

LEGISLATIVE COUNCIL.

Thursday, September 29, 1955.

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

ASSENT TO ACTS.

His Excellency the Lieutenant-Governor intimated by message his assent to the Public Works Standing Committee Act Amendment, Draught Stallions Act Repeal, Dairy Cattle Improvement Act Amendment and Prices Act Amendment Acts.

PUBLIC PURPOSES LOAN BILL.

Adjourned debate on second reading.

(Continued from September 28. Page 906).

The Hon. S. C. BEVAN (Central No. 1)—Each year we have the Loan Estimates placed before us in the form of this Bill. As pointed out by other speakers, no matter how much we may disagree with any line, we cannot alter it. It would be rather interesting to see just what would happen if the Council defeated the Bill. It is rather anomalous that from year to year we are asked to pass such Bills providing for the expenditure of considerable sums on various items and yet we cannot alter any line. The measure is most important from the point of view of the development of the State. This year the total estimated amount available is £31,900,000. That is a colossal figure, even on today's values. Because of the Commonwealth Government's action in imposing credit restrictions less money will be available for homes and other undertakings, and thus home builders will not be able to obtain financial assistance to the same extent as previously. These credit restrictions will have a very adverse effect upon such people. Many citizens through their home building activities with finance made available by the State Bank or other financial institutions have been able to take a substantial burden off the Government's shoulders.

Industries will also be affected by the credit restrictions and I fear that unemployment will result. Already one large industry has curtailed its activities by the elimination of one shift, and about 60 men are affected. With other employment plentiful, perhaps it will not be hard for them to find work, but what will happen if things worsen I do not know. Our position will be aggravated by the blanket effect of the import restrictions. It will be interesting to see if business executives

will accept their responsibility by limiting profits. It has already been intimated in the press and by representatives of financial companies that at a cursory glance the import restrictions may not affect them to any great extent. Others have indicated that the restrictions upon the importation of motor cars will affect them, but the money which would have been spent in this direction will be available for use in other channels. The request of the Commonwealth Government for a voluntary limitation will not meet with the success that was hoped for. The institutions that finance these transactions have already intimated that they will channel the amount of money that would otherwise be provided for motor car finance into other business, so there will be no curtailment of their activities.

I was interested to note in an advertisement appearing in the *News* on Tuesday, September 27, that over £200 worth of furniture and floor coverings could be bought on easy terms without a deposit. The demand for hire purchase is increasing and it is becoming very easy for the public to obtain large amounts of goods without paying any deposit. Under the circumstances, I feel that the co-operation the Commonwealth Government hoped for will not be given. Further, the present Commonwealth Government has followed an inflationary policy and the economy has reached such a position that these drastic measures must be taken. The first import restrictions were imposed in 1952 when we were told it was only a passing phase, as the situation had been brought about by circumstances that were unlikely to recur and that the economy would soon be on an even keel again. That was followed by a mild recession and unemployment. Today these restrictions are with us again and are likely to remain for some time. If the countries importing our goods retaliate, what position will we find ourselves in? Primary production would be hit first if a retaliatory policy were to be adopted by those countries. England turned to other markets, such as Canada and Argentina, to obtain goods that previously were imported from Australia. If there are not sufficient customers for our export trade, farmers and everyone else will suffer, and there will be a glut on the home market that will create wholesale unemployment. This will further aggravate the position because unemployment will decrease the demand for goods when there will be more goods available.

The Hon. F. J. Condon—We have that in the dried fruit and wine industries.

