contributions to the superannuation fund were also increased by one-fifth. At the same time existing pensioners were granted the same increase of pension and, of course, there was no question of obtaining any further contribution from them.

Since 1951 the "C" series index has increased by 15 per cent and the living wage by 18½ per cent. In addition, there have been increases in the prices of a number of commodities not covered by the "C" series index. There has thus been an appreciable measure of inflation since pensions were last considered and it has caused a good deal of hardship to pensioners. This was recognized recently by the Commonwealth Parliament in connection with old age pensions as well as pensioners of the Commonwealth Government Superannuation Fund. Following on representations made on behalf of the pensioners of our own Public Service Superannuation Fund, the Government has had this matter fully investigated by expert officers and has also ascertained what has been done by the Commonwealth and in the other States. It is clear that there is a justification in South Australia for increasing the pension; and the amount of the increase in prices and wages, as well as the action taken in other parts of the Commonwealth indicate that the appropriate amount of increase is about 16 per cent, or one-sixth. The Bill therefore proposes to increase all existing pensions under the Superannuation Act by this amount. The unit of pensions will accordingly rise from £39 to £45 10s.

It is, of course, impossible to increase existing pensions without also increasing the pension rights of Government employees who are now contributing for pensions. Otherwise those retiring in future would be in a worse position than those who have already retired. However, the Government considers it just that if existing contributors are to have their pension right increased, it should be upon the condition that their contributions are increased in the same proportion. The Bill therefore

provides the units of pension now being subscribed for will be increased from £39 to £45 10s., and that there will be an increase of one-sixth in the contributions payable for these units.

All units taken up in future by existing or future contributors will also be contributed for in accordance with a new scale set out in the Bill which represents, on the whole, an increase of one-sixth. The Government realizes, however, that the proposed increase in contributions may be burdensome to some contributors. For this reason the Bill will give every existing contributor the right to elect that all or any of his units shall not be increased in amount, and if he so elects he will, of course, be absolved from the obligation to pay any increased contribution.

Another problem also arises from the increase in the value of the unit. Under the present Act Government employees are entitled to subscribe for one unit of £39 for each £52 of salary, subject to a maximum of 20 units. This means that all such employees, except a small number in the higher ranges of salary, can subcribe for pensions up to 75 per cent of their salary. If the unit of pension is increased as proposed, and no provision is made to the contrary, a Government employee will be able to subscribe for a pension equivalent to seven-eights of his salary that is a unit of £45 10s. for each £52 of salary. It is generally agreed by actuaries and experts in pension schemes that this is much too high. It encourages early retirement and there are always some people who will take advantage of this position. Pension schemes now-a-days seldom provide for a pension exceeding two-thirds of a man's salary. The Commonwealth Parliament recently legislated to reduce the permissible ratio of pension to salary. They adopted the ratio of 70 per cent of salaries up to £1,300 and 35 per cent of salaries in excess of £1,300.

The proposals of the Government in connection with this problem will be found in clause 7. I need not specify the details of it beyond saying that, in general, it enables a Government employee to contribute for a pension up to an average of approximately 62½ per cent of his salary. At some rates of salary it is a little higher, at others a little lower. An officer who is contributing for a pension higher than that allowed by the new scale will not be compelled to reduce the present number of his units; but he will not be permitted to take up additional units until his salary increases sufficiently to enable him to do so in accordance with the scale.

Another problem dealt with is the limit which is placed on the number of units which may be subscribed for. Under the present law no contributor can have more than 20 units, however high his salary may be. In this respect South Australia has for some years been out of line with other States. The Commonwealth permits officers, provided their salary is high enough, to subscribe for 36 units, New South Wales 36, Victoria 26 and Western Australia 26. Tasmania allows 48 units but in that State the unit is only half the value of ours so that, in effect, they allow 24 of our units. In these circumstances it can hardly be denied that the South Australian figure ought to be reviewed and it is proposed to increase the maximum number of units from 20 to 26. Thus some officers will now be entitled to subscribe for up to six more units. Most of these officers are well over middle age and the contribution payable by them will be high. It is proposed to grant any officer who elects to take up additional units a concession similar to that granted when the scale of units was lengthened in 1948, namely, that if the officer is over 50, half of the units which he elects to take can be contributed for at the rate appropriate to age 50.

In addition to the changes in the pension system there are two administrative provisions in the Bill. One provides that a medical examination will be required before an employee is admitted to contribute for a normal pension, but that permanent employees who cannot pass the medical examination may become contributors subject to special conditions to be prescribed by regulations.

Another amendment deals with the interpretation of the expression "employees employed in a permanent capacity." There has been a lot of trouble in recent years in determining whether persons taken into Government employment in connection with works and undertakings are permanent employees or not, and it is desirable that some general principle should be laid down to guide the board in determining such questions, which have commonly arisen in connection with daily or weekly paid employees. It is proposed by clause 4 to declare that persons employed otherwise than as members of the ordinary staffs of the Public Service, the teaching service and the railway service, will be regarded as being employed in a permanent capacity if they are in employment which is not casual, is not limited by contract to a specific term and is not likely to terminate on completion of some particular work or undertaking. In

this latter class of case it is provided that the board may treat a man as temporary until he has worked for the Government for some period approved by the board.

The only other matter which I need mention at this stage is that it is proposed that the new scheme of pensions and contributions will operate from February 1 next. I realize that in a technical Bill of this nature members may desire some further explanations of the clauses. I shall be pleased to obtain these on request.

The Hon. F. J. CONDON (Leader of the Opposition)—It is generally agreed that the unit values of pensions should be increased from 15s. to 17s. 6d. to bring them into line with the unit values of other superannuation schemes. The increase represents one-sixth of the existing value, but whereas this increase will be free to those who are now pensioners, present contributors will have to pay an additional one-sixth of their contributions if they wish to benefit from the increased pension on retirement. When pensions were last increased the same conditions were imposed on contributors. I understand this is the only State to make that provision. Subsequent increases and benefits have been granted in the other States without further increased contributions. A large number of contributors are paying more than £100 a year and the proposed increase will involve an additional payment of nearly £17 for each £100. It is not much comfort to provide that a contributor may elect to contribute at the present rate and not benefit from the proposed increase in pension on retirement.

