LEGISLATIVE COUNCIL.

Thursday, November 24, 1955.

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 Physiotherapists Act Amendment, Landlord and Tenant (Control of Rents) Act Amendment, Industrial Code Amendment (Pensions), Metropolitan Milk Supply Act Amendment, Sewerage Act Amendment and Appropriation (No. 2) Acts.

QUESTIONS.

COMMONWEATH-STATE HOUSING AGREEMENT.

The Hon. K. E. J. BARDOLPH—Under the Commonwealth-State Housing Agreement I understand that £3,000,000 has been made available to the State, a greater portion of which will be used by the Housing Trust and another portion for the purpose of providing second mortgages for the purchase of homes through the trust. Can the Chief Secretary say whether any of the money will be available to other building organizations, such as the Co-operative Building Society, or any other lending society.

The Hon. Sir LYELL McEWIN—Obviously, the administration of funds for housing does not come under my purview and the only assurance I would have no diffidence about giving is that the money will be distributed and used in the way the agreement provides.

The Hon. K. E. J. BARDOLPH—I understand that the agreement provides that the money can be allocated by the State Government to other lending authorities. Will they participate as the agreement provides?

The Hon. Sir LYELL McEWIN—Without knowing what has been done I am still prepared to take a gamble by assuring the honourable member that the whole of the money will be spent to the best advantage in order to provide the maximum housing accommodation, and I think that is what the honourable member wishes to be assured of.

RAILWAY FREIGHT RATES.

The Hon. E. ANTHONEY—Has the attention of the Minister of Railways been drawn to a statement by the Railways Commissioner published in the *Advertiser* this morning with reference to freight charges? If so, would he care to express an opinion?

The Hon. N. L. JUDE—I do not think the moment is opportune. The Railways Commissioner's report is available to all members, but if the honourable member wishes to bring up any specific point I shall be glad to discuss it.

AGRICULTURAL CHEMICALS BILL.

In Committee.

(Continued from November 23. Page 1669.)

Clause 32—"Regulations," which the Hon. A. J. Melrose had moved to amend by deleting paragraph (*d*) of subclause (1).

The Hon. Sir LYELL McEWIN (Chief Secretary)—The paragraph relates to the taking of grab samples. Mr. Melrose's remarks when he moved his amendment had relation to the tolerance which existed under the old legislation. We have moved a long way since then. The old legislation did not contemplate the very wide field of manufacture we have today, which includes trace elements; nor did it include such dangerous chemicals as now exist. The legislation as drafted is a practical approach to the problem. If we were to take every line of manufacture into consideration in drafting the Bill it would be an unwieldy statute which would not allow of any flexibility in its administration. It has been drafted to enable regulations to be made to meet the various problems as they arise. It would be impracticable and unreasonable under a Bill of this nature to apply to the manufacture of superphosphate the tolerance which would apply to many other lines. Any of the regulations made would be subject to examination by the Subordinate Legislation Committee and approval by Parliament. A happy relationship has existed between manufacturers and the administration, and I can find no indication where the administration of the legislation has been unreasonable or detrimental to any recognized reputable manufacturer. However, there are so many agricultural chemicals on the market today that it is necessary to have power to deal with any problem that arises. I feel confident that the same approach which has existed in the past, with an appreciation of the problems applying to any item of manufacture, will be recognized in the future. I have never lost my confidence in the courts to think that a sample of one bag in 10,000 tons of superphosphate would permit a prosecution to succeed, and I would hate to be the Minister in charge of the department who had to support

any action taken on that basis. The Committee can accept with confidence the clause as drafted as it is a practical approach to the problem. Some members will recollect when Parliament insisted on everything being written into one Bill. I do not know of any statute which has caused more discussion and which is more imperfect. I therefore suggest that the Committee accept the clause as drafted.

The Hon. A. J. MELROSE—We are indebted to the Minister for his efforts to justify the clause, but nevertheless I ask the Committee to consider the matter from another point of view. The Bill deals with things other than those included in the old Fertilizers Act. It would be difficult to make the legislation fit the purpose we had in mind. The very expression "grab sample" can refer only to such bulk materials as superphosphate. One would not think of taking a grab sample of a liquid in a bottle. Commonsense would indicate that the reference is only to agricultural fertilizers. The very word itself means that these would be small samples taken at random. The regulations under the Fertilizers Act provide how samples should be taken and how the mass should be progressively divided until a small and appropriate amount is retained to be analysed. The steps followed ensured as far as humanly possibly that it was a fair sample.

I am assured by the industry that not only is it on the best of terms with departmental inspectors, but it encourages inspections right through the process, but it does not want to live under the feeling that some hurriedly snatched grab sample will be taken by which it will stand or fall. I do not think the Minister would suggest that he has put up any good reason for including this provision. The old system of taking samples, and of taking care to get fair samples, would be very much better. There was a weakness in the verbiage of the old Act, which may be in this Act too, because it provided that the sample must be 10 per cent of the quantity sampled. If applied to a 100 ton stack or a 10 ton truck load, that would be unwieldy. I think that really meant 10 per cent of the container, whether it be a bag or a seven pound package. Not only could no good be done by including these words in the Bill, but they would only add an embarrassment to the manufacturers of agricultural fertilizers. I therefore ask the Committee to support my amendment. The Assistant Parliamentary Draftsman has assured me that if the words "including grab samples" are deleted it will be necessary also to delete "and the method of dealing with grab samples."

The Hon. Sir LYELL McEWIN (Chief Secretary)—I do not wish to labour this matter, but I want to complete the information the honourable member gave about the old Act. I shall not deal with the impracticability of taking a 10 per cent sample of a 100 ton stack of superphosphate; the old Act was not workable in that respect. Under the present Act if the sample is proved to be in contravention of the Act, the whole consignment is deemed to be in contravention. That has been omitted under this legislation, which is far more practicable. I cannot imagine that any department could possibly get away with suggesting that a grab sample covers the whole lot, and yet under the percentage provided in the old Act a manufacturer could be proved to be contravening it if the samples did not measure up to standard. Indeed, it is necessary to prove that the sample represents the consignment. A person will not be found guilty because of a sample, as it must be proved to the court that it is representative of the consignment. That is a far more reasonable approach than that in the old Act.

The Hon. Sir FRANK PERRY—I think that anything Mr. Melrose says about superphosphates must be taken cognizance of, but laws are made for the deliberate wrongdoer rather than the honest trader. Consequently, this clause would probably be interpreted as the Chief Secretary mentioned. I would think that samples would be taken from more than one bag of a consignment. The manufacturer might feel concerned about the interpretation of the Act, but we should have sufficient confidence in the department in this matter. Consequently, I feel that, although the honourable member has some reason for complaint, ultimately the Bill will not be unsatisfactory to manufacturers.

The Hon. A. J. MELROSE—I wish finally to protest at the inclusion of this provision, which is definitely not an improvement on the old legislation. I do not for a moment think that any inspector would be so foolish as to rely on grab samples, and I do not doubt that he would take fair and just samples. The feelings between the inspectors and the industry are of the very friendliest, and any decent manufacturer welcomes rigid inspection. I am not arguing because I feel the inspectors will take grab samples only, but about the necessity for having a provision for grab samples in this legislation.

Amendment negatived; clause as amended passed.

Remaining clauses (33 to 37) and title passed.

Bill taken through Committee without amendment, 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 amendment.

BUSH FIRES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 23. Page 1705.)

The Hon. F. J. CONDON (Leader of the Opposition)—When the Minister explained this Bill he gave me a very pleasant smile when he referred to the clause dealing with penalties. Members know that I have always taken a reasonable stand on penalties, but when I have considered them to be too high have expressed my opinion accordingly. However, I want to relieve any anxiety the Minister may have because this is a very important Bill and I shall make no attempt to reduce the penalties. On May 25 I asked the Chief Secretary—

Will the Government consider amending the Bush Fires Act in order to make it compulsory to have fire breaks alongside main highways where considered necessary?