The Hon. S. C. BEVAN—We have, and we will have that in other industries if any retaliatory action is taken. Over the years the storage capacity of the wineries has been taxed to the limit and they are at their wits' ends to know what to do with the next vintage. If the countries that have been dealing with Australia retaliate because of these restrictions not only the wine industry but all our primary industries will suffer. Although at the moment our markets for these exports are holding, I wonder if they will hold in the future. I think there will be retaliation because these restrictions will be with us for some time. The saving of £80,000,000 a year on imports must have a detrimental effect on our exports; there will be a repetition of the 1952 position, only this time it will be on a larger scale. Competition will be removed and further recontrol of prices will be necessary. If the present Federal Government had followed the policy of the Chifley Government our economy would not be in its present position. Our overseas borrowing was at a low level during the regime of the Chifley Government and Government loans were attractive enough to induce private investors to place money at the disposal of the Government. The present policy will have a detrimental effect on the loan money available to the States for the completion of their public works. Already it has been intimated by the Commonwealth Government that the position will be reviewed about next January, and if there is no improvement in the economic position I fear that the present allocation of loan money will not be available to us.

Expenditure of the Woods and Forests Department is estimated at £1,750,000. Since the inception of this industry as a Government undertaking great strides have been made, and the completion of the central mill at Mount Gambier will considerably increase the production of fruit cases, flooring and timber for other purposes. This industry is now reaching a very sound basis and has been maintained by finance supplied from loan moneys. This may have been necessary while the industry was being established, but I understand that receipts now exceed working expenses by £204,000, and if this is so I believe the time has arrived when the accounts of this department should be placed on a commercial basis. We know that a considerable sum was needed in the initial stages for the acquisition of land for plantations and the maintenance of the areas between the time of planting and the time of milling, as well as for the establish-

ment of sawmills so that they would be available when the timber was ready for felling. Mount Burr and Nangwarry mills are typical examples of the growth of this industry.

The Hon. F. J. Condon—We would never had them but for a Labor Government.

The Hon. S. C. BEVAN—No. I have a vivid recollection of an attempt by a former Government to dispose of our forestry undertakings. I think that wiser counsel prevailed and the Government decided that it would be better to retain the industry, and we are seeing the wisdom of that decision today. Production from the central mill will augment the output of fruit cases, plywood, flooring, roofing timber and even railway sleepers. This is a great advance and when we are arguing as to whether or not a Government is capable, first, of inaugurating an industry, and subsequently maintaining it, I think the answer is to be found in our governmental undertakings in South Australia.

Under the heading of "Miscellaneous" I note that it is intended to make a further sum of £500,000 available to the Municipal Tramways Trust for use in its rehabilitation and conversion programme. I do not wish to appear over-critical of the continued financial support given by the Government to the trust, but I fear that the conversion programme will not meet with the success that is hoped for. Other States have embarked on similar programmes and they have returned to the use of trams, but apparently this State does not intend to profit by that experience. Some time ago I asked who owned the rails and sleepers after their removal, and who was liable for restoring the roads to traffickable condition, and the Minister informed me that the rails and sleepers were the property of the trust which was disposing of them, and that it was the responsibility of the contractor to restore the roads. In view of this I drew attention to a statement by the Treasurer with reference to this item when he said that other works which the trust will put in hand include the restoration of roadways after removal of the tram tracks. That seems rather contradictory in view of the Minister's reply to me and I think it warrants some clarification. A few years ago a considerable sum was spent on building a new tram track in Franklin Street and the western side of Victoria Square connecting up with the line in Grote Street, apparently for use at the time of Royal Shows and other functions at the showgrounds. I understand that this work cost about £28,000. It was used for a couple of years, but on the

occasion of the last Royal Show buses were used to convey the people to and from the show-grounds and this line was idle. Under the trust's present policy apparently this brand new line and overhead system of wiring will be removed. This seems to be a waste of public money. It calls for more oversight by the authorities. The amount of £500,000 to be made available this year does not sound much, but in view of the huge sums made available by the Government to the trust in recent years I consider the advance is growing to excess. Therefore, a select committee should be appointed to inquire into the whole administration of the trust to see if a sounder policy could not be adopted.