Some consideration should be given to the number of years a contributor has been in the service and the percentage increase in contributions should be related thereto. There should not be a flat rate increase applicable to all contributors irrespective of the length of service. It would be reasonable to suggest that the present contributors should continue to contribute towards the existing number of units at the present rate and that any increase in contributions should apply to new units and new entrants to the service. In view of the position elsewhere, it is also reasonable that if any increase in contributions is required it should be limited to one-twelfth of the present contributions. On previous occasions when pension increases have been authorized the date of commencement has been fixed at December 1. There seems to be no good reason why that date should not be accepted for the proposed increase. I notice that the Chief Secretary said he would be prepared to move an amendment to make it apply from January 1 instead of February 1. That would be an improvement on the proposal in the Bill. The provision relating to eligibility of persons at the direction of the board is a good one.

I again raise the question of the Parliamentary superannuation scheme. The fund has accumulated, but who is to benefit? We pay in £75 a year, but all we are doing is to increase the fund for someone else. If it is fair to increase the superannuation payments to public servants, it is equally fair that we should be treated on a similar basis.

The Hon. C. R. Cudmore—Do you suggest that we make increased contributions?

The Hon. F. J. CONDON—No, not in the circumstances, but I would agree if the fund was not in a satisfactory condition. The fund has been in operation only six years, but there is an accumulation of more than £50,000, as there has been very little draw on it. We should look at this matter from the general point of view, and should not be narrow minded. If we are prepared every session to grant superannuation increases for public servants, it is about time we had a look at our own position. I support the second reading.

The Hon. E. ANTHONEY (Central No. 2)—I commend the introduction of the Bill, which will afford great relief to hundreds of ex-public servants. They contributed to the fund real money, money that meant something—when a pound bought a pound's worth of goods. However, today the statistical value of a pound is only about 8s. 2d. This has a serious effect upon people living on fixed incomes, such as pensioners. They are struggling to keep up a reasonable standard and many are in difficult straits. This Bill will come as a welcome relief to those who have been looking forward to it for a considerable time. It is long overdue. Those still in the service will be permitted to buy a certain number of units to provide for their retirement. When the subscribers see what the Government proposes, they will be very pleased. I notice there is a great improvement for casual employees. For years these men have rendered good service, but have never been able to become permanent employees and as a result could not participate in the superannuation provisions. The proposed change is a move in the right direction. I admire the general principle of granting increases to old public servants who, owing to the serious devaluation of the purchase value of their money, are scarcely able to scratch along.

The Hon. F. J. Condon—What about the Parliamentary superannuation scheme?

The Hon. E. ANTHONEY—I regard this scheme as being most illiberal and I hope before too long the Government will revise it and make it a little more liberal so that members who have given years of service will be able to live in comfort on retirement. I commend the Bill.

The Hon. C. R. CUDMORE (Central No. 2)—Clause 17 increases the pension payments for those who retired some years ago, and now, with the loss in the value of money, are in great difficulty. The Bill will increase their pensions by one-sixth and for that reason I welcome it.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Commencement of new rates of pensions and benefits."

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

To strike out "February" and to insert "January."

In another place the Government agreed that it would ask the Council to make amendments to this Bill providing that the increased rate of pensions will be payable as from January 1, 1955, instead of February 1 as proposed in the Bill. This makes it necessary to alter some dates from February 1 to January 1, and others from January 31 to December 31, 1954. The amendments do this. The Government is advised that satisfactory arrangements can be made in the superannuation office for paying the increased pensions as from January 1. It is not proposed to alter the date on which contributors now in Government employment will pay increased contributions.

The Hon. F. J. CONDON—Although the amendment does not go far enough it is certainly an improvement. I hope the Chief Secretary will refer the matter of the Parliamentary superannuation fund to the Government to see if during the coming session something can be done to improve the present position.

Amendment carried; clause as amended passed.

Clauses 4 to 16 passed.

Clause 17 "Unit of pension."

The Hon. Sir LYELL McEWIN—I move—

In the second line of section 39a (1) to delete "February" and to insert "January," and in paragraphs (*a*) and (*b*) of subclause (2) to delete "January, 1955" and insert "December, 1954."

Amendments carried; clause as amended passed.

Remaining clauses (15 to 24) schedules and title passed.

Bill reported with amendments, and Committee's report adopted. Read a third time and passed.

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

ROAD TRAFFIC ACT AMENDMENT BILL (MOTOR VEHICLE REGULATIONS).

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

The Hon. N. L. JUDE (Minister of Roads)—I move—

That this Bill be now read a second time.

Its object is to amplify the power of the Governor to make regulations respecting the exemption from registration in this State of motor vehicles which are owned by persons resident outside the State and are temporarily in the State.

Pursuant to this power, which is contained in paragraph XII of section 61 of the Road Traffic Act, regulations have been made enabling motor vehicles owned by persons resident in other States and territories of the Commonwealth and registered in any of those States or territories, to be driven in South Australia without registration subject to the observance of a number of conditions relating to drivers' licences, insurance, the carrying of various labels, and other matters. The existing regulations apply to motor vehicles generally. There is no discrimination between passenger vehicles and goods vehicles or between vehicles used for carriage for hire and those used for other purposes. There is considerable doubt, Sir, whether under the language of the Road Traffic Act regulations granting exemptions can discriminate between one type of vehicle and another.

As the Government has already announced, it is the Government's policy to require the larger kinds of vehicles coming into this State from other States to be registered in the usual way and in order to do this it will be necessary to alter the regulations so as to take away the exemption which these vehicles now enjoy. The Government's present view is that all vehicles of 100 power-weight or more, and large goods-carrying trailers should be obliged to register. The Government does not desire to impose any burdens on motorists who come into this State in ordinary motor cars or buckboards or commercial vehicles of a smaller

kind. For this reason it is essential that the Government should have power to select the classes of vehicles which will in future be granted exemption from registration and it is desirable that the regulation-making power in the Act should be adequate for this purpose. For this reason it is proposed to extend the power as I have explained. As experience of the proposed new system is gained, it may be necessary to make variations in the classes of vehicles which are required to register, or are declared to be exempt. By leaving the matter to be dealt with by regulations, the Government will be in a better position to work out a scheme which will ensure that proper contributions to the roads are made and, at the same time, cause a minimum of inconvenience to the general public. I am sure that honourable members will appreciate the intentions of this Bill and I therefore expect their support.

The Hon. C. D. ROWE (Midland)—I have had the opportunity to look at this Bill, and I think the Minister's explanation is perfectly clear. The regulations under the Road Traffic Act which relate to vehicles coming here from other States are Nos. 40 to 50. They appear under the heading of "visiting motorists" and also under the heading "permit to use motor vehicles registered in South Australia by persons registered in other parts of the Commonwealth." As indicated in the Minister's speech, there is no differentiation between the small motor car, the utility, the small truck and the heavy vehicle. Because of the decision in the Hughes and Vale case and because we now propose to see that the heavy class vehicle is registered in this State, it is necessary to make regulations covering them, and as has been explained, it is doubtful whether there is power to make regulations for a particular vehicle at this time. It is perfectly obvious that these heavy vehicles will have to be subjected to some regulations, and therefore I feel that the Bill is necessary.