Although he replied assuring me that the matter would receive consideration I can see nothing in the Bill referring to that question. It touched on an important matter and should at least have been considered. The poor old cigarette smoker has been blamed for causing a number of bush fires, but I have seen no actual evidence of it.

The Hon. A. J. Melrose—There is any quantity of it.

The Hon. F. J. CONDON—It is news to me, but there are other things that cause fires and they should have been taken into consideration in this measure. In today's paper Mr. F. L. Kerr, Director of Emergency Fire Services, is reported as saying that a clear glass bottle containing water and left in dry grass will, on a hot sunny day, become a definite fire hazard. Is there any penalty provided in this Bill for the person who leaves a bottle of water in dry grass? It can be admitted that glass has caused outbreaks of fire and I think some attention might have been given to this.

The Hon. R. R. Wilson—Cigarette butts caused ten fires last year.

The Hon. F. J. CONDON—We are dealing with the person who is careless in that direction, but I think the danger has been overstressed and we have lost sight of other causes. The Bush Fires Advisory Committee has recommended that the scheme be subjected to a drastic overhaul. The last disastrous bush fires occurred on January 2nd, 1955, so the Government had ample time for preparing a Bill and it should have gone further than it has, because we are now informed by the committee that the Act should be made more stringent but the Government has done nothing about it. One clause relates to the broadcasting of fire warnings. It is a pity we do not broadcast the proceedings of Parliament, which is something I have often advocated. If a fire occurs broadcasting stations will give warnings, and this is a very effective method of dealing with the position, but I do not know that penalties will be a deterrent to the causing of fires. Education is more effective.

If we could educate the people to the serious dangers of being careless, we would accomplish much more than fining a person for a careless action. In the January bush fire it is fortunate that only two lives were lost. We should pay tribute to those who played such an heroic part on that occasion. We recall that the Governor's residence at Marble Hill was burnt to the ground and other people lost their homes. Such losses can never be recovered. It has been said that the insurance companies treated this matter very lightly, but I do not agree. Under the Bill they will subscribe £5,000 to a special fund and this will be subsidised by the Government by an equal amount.

We should not wait until a fire occurs before an attempt is made to educate the public to the seriousness of the problem. Councils could do more by providing suitable fireplaces for preparation of meals. People like to have a picnic in the hills and additional facilities in this regard would help to lessen the dangers of outbreaks. The burning of stubble should take place only between certain dates. The Bill meets this position in some respects. Clause 7 deals with the alteration of periods by councils according to seasonal conditions. It is a question of whether the present period of prohibition is long enough, and whether it should not start a little earlier and finish a little later.

Clause 10 relates to the use of aircraft for spraying and dusting operations and the precautions which should be taken if an aircraft

during these operations is compelled to land upon any area where there is stubble. Clause 12 relates to the authority to require fire protection at saw-mills. This is a commendable provision which should have the support of members. It would appear that when there is a bush fire no one particular person is in charge and each individual has an equal say but under the Bill it is proposed to give specific authority to fire control officers. It is largely a Committee Bill, which I think every member will support. Anything we can do to obviate fires is worthy of consideration. I support the second reading.

The Hon. L. H. DENSLEY (Southern)—Since the disastrous bush fires earlier this year I am sure reams of paper must have been filled with opinions from various authorities and would-be authorities as to what should be done to control bush fires. It would be only fair and gracious to say how much country people appreciated the tremendous help given by bush fire fighters during the awful January outbreak. The Government came to the rescue handsomely, and the public also contributed freely. This was greatly appreciated. For some time we have been looking forward to an overhaul of the Act. It is rather late in the session now and the notices usually posted up by district councils regarding bush fire precautions have already been displayed, and consequently there is little possibility of these amendments applying this year. However, I am pleased that some effort is being made to provide further regulations on bush fire control.

Most of the Bill relates to the decentralization of control. I am in agreement that district councils should be given some authority in fixing periods of prohibition when the menace is greatest. Councils already have some authority to prohibit the lighting of fires in specified areas at specified times provided these restrictions are published in the *Government Gazette*. The most menacing time for the lighting of fires is during December and January, although the time in the north is a little earlier and a little later in the south. Many conferences have stressed the urgency of preventing the lighting of fires during those periods. I think members will agree that many fires have started from remnants of fires lit on the roadside for the boiling of billies, and their not having been properly put out. When a wind has arisen the coals have become alive and started a fire. I should like a provision for a total prohibition of the lighting of fires during December and January. If it is found that the period from the end of November to the beginning of March is not adequate, provision could be made for more desirable dates to apply. In Committee I intend to move the following new clause 8a dealing with the lighting of fires in the open:—

8a. Section 13 of the principal Act is amended by adding at the end thereof the following subsection:—

(4) Notwithstanding any other provision of this Act, any person who, during the period between the thirtieth day of November and the first day of the following February, lights, uses or maintains any fire in the open air for any purpose whatsoever, except those mentioned in sections 4, 5, 7, 8 and 9, shall be guilty of an offence and liable to a penalty for a first offence of not more than fifty pounds and for every subsequent offence of not more than one hundred pounds.

Nearly every conference on bush fires that I have attended and I have read of in South Australia recently has expressed the urgency of having a total prohibition period for the lighting of fires. The danger is greatest when our harvest is ready. I am aware that during the Christmas period many people take the opportunity to enjoy a picnic and travel around the country in caravans. Consequently, there is some need for them to be provided with facilities for the boiling of billies. Many district councils and progress associations, assisted by the Tourist Bureau, have provided suitable places for this purpose. On the other hand, I think most people carry spirit stoves or some other contrivance in a caravan for that purpose, consequently the desirability of having permission to light fires in the open during that period is not very great. I travel up from the South-East early in the morning quite often, and it is amazing to see just how many fires are lit on the way, with people standing around them preparing breakfast. It is very cold at night in that area, but even so the following day might be hot with an extreme fire hazard. When the risk is greatest, and when there is the most produce in the fields, we should prohibit the lighting of fires in the open. I hope members will favourably consider my amendment.

The provisions relating to district councils will be quite valuable. They will give councils, who know what is wanted, the power to make rules regarding the burning of breaks, which will be a good thing. They are fully aware of the difficulties with regard to breaks in some places. In some areas it is necessary to have wider breaks than those required by the Act, whereas in others it is not necessary to have

breaks even as wide as the Act provides. The councils are in a position to judge that and to make rules accordingly.

The broadcasting of warnings of fire hazards is something that has been discussed for many years, and there is no doubt that it is of some value. I have heard advocated at many conferences that it is desirable that the Minister should lay down days of great fire hazards when people will not be permitted to burn, but I do not think the broadcasting of warnings is an adequate means of giving people notice that they must not burn. Many people say that the average man in the country knows when it is going to be a hot day, and it is up to him to listen to the radio when the announcement is likely to be made, but every day is not a good day to hear the wireless in some areas because of static. The penalty for not having heard the Ministerial injunction not to burn off is £100, which is fairly heavy. It is not right that a person should be liable to a fine of £100 for not hearing a broadcast.

The clause relating to the protection of sawmills is very necessary. We know there is a particularly high fire hazard at sawmills because of the quantity of sawdust that gathers, and which sometimes burns for months. Clause 14 gives some power to fire control officers, and I think we are all in favour of that. A fire control officer, to be able to do the best possible job in a fire, has to be able to say what is essential and to see that it is carried out. I support this clause, which I think will be of great advantage.

The provision of a bush fires fund is a generous gesture by the Government, and a reasonable one by the insurance companies. It is the duty of every producer to insure the things that he has that will burn, consequently the insurance companies reap profits from that source and it is up to them to have some means of quelling the fires and thereby reducing their liability. I accept with gratification their intimation that they are prepared to contribute, and feel that it is a fair compromise. That the Government will also provide money is a matter on which I express my thanks.