The sum of £500,000 is set aside for the Housing Trust, this amount to be supplemented by £3,600,000 by the Commonwealth Government in pursuance of the Commonwealth-State Housing Agreement. I have nothing but praise for the trust's efforts in attempting to meet the demand for houses, and it is pleasing to see that 1,043 were under construction at June 30 last. Instead of the demand diminishing, apparently it is increasing. This can be attributed to the increasing population. I decry the fact that a number of habitable homes are being demolished to make room for factory extensions, petrol service stations and other business premises. During a period of acute housing shortage the Government should take strong action to prevent a continuance of this practice. Industries are purchasing homes and either demolishing them or altering them for their purposes, and despite the assurance apparently given to the Government by the oil companies, good homes are still being demolished for service stations.

In other instances, companies are purchasing very fine homes and converting them into business premises. A typical instance can be seen to the west of Bakewell Bridge, Mile End, where a beautiful home, large enough to house two families, is being converted into business premises by a chemical supply agency. At the western end of Currie Street good habitable homes have been demolished and factories have taken their place. Such action is creating a bigger demand on home building instrumentalities. A responsibility rests not only on members, but also on the Government, which should issue an instruction that homes must not be demolished or converted to business premises while the present shortage continues. Perhaps such a provision could be included in the Landlord and Tenant Act. It is rather disappointing to see the fine efforts of the Housing Trust to meet the shortage being frustrated by the demolition of good homes.

Therefore, I hope that in the near future the Government will consider my suggestion to prevent such things happening until the demand for homes has been met to a greater extent. I have pleasure in supporting the Bill.

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

MARRIAGE ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Its purpose is to raise the age of marriage. At present there is no limitation in South Australia fixing any minimum age for marriage; the matter is regulated by common law. The position at common law is that girls who have attained the age of 12 and boys who have attained the age of 14 are capable of contracting a valid marriage. In theory a valid marriage can be contracted by a girl or boy under these ages, but the marriage is not binding unless affirmed after both of them have attained the ages mentioned. Although girls and boys have thus full capacity to marry on attaining the ages of 12 and 14, in other words, as soon as they attain puberty, under the Marriage Act they cannot marry without parental consent until they attain the age of 21.

The Government was recently approached by representatives of a number of organisations with the request that the age of marriage should be raised. The principal reason advanced for so doing was to protect young people from unhappy early marriages. It was submitted that the provisions of the Marriage Act prohibiting minors from marrying without parental consent do not protect children adequately. It was argued that when an unmarried girl becomes pregnant the parties are often forced into marriage by the parents, and that such marriages are not usually satisfactory. Attention was also drawn to the great difference between the age of consent under the Criminal Law Consolidation Act and the age at which persons can marry. It was also pointed out to the Government that the age of marriage is 16 for both sexes in Great Britain and 16 for girls and 18 for boys in Tasmania.

The organisations which approached the Government were the Adelaide University Women Graduates' Association, the Business and Professional Women's Club, the Housewives Association, the League of Women Voters of South

Australia, the Methodist Church of Australasia, the Salvation Army, the Soroptomists Club of Adelaide, the South Australian Country Women's Association, the South Australian Medical Women's Association and the Women's Christian Temperance Union. It will thus be seen that the proposal has wide support. The Government has given very careful consideration to the proposal and has come to the conclusion that the minimum age for marriage should be 16 for girls and 18 for boys.

The information obtained by the Government indicates that in modern time girls under 16 and boys under 18 are too immature to undertake the responsibilities of marriage and that boys under 18 do not, in most cases, earn enough to marry. In addition, it seems that marriages of young girls are very often only entered into to save the reputation of the parties, and in many cases only to save the men from prosecution. Such marriages frequently fail and when they do so the children become the responsibility of the State or charity.

Members may be interested to know that statistics show that in South Australia in the last five years 94 girls under 16 and 86 boys under 18 have married. Figures for 1954 show that whereas the boys who married under 18 married girls of approximately the same age, girls who married under 16 married men for the most part considerably older than themselves.