There is another matter that I would like to mention, and it is in relation to section 174 of the Act, which governs the speed at which these heavy vehicles can travel. Section 174 (1) provides:—

> No person shall drive on any road any commercial motor vehicle drawing a trailer at any speed in excess of those hereinafter prescribed:—
>
> (*a*) If the aggregate weight of the vehicle and of every trailer drawn thereby exceeds eleven tons, twenty miles per hour.

Under modern standards, twenty miles an hour is obviously very much slower than such a vehicle would travel. The speed for smaller vehicles is 25 and 30 miles an hour. It seems to me that we should provide that these speeds be increased by 10 miles an hour to 30, 35 and 40 miles an hour respectively. That would be reasonable considering the present standard of construction of vehicles. It would be outside the scope of this Bill for me to move an amendment, consequently I do not propose to do so. But I bring it to the notice of the Government for early attention, as otherwise the law is rather ridiculous. I have pleasure in supporting the second reading.

The Hon. S. C. BEVAN (Central No. 1)—Section 61 (XII) provides that the Governor may make regulations—

> Providing for the temporary registration, or the exemption from registration, of motor vehicles owned by persons resident outside the State and temporarily in the State, and for the issue of temporary licences to the drivers of such vehicles or for the exemption of such drivers from the obligation to hold licences.

It is now intended to add to the provisions contained in this measure. In the last few years at least interstate road traffic into South Australia has increased enormously. The volume of heavy vehicles is such that our arterial roads are rapidly deteriorating and it is necessary to employ a repair gang practically the whole time on them. The roads were not constructed in the first place for the type of traffic now using them. The main highway from Adelaide to Melbourne is very pot-holey due to the heavy traffic, and these potholes are constantly being enlarged until they become considerable hazards. The heavy vehicles which these regulations are aimed at should contribute towards the upkeep of the highways they use, and the amendment before us provides for the payment of at least a registration fee which would go towards the maintenance of the highways.

Mr. Rowe has raised a very interesting point in regard to speed of heavily loaded vehicles. Heavy loads in conjunction with high speeds are very detrimental to road surfaces, as there is nothing which will destroy them more quickly.

The Hon. N. L. Jude—Mr. Rowe wanted to increase the speeds.

The Hon. S. C. BEVAN—I think there should be some limitation of speeds. I have been on the Adelaide-Melbourne Road travelling at a fairly high speed and heavily loaded vehicles have passed me at such a speed that I thought my car had stopped. The road foundations in the first place were never heavy and

consequently the roads cannot stand up to the strain. I have pleasure in supporting the second reading.

The Hon. L. H. DENSLEY (Southern)—I derived a certain amount of pleasure from the announcement of the Privy Council's judgment. I felt it was a challenge to the railways to do something to compete with road transport. None of us have much doubt that the railways can do it if they set about it and I know that the Commissioner believes he can meet the competition under normal circumstances. The road hauliers are taking the cream of the high freight rate traffic, and it is within the power of the Government to rectify that to a certain extent.

Everybody speaks of the way heavy transports have knocked the roads about, but perhaps I may be as competent to talk on this subject as anyone who is not a roads engineer. These roads were put down not many years ago over light rubble on graded sand surfaces and so were able to carry only very light traffic, of which there was not a great deal in those days because of petrol rationing, and there was no interstate transport traffic. I have travelled on this road regularly for many years. In fact I did the first ploughing of a considerable length of it, and the council with which I was associated did a good deal of the early formation, so I have seen it grow. I say definitely that the Highways Department has been a good many steps behind public needs. I do not blame it altogether. In the early stages it was simply a road on which settlers could make their way to town, but, of course, as it got better the traffic increased. If the Government proposes to put restrictions on these heavy road transports and do away with the reciprocal arrangements between States I suppose there is no reason why it should not be extended to ordinary cars, and that would be a retrograde step.

Heavy transport is nowhere nearly entirely responsible for cutting up the roads. The only heavy vehicles for a long time were military transports, and they were to a point responsible, but always in making the roads the department has been a little late in its operations. It has put bitumen upon the road formations after they have become pot-holey with the result that, as one drives along, one can see the white patches which ultimately fret away. Large stretches of the road were just built on banked sand which had never been well consolidated, and consequently were not capable of standing up to any volume of traffic. Other patches were low and became inundated and they would not stand traffic.

The Highways Department has not been able to meet all these conditions. It was a big undertaking and we had to be prepared to progress slowly, but we cannot blame the heavy transport for all the ills of the road. I suppose there has been no single period when the damage to the road has been greater than in Easter week, and the same applies largely to Christmas traffic. This is fast light traffic and the damage caused even by ordinary cars has been bad. One has only to look at the roads where there is this big stream of transport to appreciate that the roads will not stand up to continuous fast traffic unless they are well built.

In the early days the roads were such that the transport drivers stuck to the middle of the road because they were afraid to go on the edges and they were a menace to everyone. Today the road has been much improved and there is not a more courteous body of men on the road than the interstate drivers. They do all they can to wave traffic on, they keep to their side of the road and they dim their lights, and their behaviour generally is very good indeed. There is a stretch of the road between Coomandook and Coonalpyn which has not been cut up, and the only difference as far as I can see is that in the early stages of that work an extra coat of bitumen was put on one side of the road. On the second part of the road this was not done before potholes had developed and the road has remained rough on one side and smooth on the other ever since. I would be very sorry indeed if Parliament passed restrictive legislation to deal with the matter as it could be better dealt with merely by determining to meet circumstances as they exist; meet the competition, give full service and respect the right of the transport people. We increased the motor registration fees fairly heavily quite recently. Did we do what we thought was a fair thing then? I presume we did. If these hauliers have to pay registration fees in each of the States they traverse it will be a very efficient deterrent and I would be very sorry if we passed this legislation. It is a retrograde step. I can remember when we looked forward to the time when we would have uniformity and could do away with all the things that were necessary when one crossed the border in the matter of registration fees, licences and so forth. We looked upon that as progress. I feel confident that it is not necessary to bring in this restrictive legislation. All that

is necessary is for the Government and the railways to face up to the position. I feel that we can carry on efficient road transport without restrictions.

The Hon. N. L. Jude—Do you think interstate carriers should travel free on our roads whereas our own people have to pay for them?

The Hon. L. H. DENSLEY—It is all right if we have reciprocity.