I am sorry that we have not had a complete overhaul of the legislation. It is an Act that might be rubbed out and re-enacted, with as few provisions as possible, so that everyone could understand it. District councils have the authority at present to make regulations prohibiting burning-off during specified periods and in specified areas. The average tourist does not know when he goes from one council area into another, nor does he know which council has extra restrictions, so I do not think we can have effective control unless we prevent the lighting of fires in periods except those mentioned in clauses 4, 5, 7, 8 and 9.

The Hon. W. W. ROBINSON (Northern)—"Black Sunday" early this year has been spoken of as an extremely bad day. At that time I was at Rosebury in Tasmania, where the temperature was only about 80 degrees. Undoubtedly it was a very bad day, which I can appreciate from the reports I have read and from viewing the disaster in the hills and in the South-East. It is estimated that on that day we suffered damage amounting to £1,137,000. I cannot help thinking that with the great advance in organization and the provision of equipment over the years it is remarkable that such a disastrous result could have accrued. For the last 35 to 40 years the Act has been amended from time to time, and organization and equipment has been increased, so it would appear that we should have obtained greater control over fires. I appreciate that winds of up to 80 miles an hour were registered on that day and it was impossible for the equipment to operate because of them, but I wonder whether we are not adopting a false feeling of security in believing that the equipment will be effective, and as a result precautions have not been taken that should have been taken.

I pay a tribute to the organization of the emergency fire services under the Director (Mr. Kerr). That body is equal to any in the Commonwealth. I appreciate the efforts of those people who, during the summer, sometimes on five or six nights a week, conduct training exercises. I believe that at Nangwarry the crew that has won in Adelaide for the last three or four years has a run every night after work, and it has become very efficient indeed. Many crews are not up-to-date, but they are striving to wrest the laurels from the Nangwarry team. We should appreciate what these people are doing in a voluntary capacity on our behalf. Under this Bill we are decentralizing control and giving more authority to councils in their own localities and under conditions peculiar to their districts. We are also relaxing provisions with relation to the ploughing of a 6-ft. break, or the clearing of a 12-foot area of all inflammable materials. The councils will be able so to organize their districts that it will lessen the fire hazard to a very great extent. Councils should use their fire control

officers as an advisory committee, and on their advice take necessary steps to make their districts as safe as possible. In the report of the Director of Fire Services the following statement appeared:—

One thing is certain; very few will personally do something to prevent or suppress bush fires this summer.

While that is true to a very great extent, it is a great reflection on the people, and I feel sure that we should do all we possibly can to make our districts as safe as possible. The report goes on:—

Public spirited organizations such as the National Safety Council, Apex Club, Junior Chamber of Commerce, Agricultural Bureaux, and others, have pledged their support in a campaign against the fire menace, but however necessary and desirable it is for the authorities and organizations to set an example and to give a lead, bush fire prevention will always remain a duty for the individual.

I believe that this legislation will enable councils to go ahead and get their districts in order, but I suggest that, as a precaution, landowners in the north should plant some of their land to lucerne. Properly cultivated in the winter and kept free of barley grass and other weeds, this will enable at least one part of their land to be used as a control area. In the South-East the rank growth should be cut and baled, and in this way the fire hazard would be reduced.

The Hon. K. E. J. Bardolph—Would you make that a responsibility of the landowner?

The Hon. W. W. ROBINSON—Yes. If they cut only a strip three or four chains wide through their paddocks the subsequent growth would be sweeter and the stock would keep it much barer, thereby providing a firebreak. At the same time the baling of this fodder would be an asset for the landowner. I was very interested to read an article which appeared in last Sunday's *Advertiser* written by a Mr. H. A. Lindsay, and I think it well worth repeating, for he indicates what should be done around homesteads in the way of planting trees. Mr. Lindsay, who has evidently written a previous article, under the heading of "Green Firebreak Idea Arouses Interest" wrote:—

Few things which I have ever written have created such interest as the green firebreak idea, first set out on this page last year and mentioned several times since.

Fires in our forest country are formidable because the leaves of gumtrees contain oils which vapourize in the intense heat and explode, just like petrol vapour.

Pine plantations carry running fires in the same way because the resins in their needles are vapourized. The underbrush in much of our scrub country also carries a running fire.

Blackboy trees and yaccas also contain resins, while plants such as bracken and banksias have so little moisture in them that they burn quickly.

There are many trees, however, which have no oils in their leaves. These may flare up if given a very severe scorching, but a fire can't run in them.

The Californian redwood, the birch, oaks, ash trees, and poplars are in this class.

There are also trees which won't burn in any circumstances. These include many fruit trees, such as the mulberry, quince and fig. One of the very best is the Australian kurrajong.

After the extensive fires around the upper Murray in 1952, kurrajong trees stood green and unharmed in miles of blackened desolation.

People who plant pines close to their homesteads, or who leave gumtrees growing there, are asking for trouble when a bad bush fire comes along.

The Murray Valley Development League is among the bodies now interested in growing fireproof trees. An inquiry has also come from an insurance company.

Let us hope that this interest leads to a lessening of the bush fire risk.

This article should be of great interest to people living in the hills, many of whom have big pine plantations alongside their homes. Under this Bill a fund is to be provided by equal contributions of £5,000 each by the Government and the insurance companies to enable councils and the Emergency Fire Services to be reimbursed 75 per cent of their outlay on equipment for combating fires. On Tuesday last, when the Parliamentary party was passing through the Merriton district *en route* to Port Pirie, some members noticed that a fire had occurred in a stubble field. I understand that it broke out on Tuesday morning and that in a short time the units from Crystal Brook and Redhill were on the scene and confined it to a very small area. Mr. Kerr has asked me to place on record a tribute to their work and his appreciation of it.

The Bill also provides that the Director of Fire Services, Mr Kerr, shall be a fire control officer. Over the years he has made a study of fire-fighting and he should be a very valuable officer. Clause 10 extends the provisions of section 19 of the principal Act which provides a penalty for the throwing of a lighted cigarette, cigar or live tobacco from any moving vehicle between November 1 and April 30. Mr. Condon asked why this should apply to the city areas. The intention of the Bill is to educate people into acquiring proper habits. Only recently I heard of an instance near the Waite Research land where a cigarette butt

was thrown out from a passing car. Fortunately, someone came along immediately afterwards and put it out. Of the various causes of fire enumerated in the Emergency Fire Services manual lighted cigarette butts are listed as causing 10 fires during the year.

Mr. Densley has suggested an amendment to section 13 of the principal Act by prohibiting the lighting of fires in the open during the months of December and January. In the course of discussion at lunch time with the Minister of Agriculture he said that that would prevent the housewife from lighting a fire in a copper or stove outside, but I think it most undesirable for the housewife to have open fireplaces of any kind outside, for amongst the causes listed, sparks or fire from flues, incinerators, fire places, copper, stoves, etc., were responsible for 31 fires, so there can be no doubt about the importance of this aspect. Section 13 (1) (*a*) of the principal Act provides—

A council may by resolution published in the *Government Gazette* declare that within that part of the area defined in the resolution the lighting of fires in the open during the period between October 31 and the first day of the following May, or any period specified in the resolution shall be prohibited except in the place or places specified in the resolution.

In vulnerable areas that should meet the case if all councils availed themselves of this power, but, as Mr. Densley points out, some councils fail to do so and travellers do not know which districts have been declared and which have not. I think the adoption of that provision should be universal throughout the high rainfall areas.

The Hon. Sir Lyell McEwin—Would you exempt the lower rainfall areas?