The Bill provides that all marriages celebrated after the commencement of the Bill between persons, either of whom is a girl under 16 or a boy under 18, shall be void. It also provides that its provisions will come into operation by proclamation. This will enable the provisions to become known before they come into force. If the Bill went no further, one of its effects would be that children born of parents prevented from marrying by the Bill would be incapable of being legitimized by the subsequent marriage of the parents. This is because under the Births and Deaths Registration Act a child cannot be legitimized by the subsequent marriage of its parents if there is a legal impediment to their marriage at the time of his birth. The Government considers that it is desirable in the public interest that offspring of children who are prevented from marrying only by their youth should be capable of being legitimized by their parents' subsequent marriage after attaining the prescribed age. The Bill accordingly provides for this. This is an important change to the existing legislation but it is a change that I think is

deserving of the proper consideration of Parliament.

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

LOTTERY AND GAMING ACT AMENDMENT BILL (RACING DAYS).

(Continued from September 21. Page 818.)

The Hon. Sir LYELL McEWIN (Chief Secretary)—I ask leave to withdraw this Bill and to present another in lieu thereof.

The Hon. F. J. CONDON (Leader of the Opposition)—I would like to know the reason. Is it the intention of the Government to introduce another Bill to cover matters not included in this Bill?

The Hon. Sir LYELL McEWIN—The Bill was read a first time on September 21. In the intervening period attention was drawn to a provision that is impossible of operation as it does not make provision for what is actually happening in the administration. The Act provides for bookmakers to submit returns on Saturday mornings. As there are no offices open on a Saturday morning this provision cannot be applied. Although the Bill deals with racing days, it is desirable to take the opportunity to correct this anomaly. On consideration it was deemed better that the Bill should be withdrawn rather than to move for an instruction, as you, Mr. President, ruled that there was some doubt as to whether that procedure was permissible. Consequently, I ask leave to withdraw the Bill in order to substitute another which contains additional provisions to those in the Bill.

The PRESIDENT—The question before the Council is that the Order of the Day for the second reading of this Bill be read and discharged.

Motion carried; Order of the Day read and discharged.

The PRESIDENT—The question before the Council is that the Bill be withdrawn.

Motion carried; Bill withdrawn.

The Hon. Sir LYELL McEWIN—I move:—

That I have leave to present another Bill in lieu of that withdrawn.

Motion carried.

Later,

LOTTERY AND GAMING ACT AMENDMENT BILL (RACING DAYS AND TAXES).

The Hon. Sir LYELL McEWIN (Chief Secretary) introduced a new Bill for an Act to amend the Lottery and Gaming Act, 1936-1954. Read a first time.

FRUIT FLY ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time. The object is to provide compensation for loss arising from the campaign for the eradication of fruit fly which was commenced in the Edwardstown area at the end of last year. On the discovery of fruit fly in the area, stripping and spraying were begun, and a proclamation was issued on December 31, 1954, prohibiting the removal of fruit from the area. Following the practice of other years, the Government proposes that compensation shall be given for loss arising from these measures and is accordingly introducing this Bill.

It provides for compensation for loss arising from these measures in the same manner as in previous years. In June last a proclamation was issued prohibiting the growing or planting of certain plants in the area until August 31 of this year. These plants were tomatoes, peppers, egg plants, ornamental solanum, rock melon, sweet melon and cucumbers. In the past provision has been made for payment for loss arising from the imposition of such a prohibition. The Government does not, however, propose to include provisions for payment of compensation on this ground in this year's Bill. Such compensation is only justified in special circumstances, for example, where commercial growers are unable to plant adequate alternative crops, or where, as happened in 1953, the outbreak occurs in the spring. The Government is not aware of any special circumstances in the present outbreak which would justify the payment of compensation on this ground.

Clause 5 provides first that a person who suffers loss by reason of stripping or spraying on any land while the removal of fruit therefrom is prohibited by the proclamation made on December 31, 1954, shall be entitled to compensation. Compensation will be available both for the taking of the fruit and for incidental damage. Second, clause 5 provides for compensation for loss arising by reason of the prohibition of the removal of fruit from any land by reason of that proclamation.