The Hon. N. L. Jude—They have far more vehicles than we have.

The Hon. L. H. DENSLEY—I agree there is some point in that. We have run into this pell mell to try to stop competition. Motor transport has been worth a great deal to Australia, and in the event of war it will be worth so much that it will be a national calamity if we carry on with this legislation. I oppose the measure.

The PRESIDENT—By an oversight I allowed Mr. Rowe to start a debate which was followed by Mr. Bevan and now by Mr. Densley and has nothing whatever to do with the subject before the House—an Act to amend the Road Traffic Act so far as visiting motorists are concerned. We had this afternoon the Road Transport Administration (Barring of Claims) Bill. That would have been the place for honourable members to spread themselves. No other member will be allowed to transgress in this direction.

The Hon. E. ANTHONEY (Central No. 2)—I congratulate the Government on its pursuance of a policy of sweet reasonableness with regard to impositions on interstate transport. I judge from what Mr. Densley said—

The PRESIDENT—Order! I again remind the honourable member that the object of the Bill is to amend section 61 of the principal Act which deals with permits for visiting motorists. It has nothing to do with the licensing of heavy vehicles or their speed.

The Hon. E. ANTHONEY—I am amazed that after all this time we have been allowing this traffic to go over our roads without its paying compensation.

The PRESIDENT—Order! The honourable member will resume his seat. The question before the Chair is "That the Bill be now read a second time."

Motion carried and Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Regulations."

The Hon. E. ANTHONEY—I hope that now the Government has recognized that this traffic has to be controlled it will make strong overtures to the Highways Commissioner to build roads to suit modern traffic conditions.

The CHAIRMAN—Order! This clause has nothing whatever to do with the Highways Commissioner or roads.

The Hon. E. ANTHONEY—I am glad that provision is being made as to the weight and speed of these vehicles and that the position is to be policed.

The Hon. F. T. PERRY—It appears that the Government, without consulting the House, is seeking to control interstate traffic as a result of the recent Privy Council decision. It has been the custom of the Government not to commit this type of legislation to regulation, but to meet the position by a Bill. As I understand the position, the Government proposes by regulation to control the speed and weight of road vehicles. Parliament is being asked to give a blank cheque to the Government. I feel that some explanation is warranted. I hope it is recognized that this form of transport has come to stay. High registration fees are paid.

The Hon. E. ANTHONEY—On a point of order, Mr. Chairman. Is the honourable member in order in proceeding in this way? You stopped me.

The CHAIRMAN—I am listening to him very carefully, but am beginning to doubt whether he has read what the Committee is being asked to amend.

The Hon. F. T. PERRY—I hope the Government will realize the position which road transport has reached.

The Hon. L. H. DENSLEY—I should like to hear a further explanation of what the Government proposes under these regulations. I do not want to be a party to putting something through which I do not understand. Can the Minister say why this power is required?

The Hon. C. R. CUDMORE—I think I can give the answer. I have always objected to control by regulation rather than by Act of Parliament, but I think the position here is quite clear. The Privy Council's judgment has taken all the Governments of Australia by surprise. They have had a conference to try to make up their minds what legislation should be brought in, but this Government has not had an opportunity to decide the question before the House was due to rise. Therefore, it has come to Parliament to ask for power to do it by regulation. That is all this clause is for.

The Hon. N. L. JUDE (Minister of Local Government)—I do not know that I am particularly indebted for the gratuitous remarks of Mr. Cudmore explaining what the clause is for. The existing regulations granted exemptions to all interstate vehicles, and I do not think honourable members opposite have disagreed with that. It was done by regulation and now the Government feels in some doubt whether it can separate private vehicles from commercial vehicles under these regulations. Therefore, it asks by this small Bill for an opportunity to widen the scope of making regulations dealing with the power, weight, speed, etc., of vehicles. I find members objecting because we are seeking this power by regulation. To suggest that we are going behind their backs when in fact we are explaining the need for widening the power to regulate is unfair criticism. Has the honourable member ever got up and objected to them here? The administrative work must be done by regulation and as far as I am concerned it will be done this time. If members have any fault in the Government, they should say so. I have cited as an analogy that the regulations under the Transport Control Board are for administrative purposes and are left in the hands of the Government. It is an extraordinary thing that when we try to give honourable members some opportunity to debate, they object to doing something about it.

Clause passed.

Title passed.

Bill reported without amendment and Committee's report adopted.

Read a third time and passed.

TOWN PLANNING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from December 8. Page 1761.)

The Hon. C. R. CUDMORE (Central No. 2)—I take it that, subject to your ruling, Mr. President, the motion before the House is that the Bill be now read a second time.

The PRESIDENT—That is so.

The Hon. C. R. CUDMORE—Then I move an amendment as follows:—

That the word "now" be struck out with a view to adding "this day six months."

The Hon. N. L. JUDE (Minister of Local Government)—Mr. President, would you explain on a point of order. Mr. Cudmore has moved an amendment.

The PRESIDENT—He has given notice that he will move it. The question before the Chair is that the Bill be now read a second time. Just because a member gives notice of an amendment to a Bill, that does not mean that it has to be done forthwith.

The Hon. N. L. JUDE—I think the unfortunate attitude taken by Mr. Cudmore last night needs some consideration. He has foreshadowed an amendment with regard to the further postponement of the Bill. Let us consider this matter carefully and have regard to the fact that it is an important Bill, one that will be considered carefully by various groups of people and one that will be for the good, we hope, of this State for many years. It is quite obvious that honourable members, or a group of them, made up their minds some time ago—I would suggest last week—that they were not prepared to speak on this Bill. If they were not prepared to speak on it, there was no reason why they should not permit those who wished to do so from speaking. Last night I made it clear that I was prepared to speak and close the second reading debate in reply if honourable members felt themselves so ill-informed as not to make a contribution to the debate. In addition my friends on the Opposition side were also denied the right to express themselves if they wished to do so. Every member has had ample opportunity to speak on this measure. It was rather unfortunate that Mr. Cudmore chose this Bill for these particular tactics. It has been before Parliament for nearly four months.

We have had criticism, with occasional reason, that not much opportunity had been given to honourable members to study some Bills. However, this was not one of those cases, and I remind the honourable members who ganged up on this matter that nearly a month ago the press published the fact that the Premier had delayed its passage in the House of Assembly deliberately in order to give councils, experts and other people the opportunity to consider it. I suggest that that included honourable members, yet this week we found this Bill chosen as one not available to honourable members; they say they have not seen it and they have not had the opportunity to consider the many implications of it! However, what did we find this afternoon? A Bill on the Licensing Act was before honourable members for an hour, and Mr. Cudmore made a long speech on it. He made no complaint, because it suited him to deal with it, and honourable members who followed him like sheep should remember that this has happened twice in the last three years.