The Hon. W. W. ROBINSON—Yes, I think areas outside Goyder's line of rainfall should be exempt. Probably in areas with under 18in. annually the provision could apply in December and January, and in areas with over 18in. it could be extended for another month, and that would pretty well cover the whole State. The amendment goes some way towards improving the Act, and I honestly believe that the education of the individual through the schools and the press and in every other way possible will do more than all the measures we can take here. If our people would only do the correct thing and use discretion in lighting fires on days of high fire hazard there would be less necessity for legislative controls. Until they are so educated, however, everything should be done to improve the Act and I believe the Bill does that, therefore I have pleasure in supporting it.

The Hon. A. J. MELROSE (Midland)—I am one who would always favour tightening up this legislation, as I have had considerable experience with bush fires. However, I have not the faith, like Mr. Condon, that all our ends can be achieved by education. Mr. Robinson seems to have great faith in the belief that people have been reasonable and do not light fires unnecessarily but we have to deal with those who are not reasonable, and apparently have no commonsense. They present a real menace to the whole State. It reminds one of the attitude of motorists who have a fair idea of their speed; but a high percentage of motorists fit this in to agree with their own opinions. If the speed limit is 35 miles an hour, most travel at about 40. A week-end or so ago the police decided to have a blitz on speeding, and when I came to town I thought there was a funeral, as everyone was going along so sedately. That was not related to education on the subject but the bringing down of the firm hand of the law on those who took the law into their own hands.

Mention has been made of the association of cigarettes with bush fires. It is easy to prove that you can burn a hole in your best carpet with a cigarette or damage your bedroom furniture. One of the most serious fire areas in the State is around Mount Pleasant. A careful watch was kept on the roadside for some time to see if there was any danger from cigarettes thrown out by passing motorists. Innumerable instances were found of small fires of two or three inches across, or perhaps a yard across, where a cigarette or cigar butt lay alongside. It is obvious that cigarettes thrown from a passing motor car can be really dangerous under favourable circumstances. A small fire of two or three inches across could easily have become a holocaust had the conditions been propitious. We remember vividly what happened last January, but some people seem to have forgotten what happened two or three years ago when there was a fire which reached roughly from Morgan to Cockburn and did tremendous damage. It originated on a day that was something like January 2. There was a heat wave and a raging northerly wind. Such were the atmospheric conditions that columns of smoke hundreds of feet high suddenly broke into columns of fire. Under such conditions as prevailed on January 2 no fire

could have been humanly controlled, and no steps taken to extinguish it. In the Adelaide hills under such conditions no fire could be controlled once that it started. A fire can jump great distances from one hill-top to another, perhaps a half a mile or more. We must rely on something really sensible and practicable.

First, I think we put too much faith in broadcasts. It is taken for granted that everyone sits around his wireless listening. However, people in the country go about their business and are not listening to the wireless in the morning, and even if they were they might be assured that it was going to be a bonny day, whereas later conditions may turn for the worse. If a day is going to be good or bad, from a fire risk point of view, this is generally obvious by 2 o'clock in the afternoon. Whereas it might be considered safe to start a fire at 10 a.m., in an hour or two there might be a howling gale with its attendant dangers.

I do not think we should consider the picknicker. There is no reason why he should not drink water for once, and it would be for only one meal in the day. We would be wise to take Mr. Densley's advice and establish a period during which it would be illegal to light a fire in the open for any purpose. We have many such restrictions. For instance, one is not allowed to blast timber in the open during certain months. Surely, that is a harmless pastime compared with every Tom, Dick and Harry lighting billy-boiling fires. I think that is one thing we would be wise to consider including in the Bill. This season there is an extreme fire hazard in districts both inside and outside Goyder's line. Since the fire in the pastoral areas east of Burra, much has been done to provide firebreaks and gradebreaks around boundaries and through properties. People in the agricultural areas have acquired fire fighting outfits, and the position generally is better but there is always the risk of lightning starting a fire. We cannot do much about that, but we can do something about man-caused fires. We can do nothing but good if we legislate to prevent the lighting of fires in the open under any circumstances during specified periods. I support the second reading.

The Hon. C. R. CUDMORE (Central No. 2)—I did not intend to take part in the debate but for something said about homesteads. I agree with the remarks of Mr. Melrose regarding days like Black Sunday and the dreadful fire in the north-east. Nothing could be done to stop such fires which jump hundreds of yards from the top of one gum tree to another. You cannot stop a fire under those exceptional conditions. When we talk about educating people not to light fires in the open and to be careful, we should educate them a little more to do something for themselves in protecting their homesteads and farm outbuildings, etc. How often when one travels in the country he sees that no effort has been made by an owner to skim the grass from around his house or sheds. I was brought up to spend my time in the early part of the Christmas holidays with a spade skimming growth around outbuildings. That was my father's idea of the way to do something for yourself to prevent your buildings from being burnt down.

Now we are bringing insurance companies into the picture. They are to contribute toward a special fund. I entirely agree it is the duty of people to insure and do something for themselves. It should be impressed in all our schemes and organizations and in all lectures dealing with fire fighting that the people should be taught to use a spade and skim the grass for three feet away from their buildings, and not allow high grass to remain alongside, which would make it inevitable for a building to be burned if a fire should come that way. Those who are at the head of fire fighting services should continually keep on telling the people to protect their buildings and sheds by using a spade to skim the grass away for a certain distance. I hope that that will be done, as I think that is most necessary in preventing buildings being burned in a fire.

The Hon. N. L. JUDE (Minister of Local Government)—I congratulate Mr. Cudmore on his speech. He can rest assured that he would have heard something about it even had he not mentioned it himself. He referred to insurance. The Bill brings insurance companies once more into the active field of finance in bush fire fighting. After constant pressure, we were able to bring them into the scheme for a volunteer fire fighters' compensation fund. I think everyone will agree that this fund showed this year its value when we were able to pay reasonable compensation to those injured in fire fighting, particularly in the Kingston fire. I believe that the premium should be lower for the man who clears a break around his buildings and haystacks. I should like members to consider that.

We should not hasten into this legislation too readily. It could be consolidated slowly and surely. For the benefit of Mr. Condon and others who think that the Bill does not

go far enough, I would remind them that on the question of zoning we should not rush in, because there may be danger of too much centralization. I am not going to advocate a solution or to oppose it, but there are various problems associated with this scheme, and we could easily have the zones too big. The attitude of the Government on the Bill is to decentralize and not centralize.

I noticed with pleasure that honourable members have applauded the general actions of the Emergency Fire Service and its excellent leader, Mr. Kerr. The organization has been built up slowly, and perhaps not as fast as Mr. Kerr would like. I have always taken the attitude that it is an emergency fire service. A beginning in preventing fires rests with the owner himself. It is his duty and privilege as a landholder to take precautions against fire, both for himself and his neighbours. I therefore prefer to regard the Emergency Fire Services as of secondary assistance to the landholder. I know that many land owners may not have plant satisfactory enough to fight fires, therefore the Emergency Fire Services are of great assistance, but more has to be done by the owner in the country, and this comparatively limited fund can step in and help the councils where they prove to be deserving.

Mr. Robinson mentioned a very interesting point, and one that has not been lost sight of by landholders or the Government. He said that pines constitute a danger, but I think he would find if he went around the hills that they will not be planted again. They were planted as windbreaks, but it has been realized that that was was a mistake, and leaders of country groups are now advocating that they shall not be planted as windbreaks, at least in the hills.

I am glad Mr. Condon remarked about my smiling when I mentioned penalties; I smiled because I realized this was an occasion when his practical commonsense would mean that he would support me. He said that he asked a question earlier this year with regard to fire breaks on highways; that was a very good question, if I might say so. That matter is receiving very close attention in many areas this year, because it is a particularly dangerous one. The danger is not only due to the wet winter with the consequent good growth, but also because there is not as much travelling stock on the roads as there used to be to eat off the growth before it dies. Consequently some councils, of which my own is one, are permitting landholders to plough and harrow the roadsides as a further preventative against the spread of fire this year. I commend that to other members who have this matter at heart in their own districts.