Clause 6 lays down the time within which claims under the Bill must be lodged with the Fruit Fly Compensation Committee. Claims arising from stripping and spraying must be lodged before February 1, 1956, and claims arising from the prohibition of removing fruit, by July 1, 1956. Clauses 3 and 4 make minor amendments to the principal Act. Clause 3 strikes out an obsolete provision relating to

the payment of compensation. Clause 4 re-enacts the schedule to the principal Act.

The schedule contains references to regulations made under the Vine, Fruit, and Vegetable Protection Act which are "fruit fly regulations" for the purposes of the Fruit Fly Act. Clause 4 brings the schedule up-to-date by striking out obsolete matter and inserting a reference to new regulations made in November, 1953.

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

CONSTITUTION ACT AMENDMENT BILL
(ELECTORAL BOUNDARIES).

Adjourned debate on second reading.

(Continued from September 27. Page 875.)

The Hon. F. J. CONDON (Leader of the Opposition)—This Bill has received very speedy consideration in the House of Assembly and I do not think we should delay it because, as far as I know, there is very little opposition to the recommendations of the commission following an amendment of the Act last year. When the Bill was introduced last year in the Council I opposed it because it was unfair, unjust and unwarranted, and because it particularly dealt with only one House. This afternoon we are asked to consider legislation that has very little effect on this Council, but if the House of Assembly wants this legislation passed I do not think we should offer any serious objections.

The Hon. A. J. Melrose—Does not the honourable member know they did not say a word about the Council in the other House?

The Hon. F. J. CONDON—I think this Bill will be passed, and that the Labor members in this place could decide the issue as they have been called upon to do on many other important pieces of legislation passed by the Legislative Council:

The Hon. E. Anthoney—Why do you say that.

The Hon. F. J. CONDON—I have in mind the Bills we dealt with on the Electricity Trust, the Leigh Creek coalfield and succession duties; they never would have been passed but for the votes of the Labor Party. The Opposition has endeavoured to alter the electoral system over many years and it is time we had a reversal of form; it is time that the people of South Australia were given a just electoral system.

The Hon. A. J. Melrose—They seem to have done very well under it for the last few years.

The Hon. F. J. CONDON—It is many years since the franchise was altered, but it is time we adopted the principle of one vote-one value, the policy advocated by the Labor Party for so many years.

The Hon. S. C. Bevan—And adult franchise for the Legislative Council.

The Hon. F. J. CONDON—Exactly. One can go away and fight for his country at the age of 17 or 18, and can vote for the House of Assembly on attaining the age of 21, but cannot stand as a candidate for the Legislative Council until he attains the age of 30. That law should be altered. However, we are faced today with a report of a Royal Commission whose powers were very restricted by reason of the conditions imposed upon it by legislation. Under our laws a person who does not enroll for the House of Assembly is fined, but that is not the case in respect of the Legislative Council. It is all very well to deal with the House of Assembly, but when it comes to the Legislative Council it is "hands off." This legislation is all that we could expect from a Liberal Government whose desire it is to remain in office for eternity.

The Hon. L. H. Densley—Are you going to support it?

The Hon. F. J. CONDON—I am because it has always been my policy to compromise; if I cannot get all I want I am prepared to take the best offering and therefore I will not be dogmatic, like my friends opposite, who want everything. Now what does this Bill mean? Central No. 1 district will consist of seven House of Assembly districts, Nos. 7 to 13 inclusive. All this amounts to is that a little is taken away from the enlightened part of the district, and a little is added to the more enlightened part around Keswick, Plympton and so forth. Unfortunately, some people are prepared to think only of retaining their seats and are not willing to express their true opinion. But what does a seat matter? It is our duty to consider whether the legislation before us in the best interests of the people or not. Members come and members go; I have seen quite a few go and probably next March will see a few more. Central No. 2 district will comprise Assembly districts Nos. 1 to 6 inclusive. The only alteration is to take a few off one end of the district and put a few on the other. In the Southern district—

The Hon. J. L. S. Bice—An important district!