The Hon. E. Anthoney—On a point of order! Is the Minister allowed to proceed in this way? I object to the phrase "following like sheep."

The PRESIDENT—I ask the honourable member to withdraw that phrase.

The Hon. N. L. JUDE—In deference to you, Sir, I withdraw it. This has happened before, and when I accused the honourable member of leading other members to a particular decision, I remind them of the Licensing Act Amendment Bill last year when he, having lost his first important clause, withdrew the matter to the detriment of the people of this State, and did not give anyone else the opportunity to debate it. That showed a narrow outlook, and because he is not prepared to debate this matter he is not prepared to allow anyone else to do so.

The Hon. F. T. Perry—He is not the only one.

The Hon. N. L. JUDE—I am not saying he is; I do not exonerate others. If the honourable members who disagree with it do not want the Bill, what is the answer?

The Hon. F. T. Perry—Throw it out.

The Hon. N. L. JUDE—That is right, throw it out, but do not try to do it through the back door. Is there anything wrong with that?

The Hon. E. Anthoney—There is. It is not right in any particular.

The Hon. N. L. JUDE—Members are not game to vote on this matter.

The PRESIDENT—Order! The honourable member is not entitled to reflect on members generally.

The Hon. N. L. JUDE—I accept your ruling, Sir. However, I say honourable members are not prepared to vote on this measure. I ask if honourable members have had the opportunity to consider the measure. I think it is a poor attitude to take on a Bill that the Premier, the Leader of the members' own Party, has requested should be put before Parliament, and it cannot be said that it has been put through with undue haste.

The Hon. K. E. J. BARDOLPH—The Minister has said that members of this House refused to vote on this Bill, and that is a reflection on the integrity of members, because it implies that they adopted a cowardly attitude.

The PRESIDENT—The Minister must not reflect on members of this House. I also rule that Mr. Bardolph's objection to the remarks about being cowardly were made too late.

The Hon. N. L. JUDE—I want to be fair in this matter and I point out that apart from the first reading no vote has been taken on the Bill. The honourable member who has consistently interjected supported me, and I do not know why he does not leave the matter alone. If the cap fits, he should wear it. I do not want to repeat myself, but I remind honourable members of the point I made before the interjections, that no reason has been given by any honourable member why he is not prepared to support the Bill, or why he intends to oppose it, with the exception of Mr. Condon, and I thank him for showing last night the correct way to tackle the matter. In this House each member prides himself on keeping to the Bill being discussed and not worrying about what anyone else thinks. The Government, representing a democratic principle, accepts that. But some members are determined to hide their opinions.

This Bill contains many clauses, and without the slightest doubt, in my opinion, will produce a number of anomalies, but since I have been Minister of Local Government I have found an alternative meaning of the word "anomaly"; it is something that tends to get under people's skin, or touches their pockets. I am not imputing anything, but that is apparently an alternative meaning of the word. I suppose 90 per cent of the people who come to me with complaints and objections are concerned because their pockets are touched. Although it may be understandable that in certain spots where small districts are represented it may be difficult for a person to express his views too openly, that should not occur, and I hope never will occur here. Members in this place represent large districts and surely they can view these possible anomalies in a measure such as this without fear or favour. One member made a point about the type of road that had to be built through a district.

The Hon. K. E. J. Bardolph—I did that.

The Hon. N. L. JUDE—There is a quite obvious explanation. It implies that that would be the standard on which the charge is based.

The Hon. K. E. J. Bardolph—It is taking power away from the local council.

The Hon. N. L. JUDE—I do not dispute that. What I am objecting to is the fact that members have not given their knowledge to this Council, and that is why I took the strongest objection last night, and felt it very keenly when my colleague had to shoulder the burden for me because I had been virtually gagged of the opportunity to discuss this measure.

The Hon. K. E. J. Bardolph—You are having a good go tonight.

The Hon. N. L. JUDE—Yes, and I am entitled to it too. Let us consider the broad lines of this Bill. It is a plan for many years' development and the chances of discussing these matters will be much better as the problems develop. It is to be referred to a committee of understanding people, and Parliament will have some say in the matter—a thing that members usually clamour for. For the last 10 years—at any rate, ever since I have been in this place—the public, and particularly the far-sighted section of it, have clamoured for a Bill for town planning. Members should be the first among those who would know that these things cannot be perfect to begin with, but this is an attempt to start the ball rolling, and to delay it without any sound grounds—if there are any they have not been mentioned—

The Hon. Sir Wallace Sandford—Who are you to sit in judgment?

The Hon. N. L. JUDE—I am asking members to speak in judgment, but I have heard nothing. This Bill was introduced on August 19 and since then the press has recorded a complaint by Mr. O'Halloran, who said that what we want is a little more action and less talk about this town planning. I gather from the Leader of the Opposition and his followers here that they feel the same way, and that is why I deplore the stonewalling tactics of a certain group of Liberal and Country League Party members.

I do not want to go into much detail tonight, but I wish to give a practical example of what delay in this matter means. I have to sign, virtually daily, numbers of approvals for the purchase of strips of land along practically every road leading out of the city, and if members realized the evils of ribbon building in a modern State they would think carefully before they delayed for one day supporting a measure of this nature. The whole point is that it is putting added cost on the taxpayers. That is one of the evils of delaying town planning—the cost to the taxpayers of re-orientating these various districts for the benefit of the generations to come. I was somewhat surprised when the honourable member who has joined me in this discussion appeared to be defending the rights of the landlords in this matter. He is entitled to do so, but I was somewhat surprised because generally it is not the policy of my friends opposite. However, I feel I can let him off any very strong criticism in view of the slips he has been making. Once again I wish to say that I regret this attitude. It is a retrogressive step that some members are taking in regard to this Bill. The Government in its judgment considers this matter to be urgent and hoped, and virtually told the public, that if possible it would be passed this session. Therefore, I can only say that those members who have declined to vote and who have contributed to this unworthy procrastination of the debate must take the blame for this delay. They cannot avoid it, and I trust they will not seek to avoid it. On them lies the blame for a rather unsuccessful approach to this very worthy Bill.

The PRESIDENT—The question before the Chair is "That the Bill be now read a second time" to which Mr. Cudmore has moved to delete "now" with a view to inserting "this day six months."

The Hon. F. J. CONDON—May I speak against the amendment?

The PRESIDENT—The debate is closed. There can be no more speeches either on the second reading or the amendment.

The Council divided on the amendment.