There are two further points that I wish to bring to the notice of members for the public benefit. The first is that the Government has the sawdust problem in hand. I have discussed it with the Minister of Agriculture, and he, as a practical man, realizes the danger. I have a memorandum that he has just sent to the Conservator of Forests regarding the matter, and I can assure members that the Government can be relied on to watch it more closely and do what is best with regard to this menace. Some mills are already disposing of their sawdust in old limestone quarries so that it will rot away, and I think that is the best solution. Once these heaps start smouldering it needs a whole reservoir to put them out. The second point that worries me, and I think honourable members could take cognizance of it with relation to their own districts, because it is something that is hard to deal with in legislation, is the matter of the backyard copper used for boiling down and as an incinerator—the backyard copper-cum-incinerator. I suggest to the country members that in conjunction with their fire control officers they could improve the education of the people in regard to this matter, because some fires were undoubtedly started by backyard incinerators.

The Hon. K. E. J. Bardolph—What has the Minister done in his own district in that regard?

The Hon. N. L. JUDE—If the honourable member went there he would be surprised at the work done and the money outlayed. I feel some satisfaction at the amount of work done in my district. I do not say it is better than others, but it is at least as good as any. I again thank members for their careful consideration and constructive remarks on this Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Burning of stubble in township allotments."

The Hon. N. L. JUDE (Minister of Local Government) moved the following drafting amendments:—

In the first line to delete "section is" and to insert "sections are," and in the fourth line after "or" second occurring to insert "lights or."

Amendments carried.

The Hon. N. L. JUDE—I move to insert the following new section:—

5d. It shall not be a contravention of section 4 or section 5 if a person burns any stubble on any land or lights or maintains a fire for the purpose of burning any stubble on any land if—

(*a*) the fire is lighted in accordance with the direction of the Chief Officer of Fire Brigades or the Deputy Chief of Fire Brigades within the meaning of the Fire Brigades Act, 1936-1944; and

(*b*) any condition specified by the Chief Officer of Fire Brigades or, as the case may be, the Deputy Chief Officer of Fire Brigades when giving the direction aforesaid are fully complied with.

This will give power to the Chief Officer of the Fire Brigade or his deputy to authorize burning in the area covered within the meaning of the Fire Brigades Act. Officers of the Fire Brigade have been willing to make themselves available at this time of the year to elderly people who could not handle burning off of blocks in the city. It is obvious that if those people have to chase around to find a town clerk to obtain a permit, a tremendous amount of time is wasted, therefore it is proposed that the officers of the Fire Brigade shall be given this power.

New section inserted; clause as amended passed.

Clauses 5 to 8 passed.

New clause 8*a*—"Fires in the open."

The Hon. L. H. DENSLEY—I move to insert the following new clause:—

8*a*. Section 13 of the principal Act is amended by adding at the end thereof the following subsection:—

(4) Notwithstanding any other provision of this Act, any person who, during the period between the thirtieth day of November and the first day of the following February, lights, uses or maintains any fire in the open air for any purpose whatsoever, except those mentioned in section 4, 5, 7, 8 and 9, shall be guilty of an offence and liable to a penalty for a first offence of not more than fifty pounds and for every subsequent offence of not more than one hundred pounds.

The Hon. F. J. Condon—Why not hang them?

The Hon. L. H. DENSLEY—Those are maximum penalties. At conferences in various areas there has been a universal request that there be a prohibited period for lighting fires in the open. In July I attended a conference of the South-Eastern District Fire Fighting Associations with which Mr. Jude has been associated almost from the inception. All branches requested this amendment, and I am sure that the interest that has been taken in that area over the past years is such as to give members confidence in carrying out any wish they might express on behalf of their districts. One felt at the conference that nothing could be gained in eliminating the fire risk unless lighting fires in the open could be prohibited in that period. I have mentioned November 30 to February 1 because that covers the worst part of the summer and is the time when producers stand to lose most. Their wheat harvests are about and the amount of grass is such as to cause a very terrible fire. In the South-East, which is more comparable with the hills district in this respect than any other part of the State, there are few roads and immense tracts of country with high grass, and once a fire started it would be difficult to stop. Unfortunately not enough use has been made of firebreaks. It is my practice to plough a firebreak around every paddock the width of a 14-furrow plough.

The Hon. C. R. Cudmore—I was talking about skimming off.

The Hon. L. H. DENSLEY—I should think that skimming off would produce a firebreak. I ask members to support the amendment.

The Hon. E. H. EDMONDS—The whole object of the Bill is to reduce the bush fire hazard and it seems to me that the right approach is total prohibition during the time of the year when the hazard is greatest. We have made many efforts, such as are contained in this Bill, to go part of the way towards reducing the risk of bush fires, but I think we should now go the whole way and have a complete prohibition in the months of December and January. In evaluating the various risks one has to recognize that one of the greatest is carelessness on the part of many people. In these days of caravaning there are many roadside campers, as well as people travelling by motor car who have meals on the roadside, and these people constitute a source of danger if they are thoughtless or indifferent. There are also the hazards associated with burning off scrub or stubble, but I cannot see that the amendment would cause hardship to anyone in these groups. Very little burning off in clearing operations is done in those two months, and in any case councils already have power to prevent the lighting of fires at that time. Therefore all we are actually doing is to put something into the Act that councils already have authority to do.

The Hon. E. ANTHONEY—I imagine that the open fire must be the most serious hazard

of all, and the months stipulated are the hot months of the year, including the holidays when many people are moving about. Some of them are careless or indifferent, so I think it is right that the Legislature should provide against this risk. In view of the fairly stiff penalties provided, however, I think that this amendment should be widely publicized.

The Hon. S. C. BEVAN—I oppose the amendment at the moment more for the purpose of getting information than in opposition to the spirit of the amendment. It will have State-wide effect and I draw attention to the fact that there are many workers engaged in the sheep and cattle industry. They are frequently out on horseback or in motor vehicles all day and at lunch-time and at the evening meal time they want to light fires to make tea and cook meals. What is their position? For every subsequent offence a fine of not more than £100 is provided. If an employee dared to light a fire to cook a meal after a hard day's ride behind stock he would be liable to a heavy fine. I oppose the amendment.

The Hon. N. L. JUDE—I hope members will consider my arguments carefully. I emphasize that the Government is not opposed in principle to the amendment, which has had very close consideration for months. The principle of total prohibition is not objected to, and for that reason the Government has included the clause for total prohibition when ever the Minister broadcasts. Allowing for some disadvantages with regard to broadcasting, I draw attention to section 13 (1a) of the Act which permits district councils to prohibit burning for any period at any time of the year. There may be a slight disadvantage there. A man may not be sure which council area he is in. However, that is a weak argument. If there were any doubt about the lighting of a fire, surely his job would be to ascertain which district he was in. A district council would know better than people centralized in Adelaide whether the time for lighting a fire was suitable. I suggest that this year and last year at this time there would be no chance of starting a dangerous fire in the Millicent area, where last year it was green up to Christmas. I have not the slightest doubt that if the matter is drawn to the attention of district councils in the South-East they will immediately request a total prohibition for their area, possibly from December 15, or a little earlier at the Tatiara end.

The Hon. Sir Frank Perry—Is not that only for burning off?

The Hon. N. L. JUDE—No, a total prohibition of the lighting of fires in the open. I think it is more reasonable for the people on the spot to have the power to prohibit the lighting of a fire. I have personal knowledge that the broadcasting of prohibitions has worked excellently in Victoria since their disastrous fires in 1941. It has the merit of keeping the subject matter before the public. Our Forestry Department broadcasts every morning, and, contrary to the views of some, people listen to these broadcasts, the same as fruitgrowers listen to the frost warnings over the air. I suggest that we should leave the position as it is and see how it works. If the House later decides it is not working, it can then review the position. I ask the Committee not to accept the amendment.