The Hon. F. J. CONDON—My friend is one of four who represents 18,000 people. I am one of four representing 52,000, yet those

18,000 electors have as much say in this Parliament as the 52,000. That is not a fair system, and what applies to the Southern district applies to the others outside of the metropolitan area. Metropolitan enrolments for the House of Assembly on June 24, 1955, according to the Commission's report, were 289,895. They are to be represented by 13 members. Country enrolments totalled 173,085 and they are to be represented by 26 members.

The Hon. S. C. Bevan—This Bill does not alter that.

The Hon. F. J. CONDON—No, and I am complaining because it does not go far enough. However, it does make the zones better than they were, which is my only reason for supporting the measure. Under the Bill a country vote will be worth three and one-third times a metropolitan vote. Why, gerrymander is no name for it! I do not think that a member representing a country constituency has any more ability than, for example, my honourable friend Sir Wallace Sandford or Sir Frank Perry who represent a metropolitan constituency. Therefore, it is with great reluctance that I support the Bill.

The Hon. E. Anthoney—It has not done much harm to date.

The Hon. F. J. CONDON—My friend will not give the people an opportunity to have a voice.

The Hon. E. Anthoney—Do you think they are worrying about it much?

The Hon. F. J. CONDON—I know that members here are not, but I think that everyone should have equal rights.

The Hon. S. C. Bevan—There may be a few headaches after the next elections.

The Hon. F. J. CONDON—It is very difficult, under the existing system, to alter the Government. In the last elections the Labor Party, in the aggregate, secured the highest number of votes, yet has only four members against 16 in this House. The Bill was passed in the House of Assembly with little debate so it must be assumed that members want it. It does remove a disparity that formerly existed between electorates in respect of zones. It does achieve one vote one value within each zone, and that is the only compensating feature. In what we call a democratic country, our electoral system should be altered. I am not in favour of the abolition of the Legislative Council, but favour adult franchise.

The Hon. E. Anthoney—But your Party favours the abolition of this Chamber, doesn't it?

The Hon. F. J. CONDON—No, but we stand for adult franchise. What we have had over a period of years is class legislation because Parliament is elected under a system which is unfair and unreasonable. I intend to support the second reading.

The Hon. Sir WALLACE SANDFORD secured the adjournment of the debate.

**SUPREME COURT ACT AMENDMENT
BILL.**

Returned from the House of Assembly without amendment.

**INTERSTATE DESTITUTE PERSONS
RELIEF ACT AMENDMENT BILL.**

(Continued from August 30. Page 646.)

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

SENATE VACANCY.

The PRESIDENT—I have received the following message from His Excellency the Lieutenant-Governor:—

The Lieutenant-Governor informs the Legislative Council that the President of the Senate of the Commonwealth of Australia, in accordance with section 21 of the Consti-

tution of the Commonwealth of Australia, has notified him that, in consequence of the death on the fourteenth day of September, 1955, of Senator the Hon. George McLeay, a vacancy has happened in the representation of this State in the Senate of the Commonwealth. The Lieutenant-Governor is advised that, by such vacancy having happened, the place of a Senator has become vacant before the expiration of his term within the meaning of section 15 of the said Constitution, and that such place must be filled by the Houses of Parliament, sitting and voting together, choosing a person to hold it in accordance with the provisions of the said section 15. I shall confer with the Speaker of the House of Assembly and arrange to call a joint meeting of the two Houses for the purposes of complying with section 15 of the Commonwealth Constitution Act.

Later—

The PRESIDENT—I desire to inform honourable members that I have decided to issue notices to members of both Houses of Parliament to attend a joint sitting in the Legislative Council Chamber on Tuesday, October 11, 1955, at 12 noon for the purpose of filling the vacancy.

ADJOURNMENT.

At 3.22 p.m. the Council adjourned until Tuesday, October 4, at 2 p.m.