Ayes (13).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, C. R. Cudmore (teller), L. H. Densley, E. H. Edmonds, A. A. Hoare, A. J. Melrose, 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, N. L. Jude (teller), and Sir Lyell McEwin.

Majority of 8 for the Ayes.

The PRESIDENT—I declare the second reading deferred for six months.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2) (GENERAL).

Returned from the House of Assembly with amendments.

Consideration in Committee:—

No. 1, page 2, line 11, (Clause 2)—After "kind" insert "and from which businesses or industries the occupier derives the whole or a substantial part of his livelihood".

No. 2, page 2 (Clause 4), leave out paragraphs (*b*) and (*c*).

No. 3, pages 6 and 7—Leave out clause 14.

No. 4, After clause 17 insert new clause 17a as follows:—

17a. Section 358 of the principal Act is amended—

(*a*) by inserting after the word "zones" in the fourth line thereof the words "traffic islands, roundabouts,";

(*b*) by inserting therein after subsection (1) thereof the following subsection:—

(1a) Before commencing to erect any traffic island or roundabout in the roadway of any public street, road, or place, the council shall give to the Commissioner of Highways notice in writing of its intention and shall supply to the Commissioner a plan of the locality at which it is proposed to erect the traffic island or roundabout and full particulars of the situation, shape, dimensions and manner of construction thereof.

The Commissioner may approve of the erection of the traffic island or roundabout in the manner proposed by the council or may approve thereof subject to such modifications thereof as the Commissioner deems advisable or may refuse to approve thereof. The Commissioner shall not approve of any traffic island or roundabout unless satisfied that it is necessary for the proper regulation of traffic and that it will be constructed so that, so far as is reasonably possible, it will not damage vehicles driven on to or against it.

If the Commissioner does not approve of the proposal of the council or if the Commissioner approves thereof subject to modifications and the council is not satisfied with the decision of the Commissioner, the council may submit the matter to the Minister, whose decision shall be final. No traffic island or roundabout shall be erected in the roadway of any public street, road, or place unless the approval of the Commissioner or Minister is given thereto as provided by this subsection.

(c) by striking out the word "or" last occurring in the third line of subsection (2) thereof;

(*d*) by inserting after the word "zone" in the penultimate line thereof the words "traffic island or roundabout."

Amendment No. 1.

The Hon. N. L. JUDE (Minister of Local Government)—The purpose of this amendment is to tighten up the clause. When the Bill left this Chamber the description of urban farm land was any parcel of land of more than two acres in area in a municipality. The Assembly has found that acceptable, but considers that it should be made clear that the land is to be used by market gardeners and such people as are making their livelihood from that land. I think the amendment should be acceptable to members and I move that it be agreed to.

Amendment agreed to.

Amendment No. 2.

The CHAIRMAN—Each part will be considered separately.

The Hon. N. L. JUDE—Clause 4 deals with grounds used for sporting purposes under three headings—the five year application of the concession; the reduction of the rate from three-quarters to one-half, and the reduction of the area from 10 acres to two. The Assembly has accepted the five years in perpetuity, but denies us the reduction of the rate of 50 per cent and the acreage to two. Having regard to the strong hand that is known to be present in representing land values rating I feel that, in the interests of those who support these larger grounds having some exemption, it may be advisable to accept the in perpetuity at 75 per cent rather than press the point and lose everything. I therefore suggest that that portion to leave out paragraph (*b*) be agreed to.

The Hon. F. T. PERRY—This matter was fully discussed here and the amendment carried by a fairly large majority. The arguments in favour of it were clearly stated then and they are just as strong now. I have not heard from the Minister one reason why we should alter our grounds, and consequently I ask the Committee to adhere to the Bill as it left this place.

The Hon. E. ANTHONEY—Most legislation is based upon compromise. It is far better to accept half a loaf than no bread and therefore I am prepared to accept the Minister's proposal.

The Hon. C. R. CUDMORE—Using the honourable member's own words, I think we should take half a loaf. I am not concerned so much about the 10 acres or the two acres. We can reasonably give way on that, but I am concerned about the 50 per cent rebate. That is an important matter and I am not prepared to give way on it.

The Hon. S. C. BEVAN—I support the amendments of another place. I opposed this amendment when it was inserted in this Committee as I felt it was iniquitous. If councils are allowed to make rebates it means someone else has to pay more to make up the deficiency of revenue. We refuse a rebate to a person who may be in straitened circumstances, yet it is proposed to allow it for racing clubs and other big sporting bodies. I do not think that is right.

The Hon. N. L. JUDE—Mr. Cudmore said he was not concerned whether it was 10 acres or two acres. I remind him that when we

get to the 10 acre standard it is a big reduction and would deprive a council of considerable funds. We should consider the value of the 25 per cent deduction we have rather than risk losing all. I trust the Committee will accept what is a reasonable compromise made by the House of Assembly and I move that that portion of the amendment to delete paragraph (*b*) be agreed to.

The Hon. F. T. PERRY—In another measure we agreed that 373 acres at West Beach should be free of rates for all time. It will be fenced and charges made for admission. There are many bowling clubs in the parklands and in other council areas for which no rates or rent are paid. Other sporting bodies not only purchase land, but look after it without cost to the council concerned or the Government and yet they are not permitted to have half rates.

The Committee divided on paragraph (*b*).

Ayes (9).—The Hons. E. Anthoney, K. E. J. Bardolph, S. C. Bevan, F. J. Condon, E. H. Edmonds, N. L. Jude (teller), Sir Lyell McEwin, W. W. Robinson, and R. R. Wilson.

Noes (7).—The Hon. J. L. S. Bice, J. L. Cowan, C. R. Cudmore (teller), A. J. Melrose, F. T. Perry, C. D. Rowe, and Sir Wallace Sandford.

Majority of 2 for the Ayes.

Amendment as to paragraph (*b*) thus agreed to.

Portion of amendment to leave out paragraph (*c*) agreed to.

Amendment No. 3.

The Hon. N. L. JUDE—Clause 14 was inserted at the suggestion of Mr. Densley and provided for the declaration of a differential rate between land inside a township ward and other land outside the ward. Apparently the Assembly considers this provision redundant. It is not a very important amendment and we could accept it.

The Hon. C. R. CUDMORE—The clause passed by this Chamber is a sensible one that really means something in these mad days of land values assessments; I therefore oppose the amendment.

The Hon. E. ANTHONEY—The thought in the mind of the mover of the amendment was possibly that at some remote time this system of land values rating might be further applied in country districts; I therefore believe that this Chamber should agree to the amendment.

Amendment agreed to.

Amendment No. 4.