The Hon. L. H. DENSLEY—I am sorry the Minister opposes the amendment, knowing the views of the district and the association with which he has been closely connected for many years. I feel he must regret having to take this step. He has pointed out there are conditions where total prohibition can apply, one being brought into operation by the councils and another by the Minister through broadcasts. One sees along the roads instances where people have lighted fires to boil a billy. They possibly do not know there is a total prohibition at a certain period of the year. Not one person in a hundred, or possibly one in 10,000, would see a publication in the *Government Gazette*, unless he was particularly interested in a district. Surely it is not too much to ask that the new clause be accepted.

The Hon. A. J. MELROSE—I realize that taking it literally the proposed new clause could be picked to pieces, but nevertheless I will support it because I believe we should try these things out. It does not say that anyone who lights a fire in the open during prescribed months shall be fined £50; but he shall be liable to the penalty. If he were charged he would go before a magistrate, who would weigh the conditions under which the fire was lit, and it is likely that in the circumstances suggested by Mr. Bevan he would let the man off with a caution and describe the offence as trivial. I doubt whether any fires are started by country workers, who take proper steps to extinguish their fires. It is habitual for metropolitan motorists to throw cigarette butts out of the windows of their car, and when in the country

they continue the habit. There is much of our country not liable to fires, although they occasionally have them, and when they do it is proportionately more dangerous. I refer to the country between our agricultural and pastoral areas which is too hilly and rough for effective firebreaks and is too thinly populated to have a proper fire fighting organization. To protect the landowners and the State as a whole from the stupidities of the wandering picknicker, we would be well advised to support the new clause.

The Committee divided on the new clause—

Ayes (11).—The Hons. E. Anthoney, J. L. Cowan, C. R. Cudmore, L. H. Densley (teller), E. H. Edmonds, A. J. Melrose, Sir Frank Perry, W. W. Robinson, Sir Wallace Sandford, C. A. Story, and R. R. Wilson.

Noes (6).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, N. L. Jude (teller), Sir Lyell McEwin, and C. D. Rowe.

Majority of 5 for the Ayes.

New clause thus inserted.

Remaining clauses (9 to 16), schedule 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 Nos. 1, 2, and 3, but had disagreed to amendment No. 4.

Consideration in Committee.

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

That amendment No. 4 be not insisted on.

This was new clause 8a inserted on the motion of Mr. Densley. This afternoon I endeavoured to explain to members that although the Government did not object in principle to total prohibition the purposes of the Bill were to decentralize power to councils. In doing that, it permitted considerable latitude with regard to special permission for burning. Members may possibly have misunderstood my explanation to the extent that they thought power to permit exemptions was still vested in the Minister. Apart from the numbers of the sections of the main Act referred to in Mr. Densley's amendment, any other exemptions of any kind are, in ordinary parlance, out. Total prohibition prevents the use of special exemptions—as, for example, that relating to the burning of fires in vineyards in summer against frosts. Only after lengthy consideration has the Government objected to total prohibition, which it regards as unrealistic. The difference geographically between the far north and South-East causes anomalies so great as to outweigh the use of council powers throughout the State. Section 13 (1) (*a*) provides for councils to declare a complete prohibition. In the South-East they can proclaim a total prohibition from Bordertown to Port MacDonnell. In the north it may be desirable for a council to proclaim an area near forests. We have provided that the Minister shall broadcast a total prohibition. That method is acceptable in the United States, which is far ahead of us in bush fire precautions and legislation, and in Canada, parts of New Zealand and in three other States of Australia. Even if it is not perfect, it has a high propaganda value that should be acceptable to all people interested in the prevention of fire. I ask the Committee not to insist on the amendment.

The Hon. L. H. DENSLEY—The area between Coonalpyn and Keith is outside council areas and consequently is not under control. That is the menacing area in the South-East because of the way it is being developed and there is so much scrub present that there is the likelihood of a fire at any time during the burning-off season and during a time when holiday makers are there. That is the reason why we should have the complete protection this amendment provides. I ask the Committee to retain the clause.

Amendment not insisted upon.

WOODLANDS PARK TO TONSLEY RAILWAY BILL.

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

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

That this Bill be now read a second time.

In moving the second reading, I would say that this is a railway Bill in the usual form authorizing the construction of a railway from a point near the Woodlands Park railway station on the Brighton line to the proposed new station at Tonsley which is in the suburb of Mitchell Park. The railway will serve the important works to be constructed by Chrysler Australia Limited in this area, as well as the general public. The route of the railway is in accordance with the recent recommendation of the Public Works Committee which has been laid before Parliament. The construction of a railway along this route will involve as little disturbance of existing houses as is reasonably possible and is economical from the

point of view of land acquisition. The Bill contains an appropriation clause providing for the payment of the cost of the railway out of the Loan Fund.

The Hon. F. J. CONDON (Leader of the Opposition)—A great deal of controversy has taken place in the press over the previous recommendation made by the Public Works Committee. If it is the desire of Parliament to have costly schemes, that is not my fault. Quite recently, after a recommendation was made on another matter, a second reference was given to the committee because the first did not suit the interests concerned.

The Hon. C. R. Cudmore—Who do you mean by the interests concerned?

The Hon. F. J. CONDON—The bulk handling scheme. In this matter a recommendation was made, but it did not suit certain people, so a second reference was made to the committee. On October 27, 1955, His Excellency the Lieutenant-Governor referred to the Public Works Committee for inquiry and report the construction of a railway to serve the proposed works of Chrysler Australia Limited at Burbank. The committee submitted the following report on this proposal:—

The proposal to construct a railway to serve the projected engineering, motor body and motor vehicle assembly works of Chrysler Australia Limited at Burbank has now been examined twice by the committee. It was previously referred to the committee by His Excellency the Lieutenant-Governor on June 2, 1955, being described then as "the proposed public work of providing railway facilities to connect the proposed works of Chrysler Australia Limited at Burbank with the South Australian railways system." The committee made an investigation pursuant to the terms of that reference and after considering the evidence which it obtained it resolved to recommend the construction of the proposed railway. On August 16, 1955, the committee presented a short interim report containing its recommendation, which was as follows:—

> That a branch railway line, the estimated cost of which is £179,000, be constructed in accordance with the plan prepared by the Railways Commissioner and marked "E" to connect the proposed works of Chrysler Australia Limited at Burbank with the South Australian railways system.

The committee intended to give reasons for this recommendation in a complete report as soon as possible but before it was able to do so it received the second reference, the effect of which was to necessitate a further investigation in regard to the route of the proposed line. The committee used the minutes of evidence taken in the course of the earlier inquiry to assist it in coming to a prompt decision on the new proposal.

The Proposal that was First Recommended.

In January, 1955, Chrysler Australia Limited, in a letter to the Premier, sought from the State Government an assurance that railway facilities could be made available to land at Burbank in which it was interested, namely, part blocks 61, 62, 63, 64 and 2098, hundred of Adelaide. The company also asked for an assurance that rail costs would not be such as would place it at a disadvantage with its competitors. In a report to the Minister of Railways the Commissioner of Railways (Mr. J. A. Fargher) stated that is was feasible to construct a railway from the south line to the Burbank site. He expressed the opinion that in view of the magnitude of the work and the expenditure involved the company should be asked to indicate the volume of business which it expected would be available to the railways over the next 10 years and to say whether it was prepared to enter into an agreement to give the railways all the transport during that period that the department could handle. The company supplied estimates of production volume for 1955, 1960 and 1965, and expressed its readiness to be a party to an agreement. The Commissioner then reported that in his opinion the railway should be provided on the basis of the assurances given by the company.