The Hon. N. L. JUDE—New clause 17a provides, in effect, that before any council erects a new type of roundabout the plans shall be submitted to the Highways Commissioner who will consider its efficiency and ensure that some uniformity of style is achieved.

The Hon. C. R. CUDMORE—I heartily commend this amendment. Earlier this session I suggested the desirability of ensuring uniformity in archipelagoes and roundabouts. Can the Minister indicate the effect of paragraphs (*c*) and (*d*)?

The Hon. N. L. JUDE—Section 358 of the principal Act provides certain penalties in the case of drivers driving over silent cops and similar traffic aids. Paragraphs (*c*) and (*d*) merely bring traffic islands and roundabouts into that class.

Amendment agreed to.

NURSES REGISTRATION ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

METROPOLITAN TRANSPORT ADVISORY COUNCIL BILL.

The House of Assembly intimated its agreement to the Legislative Council's amendments.

ELECTORAL DISTRICTS (REDIVISION) BILL.

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

PUBLIC WORKS STANDING COMMITTEE 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 main object of this Bill is to reduce the quorum at present required when the Public Works Standing Committee meets to consider a report of the Committee. The principal Act provides that the Committee shall consist of seven members. For ordinary purposes a quorum of four is required, but where the

Committee sits to consider a report, a quorum of six is required. In both cases questions are decided by a majority vote of those present at the meeting. The Committee has recently pointed out to the Government that for various reasons in recent times it has not been able on a number of occasions to obtain a quorum of six. This has led to unnecessary delay in the transaction of the business of the Committee.

In order to overcome the difficulty, it has suggested that where it has to consider a report the quorum should be five, but, at the same time, that the vote of four members should be required for the adoption of a report. This will ensure that a report can only be adopted by a majority of all members and will, in fact, considerably improve the present position. Although it has always been the practice for reports to be approved by a majority of the whole number of the Committee, it is technically possible at present, if the chairman used his casting vote, for a report to be adopted by the votes of only three members. The adoption of the Committee's suggestion will make this impossible. The Government has accepted the suggestion of the Committee and has included it in the Bill. The Government believes that it will, if adopted, facilitate the work of the Committee.

The Bill deals with another matter raised by the Committee. Section 28 of the principal Act requires it to make a general report to the Governor before the commencement of each session of Parliament. In practice, the report has been presented before the commencement of Parliament on only three occasions, on two of which it was presented on the opening day. Twice special sessions of Parliament have been held without a report being presented. The explanation for this is that the general report of the Committee has been regarded as an annual report, and has regularly been presented each year in July or August.

In the circumstances the Committee has asked the Government whether section 28 could not be amended to provide for the present practice. The Government thinks it desirable that the present practice, which is in no way contrary to the spirit of the principal Act and is convenient to all concerned, should continue. The Bill accordingly provides that the general report of the committee should be made to the Governor on or before August 31 in each year, and that copies should be laid before both Houses of Parliament within fourteen days of its presentation, if Parliament is sitting, or within fourteen day of the commencement of the next session if Parliament is not sitting.

The Hon. J. L. S. BICE (Southern)—I am sorry that my colleague on the Public Works Committee is not here as he has had to leave for another State. I know he will regret very much his inability to speak in support of the measure. Under existing conditions the Committee frequently desires to come to a quick decision, but owing to the ill-health of members it has at times had great difficulty in securing a quorum. Members of the Committee are as keen on their work as it is possible to be and they have always given both Houses of Parliament the fullest information in regard to references submitted to them. The main problem is for the Committee to come to a decision and under the Act a certain number of members must be present. If two members are ill simultaneously the Committee is placed in a hopeless position and when the Government desires a quick decision sometimes this presents a great difficulty. I earnestly support the Bill and ask members to do likewise.

Bill read a second time and taken through its remaining stages.

LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT BILL.

Read a third time and passed.

The House of Assembly intimated that it disagreed to the Legislative Council's amendments for the following reason:—

Because the amendments would unduly impair the operation of the principal Act.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move that the Council insist on on all its amendments.

Amendments insisted upon.

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council granted a conference at which it would be represented by the Hons. K. E. J. Bardolph, J. L. Cowan, C. R. Cudmore, Sir Wallace Sandford and the Chief Secretary.

At 2.45 a.m. on Friday, December 10, the managers proceeded to the conference. They returned at 4.45 a.m. The recommendations were:—

As to Amendment No. 1, that the Legislative Council amend its amendment by leaving out the word "thirty-five" and inserting in lieu thereof "twenty-seven and a half."

As to Amendments Nos. 2 to 6, that the Legislative Council do further insist thereon and the House of Assembly do not insist on its disagreement.

The Hon. Sir LYELL McEWIN moved—

That the recommendations of the conference be agreed to.

Motion carried.

Later the House of Assembly intimated that it had agreed to the recommendations of the conference.

PROROGATION SPEECHES.

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

That the Council at its rising do adjourn until Tuesday, January 18, 1955, at 2 p.m.

The moving of this motion indicates that we have come to the conclusion of another session. While at periods it may have appeared to be rather quiet, nevertheless we have handled over 70 Bills, which is well up to the average. We have been particularly fortunate that every honourable member, with one temporary exception, is still with us. We have carried on efficiently, and for the attention given to the business of the House by every honourable member I am deeply grateful. We enjoy a particularly happy atmosphere in this Chamber, although at times in our enthusiasm we may run a little wild. That is due to the normal frailties of human nature, but at heart we are a very friendly House, and all members have the highest regard for each other.

I think we can give credit for the good humour that prevails to you, Mr. President. While you capably preside over the House and enforce your decisions, you at the same time retain the respect of every member. We have had a very busy concluding three weeks and in this regard I think our officers are entitled to special mention. I have in mind the heavy responsibilities placed upon the Clerk and Black Rod in keeping up with the work of the House and generally serving members with a very high degree of efficiency. We must also remember our three Draftsmen. We hear an occasional complaint that legislation has been delayed and that Bills have been brought down later than they should be. I have a very intimate knowledge of the work covered and the research undertaken by the Parliamentary Draftsman and his assistants before a Bill can be printed and presented to the House. We are extremely fortunate that we get our Bills in such efficient form. This year has been a particularly difficult one for the Government Printer, and I think I should make special reference to the work done by him this session with a tremendously depleted staff. The fact that we have been able to get the Bills printed with promptitude is deserving of our appreciation. I know that on occasions honourable members have felt that they were hurried, but I do not think anyone has been asked to address himself to a Bill without having had plenty of time for so doing, and we would not have had the Bills had it not been for the efficiency of this department. The hour is late, and I know that everybody would like to thank everybody for what he has contributed towards the smooth working of Parliament. That, of course, applies to the messengers, "Hansard," the house staff, and the librarians who were always ready to attend with promptitude to the requirements of members during the year.