The committee began its first inquiry by calling and examining Mr. Fargher, who submitted particulars of two proposals. The one in connection with which he had made a recommendation to the Minister was the construction of two miles 50 chains of railway from a point on the south line near Clapham along the route of a proposed future suburban railway between Clapham and South Brighton to a point on the southern boundary of the proposed site in section 64 where it would connect with a siding into the company's works. The estimated cost of this proposal (Route 1) was £390,000.

The estimate was for a single track 5ft. 3in. gauge line laid with 94 lb. rails, although it provided for earthworks to accommodate a double track railway. The estimated cost with earthworks providing a formation width for a single track only was £370,000. If provision had been made for separation of the grades where the railway would cross South Road by the construction of an overway road bridge both amounts would have been increased by £91,000.

The Hon. E. Anthoney—It was supposed to be cheaper.

The Hon. F. J. CONDON—It is by half. The first recommendation, made on the evidence of the Railways Commissioner, interfered with a number of dwellings, but of course there is such a thing as compensation and members know what that can amount to in cases like this. However, there was a protest against the demolition of homes, but it seems to have been overlooked in some quarters that the Railways Commissioner could have bought them and housed his own employees in them. The report continues:—

The second proposal was one which Mr. Fargher had prepared after giving consideration to a line to connect the company's premises

with the Marino railway. The alternative route (route 2) commenced from a point about midway between Woodlands Park station and Ascot Park station and turned due south to the western boundary of the site. The ruling grade was one in 115 as compared with one in 50 on route 1. The length of the line was one mile 32 chains and the estimated cost of its construction with earthworks to accommodate a single track, was £159,000.

I do not propose to read the whole report, but the committee made its first report on the evidence submitted and then the council concerned took up the matter, following which a further reference was submitted to the committee by the Government. Being a reasonable body it gave full consideration to this second reference, and after inspection of the several routes, the scheme now proposed was recommended. It will interfere with only one house and the route is better.

The Hon. E. Anthoney—Didn't the committee consider all available routes at the time?

The Hon. F. J. CONDON—It considered the routes submitted, and when all is said the Railways Commissioner is the man who should be listened to. Of course, it is not possible to satisfy everyone. Wherever a railway is built there are objections, but we had to decide which route would cause the least inconvenience.

The Hon. W. W. Robinson—You say that this is an improvement all round?

The Hon. F. J. CONDON—Yes. Fewer people will be inconvenienced and whereas the first route would have cost £359,000 this would cost about half that sum.

The Hon. S. C. Bevan—What created all the controversy was the lack of information given to the public.

The Hon. F. J. CONDON—The committee concluded its report by saying:—

However, the committee realized when it was shown route 4 that the compromise route, as a consequence of branching off the main line at a point about a quarter of a mile west of the junction point for route 2B, had features which made it preferable to that route in more ways than one. Considerations which influenced the committee in favour of route 4 were:—

1. There was much less interference with home owners;
2. The ease with which roads could be re-arranged to serve the area without the undesirable demolition of houses involved to achieve that purpose under route 2B proposal; and
3. The necessity for only one level crossing, at Sweetman's Road, compared with three, one of which was not particularly well sited, under the other proposal.

The one house that it would be necessary to demolish was a very old one and the houses in course of erection that were affected had not when the committee saw them progressed beyond the foundations. After carefully reviewing all the evidence, the committee came to the conclusion that route 4 was more desirable than any other route that it had examined. In view of this decision, and as the inquiries which it carried out in the first instance have been dealt with in this report, the committee does not propose to submit a final report on the first proposal. It will present all the minutes of evidence to both Houses of Parliament with this report.

Its recommendation was:—

The committee recommends that a railway be constructed to connect the proposed works of Chrysler (Aust.) Ltd. at Burbank with the South Australian railways system on the route shown as route 4 on the plan prepared by the Railways Commissioner and marked F, at an estimated cost of £157,000.

The Hon. E. Anthoney—Did the first amount include the probable compensation?

The Hon. F. J. CONDON—Yes, but only as an estimate, because as soon as it becomes known that a railway line is to be built go-getters rush in and buy up the land. Over 7,000 employees will be engaged in these works and because of the importance of the project the committee was asked to speed up its report. This will mean very much to South Australia and the committee has no regrets at the course it has followed. The project now recommended was not referred to the committee in the first place, but it is a better scheme, it interferes with fewer people and I therefore have much pleasure in supporting the second reading.

The Hon. C. R. CUDMORE (Central No. 2)—I, too, support the second reading. Mr. Condon has given us a considerable amount of information because, as a member of the Public Works Committee, he has been in the inquiry from the start. I speak as a member for the district who has also interested myself in the position from the beginning, not only by looking at the alternative routes but by discussing them with the local authorities. The position in a nutshell is that a certain route was recommended to the Government by the Railways Commissioner. It was approved by the committee and then the local council objected and there was considerable agitation. The Marion Council submitted an alternative route to the Government which it considered would interfere with fewer people and would be a shorter line to build although making the route to Tonsley longer. The result of all this is a compromise route suggested by the

railway authorities which comes off the main line about half way between the alternatives originally put up by the Commissioner and the Marion Council.

It is unfortunate that the Public Works Standing Committee had to make a second report and go back on its first. This report was tabled only yesterday, and as it is quite a long one it has not been easy for any of us to understand it thoroughly. I cannot understand where the reference to route 4 comes in. Where exactly it evolves from I do not know. I think some good has been done by the Marion Council putting forward its own suggestion. It caused the Government and the railway authorities to have another look at the question, thereby getting this compromise. However, I am a little perturbed by the fact that the Minister when explaining the Bill said that the authority we are giving is—

To construct a railway from a point near the Woodlands Park railway station on the Adelaide-Marino line to a point near a proposed railway station to be situated in section 79, hundred of Adelaide and to be known as Tonsley, which points are indicated on the plan prepared by the Chief Engineer of Railways numbered 150/23 and dated the 17th day of November, 1955.

After I had asked the Minister how we could debate this matter without a plan he produced one and had it placed on the board, but it does not have the same number as the plan referred to in the Bill. I do not know whether we have the wrong plan or the Bill is wrong.

The Hon. N. L. Jude—They did not have any plan in the House of Assembly.

The Hon. C. R. CUDMORE—I do not care what they do there. They pass many things there without much consideration.

The PRESIDENT—The honourable member may not reflect on another House.

The Hon. C. R. CUDMORE—I apologise, but the Minister introduced the question as to what was done there. We should know what the plan does before approving it. The Bill sets out an arangement by which certain land will be made available to construct a railway to serve Chrysler's new establishment, and part of the contract on the Government's part was to provide that railway. There has been much controversy on this matter, and I am glad to say that I think I have done something for the council concerned in helping to effect this compromise route instead of the original one. In the hope that the number of the plan and the proposal that we are considering will be clarified I support the second reading.

The Hon. E. ANTHONEY (Central No. 2)—As another member of Central District No. 2 I associate myself with this measure. Members are at a great disadvantage because we have not had the Public Works Committee's report.

The Hon. K. E. J. Bardolph—Yes we have.

The Hon. E. ANTHONEY—Not all members have had it. It was tabled yesterday, but only one copy was available.

The Hon. N. L. Jude—There are three copies in the Chamber now.

The Hon. E. ANTHONEY—Mr. Condon was able to put many facts before the Council because he is a member of the committee and heard all the evidence. There has been much controversy about the proposal to construct a railway line to serve Chrysler's new factory. The route first recommended caused great concern in the district because it would pass through a number of properties and involve the demolition of several houses. Of course, the owners were promised that they would be recompensed, but it is not altogether possible to replace anyone's home. Usually a man seeks a house in a locality he likes and builds one to suit himself and his family, so it is almost impossible to compensate him fully. I am pleased with the route now recommended, and I congratulate the Public Works Committee on this recommendation.