I said earlier that there was one temporary absentee, and I refer to my colleague the Hon. Attorney-General, who rang me and said how he regretted that he had not been able to be here during the latter part of the session on medical advice, although he has been attending at his office. He asked me if I would convey to his fellow members of the Council his appreciation of the courtesy and consideration extended to him in granting leave. I regret that the Leader of the Opposition is not present, but he had to leave in order to catch an early 'plane to Melbourne. However, I would not like to conclude without specially mentioning his work in this Chamber, which in the last few weeks has been colossal. He has been ready, immediately a Bill has been introduced, to discuss it. That has been of considerable assistance to me in arranging the business of the House and I would like his colleagues to convey to him my sincere appreciation for his co-operation and for the fastidious attention he has given, as he always does, to the business of the House. He always has the loyal support of members of the Opposition, and always assists the work of this House.

The Hon. Mr. Cudmore and I do not always agree, but it is necessary that every point of view should be considered and a proper view given to legislation. I know that we can heartily reciprocate on this matter, because it brings about efficiency in legislation. I thank him and his colleagues for the assistance and consideration that I have enjoyed from them. I conclude by wishing every honourable member a happy, healthy and pleasant Christmas

and a prosperous New Year, and I look forward, when Parliament is called together again, should it be early in the year or late in the year, to seeing every member occupying his place in this Chamber.

The Hon. K. E. J. BARDOLPH (Central No. 1)—On behalf of the Leader of the Opposition, I support the Chief Secretary's remarks. I endorse all the well expressed sentiments with regard to the staff of Parliament down to the messengers, all of whom play a part in its working. I also join with him in extending good wishes to the Attorney-General. It does not need any words from me to signify the high regard in which he, the Chief Secretary and other Ministers are held by the Opposition. I also wish to pay a tribute to you, Mr. President. I have been in this House for 14 years and at the time I entered it you were not holding your present exalted office, but even then you were discharging your duties with the characteristic fairness and integrity for which you are renowned.

I appreciate the work that has been done by Mr. Cudmore. It is true that Mr. Condon, Mr. Hoare, Mr. Bevan and myself differ from him in our political outlook, but this is a place in which we can exchange views, and after having arrived at a decision, it is characteristic of this place, where no hatreds are engendered, that we emerge as friends. I pay a tribute to my colleagues, the Honourables Mr. Bevan and Mr. Hoare. As the Chief Secretary said, this House would not be a House unless Mr. Condon led the Opposition. Mr. Bevan has played his part here since his advent to Parliament and has assisted with his vast industrial knowledge and close association with the trade union movement, which has played an important part in the economic development of South Australia. He has made that knowledge available to members, and has taken a prominent and erudite part in discussions relating to these sections of the community.

I endorse fully what the Chief Secretary said with regard to all members of the staff who make it possible for this Parliament to function as it does. The conduct of the Parliament of South Australia has become the envy of all Parliaments of the Commonwealth. The Parliamentary institution is a very noble one, for it embodies all the virtues of our Christian civilization, having been handed down to us from the Mother of Parliaments, and I think we may say without boastfulness that we are faithfully carrying on the great traditions of which we are the custodians.

The Hon. C. R. CUDMORE (Central No. 2)—This has not been an easy session; at some periods we have not had enough work to keep us occupied, and towards the end we had a little too much loaded on us at once. However, the session has finished on a happy note and I would like to pay my tribute, first to you, Sir, because it is the atmosphere which you create and the way in which you conduct the affairs of this Council that keeps us on the straight path.

I would also like to congratulate the Chief Secretary, Sir Lyell McEwin, on the work he has done during the session. We are all very sorry that the Attorney-General, Mr. Rudall, has been ill and we hope that he may again be with us next session restored to full health, but his absence has quite obviously thrown an extra strain upon Sir Lyell and he, as usual, has always conducted the affairs of the Council in an admirable way. This is the first session that we have had a third Minister in this place and I think we would all agree that he has applied himself to his work wholeheartedly, and I extend to him my congratulations on the amount of valuable work he has put through during the session.

I associate myself very gladly with the remarks of Sir Lyell and Mr. Bardolph in their tributes to the work of Mr. Frank Condon, especially his efforts during the last fortnight. For a person not in the best of health it is extraordinary how much work he gets through. He is the person who first said "We know the boys who do their homework"; day after day he comes along with his notes all written out—frequently having started work at 5 a.m.—all ready to go on with the job. He is an object lesson to all of us.

I thank members of my own Party who have so loyally supported me in some of the things about which I was not very happy during the session. However, I think all has ended well. We have put through quite a lot of Bills. Some of us would like to have had the work spread more evenly, but we have got through and finished up with a happy feeling that we have done the job as well as we could and conscientiously.

I also extend my thanks to the staff of *Hansard* which always reports me satisfactorily and congratulate them on their work. I

also offer my thanks to the messengers and the staff of the House who have served us patiently and well.

I extend to you, Sir, my colleagues and all the staff the best wishes for a Happy Xmas and a prosperous New Year and hope that we will all meet again in this place next year.

The PRESIDENT (Sir Walter Duncan)—I thank you, Sir Lyell, Mr. Bardolph and Mr. Cudmore on behalf of those who cannot do so themselves for your kindly remarks and seasonal wishes. On my own behalf I also thank you. I appreciate your kindly references to myself although I know they cannot be entirely true, because it is the members themselves who create the atmosphere, and not the President. We have had a fairly strenuous year. During the last recess the staff, the clerks in particular, worked very hard making preparations for the visit of Her Majesty the Queen, and afterwards in clearing up the mass of detail. This work cut right into the time when they usually have two or three months in which to bring their work up-to-date. I do not think members realize the amount of work the Clerk and the Assistant Clerk have had to do. Until he got the Black Rod I think many members thought that Mr. Drummond did not have so much to do, but after seeing the pictures of the Queen's visit they probably thought that no-one else did anything. I appreciate all that they did and take this opportunity to thank them publicly.

We regret the absence of Mr. Rudall and hope that he will, as forecast, be back with us next session fit and well. I feel confident that when Parliament meets next year we will see all members in their places ready to go on doing the good work for South Australia which they have done so well in the past.

Motion carried.

ADJOURNMENT.

At 5.20 a.m. on Friday, December 10, the Council adjourned until Tuesday, January 18, 1955, at 2 p.m.

Honourable members rose in their places and sang the first verse of "God Save the Queen."