The Hon. S. C. Bevan—Don't you think open crossings are dangerous?

The Hon. E. ANTHONEY—I do not like them, but the Railways Commissioner has gone into the matter and possibly he finds open crossings are cheaper.

The Hon. S. C. Bevan—They may be dearer in the long run.

The Hon. E. ANTHONEY—Yes, and I suppose we have about 10 open crossings on the Brighton line now. I think most people concerned are happy about the Bill's proposals, and I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Power to construct railway."

The Hon. N. L. JUDE (Minister of Railways)—Mr. Cudmore has drawn attention to the discrepancy between the number on the plan and the number mentioned in the Bill. I find that the error arose owing to a wrong reading being

given over the telephone. It is therefore necessary for me to move:—

To delete "150/23" and to insert "53/120."

Amendment carried; clause as amended passed.

Remaining clause (clause 4) and title passed. Bill reported with an amendment 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 amendment.

WORKMEN'S COMPENSATION 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 Bill gives effect to recommendations made by the Workmen's Compensation Committee, in a recent report to the Government. The report was prepared after consideration of a number of proposals submitted to the committee by Mr. O'Connor on behalf of the trade unions. Some of the proposals were accepted by the committee without alteration, and others in a modified form. All the members of the committee signed the report, but Mr. O'Connor's concurrence in the report was subject to a memorandum of dissent, reservations and addenda, in which he set out his reasons for thinking that in some cases higher amounts of compensation might be recommended. The report and Mr. O'Connor's memorandum are available for perusal by any member.

Since last year's Act was passed by this Parliament there has not been much alteration of workmen's compensation law in Australia. The only Bill of any importance which has been passed is one in Western Australia. In that State by a Bill passed early this year, the maximum weekly payment for incapacity was increased from £10 to £12 8s., and the maximum total payment for incapacity from £2,100 to £2,400. The maximum payment on the death of a workman was raised from £1,800 to £2,500, and the allowance for each of his children from £60 to £75. It will be noticed that even after these changes, the maximum weekly rate for incapacity in Western Australia is still 8s. below the rate agreed to by this Parliament last year, and the only rate in the Western Australian Act which has been raised above the corresponding rate in South Australia is the maximum amount payable on death. However, the Western Australian Act had the effect of slightly increasing the average Australian standard of compensation and the committee took it into acount in making its recommendations.

Dealing now with the clauses of the Bill, clause 3 abolishes the present rule that no compensation, other than medical expenses, is payable unless a workman is disabled by his injury for at least one day. This rule was in all the early Workmen's Compensation Acts, but has now been generally abolished. The committee was satisfied that in some cases the rule created anomalies and caused hardship to a workman, and therefore recommended its abolition.

Clause 4 extends the definition of workman so as to cover employees whose average weekly earnings are up to £35. At present the figure is £33. The average weekly earnings taken into account for the purposes of this clause are the workman's average weekly earnings for a period of one year before the accident. The committee was informed of some cases in which the average weekly earnings of industrial workers were in excess of this amount, but it appeared that if the amount fixed by the Act were raised to £35 they would have been covered. The committee therefore recommended an increase to £35.

Clause 5 deals with the maximum amount of compensation payable on death. The present limit in South Australia is £2,250, but as the recent increase in Western Australia has raised the general Australian level of these payments the committee recommended an increase of £100. The committee also recommended that in cases where a workman died leaving dependants an allowance of £60 for burial expenses should be paid. No burial allowance is at present payable in South Australia in a case where the workman dies leaving dependants. The Commonwealth, Victoria, Tasmania and Western Australia, however, have already passed laws providing for the payment of an allowance in such cases, and the committee thought that in the interests of the widows and children of deceased workmen a similar payment should be provided in our Act. These recommendations are included in clause 5.

Clause 6 deals with the amount of compensation payable where the workman dies without leaving dependants. In these circumstances the South Australian Act, like the other Acts of Australia, has always provided that the compensation is to be the reasonable amount of

medical and burial expenses, and at present the maximum allowance for burial expenses is £50. The committee reconsidered this figure and the information which it obtained indicates that, if a reasonable allowance is made for the cost of a burial plot as well as ordinary funeral expenses, the total cost of burial is now approximately £60. The committee recommended, therefore, that the present maximum of £50 should be increased to £60.

Clause 6 increases the maximum amount allowable for total incapacity from £2,500 to £2,600. The committee recommended this for two reasons. The first was that it had arrived at the conclusion that it was desirable to increase the maximum amount allowable on death by £100, and a corresponding increase in the maximum amount for incapacity was desirable in order to maintain the accepted relationship between the amounts of these payments. Secondly, it took into account the increase in the Australian average which resulted from the action of Western Australia in increasing the maximum from £2,100 to £2,400. By clause 8 alterations are made in the amounts of the fixed payments for scheduled injuries, consequential on the increase in the maximum amount allowable for incapacity. The clause also makes another change in connection with compensation for the scheduled injuries. The committee was asked to consider the question whether a workman who received one of the scheduled injuries should be given the option of having his compensation assessed in the ordinary way on the basis of his actual loss of earning capacity, as an alternative to taking the fixed amount. After inquiry, the committee came to the conclusion that in some cases a scheduled injury could cause a worker a loss of earning capacity for which the fixed amount of compensation might be inadequate, and therefore it would be just to grant the worker who suffered a scheduled injury the right of having the compensation assessed in the usual way. An amendment for this purpose is included in paragraph (*a*) of clause 8.

Clause 9 deals with the common law actions brought by workmen who have received workmen's compensation. Section 69 of the principal Act provides that a workman who has received compensation for an accident and desires to bring an action at common law against an employer must give the employer notice of his intention to bring the action. The notice must be given within six months after the first payment of compensation. It is known that cases have occurred in which workmen have not been aware that it is necessary to give a notice of action and have, through this ignorance, lost their right to sue for damages. The clause provides that if the court finds that failure to give notice was occasioned by a mistake, absence or other reasonable cause it may allow a common law action to proceed without notice. Clause 10 is a provision of the usual kind declaring that the Act will apply only to injuries occurring after it comes into operation.

The Hon. F. J. CONDON (Leader of the Opposition)—I support the second reading because it makes some improvements to the present legislation, but does not go far enough. We are still lingering behind the other States, although our workers are entitled to the same conditions as those elsewhere in the Commonwealth. I have taken a keen interest in workmen's compensation over the past 40 years, and during that period the position has been improved little by little. Ours is the only legislation in the Commonwealth which provides that a workman must be incapacitated for at least one day before he can claim compensation. An employee may have the misfortune to meet with an accident on commencing work and be advised by the doctor to take the day off. Under our present law he receives no compensation, but this position is rectified in the Bill and to that extent it is an improvement. No workman should be denied the protection of the Act merely because his earnings exceed £1,716 a year. Every employee should enjoy the benefits of the legislation, whatever his income. We boast in South Australia that we have the finest body of workmen in the Commonwealth and they are often referred to as being men of moderate views who have achieved a great deal in the interests of industry, but when it comes to action on their behalf it would appear they are neglected. A *bona fide* employee should have rights equal to those of any other employee whether his income is £1,000, £2,000 or even £5,000 a year. Under the Commonwealth law and that in Western Australia and Queensland every worker is protected irrespective of his annual income.

If a South Australian workman died and left a widow who was wholly dependent on him, the amount of compensation fixed is his average weekly earnings for the four years preceding his death, but with a limit of £2,250. The compensation should be equal to 208 times his actual weekly earnings at the time of his death or equal to his earnings for the year immediately preceding his death, whichever

amount is the greater. In Victoria the full funeral expenses of a deceased employee are met by the insurance company. It is proposed here to provide a maximum payment of £50. This is certainly an improvement on the present law. Our Act deprives a parent or close relative of an unmarried workman who is killed during employment from any compensation unless the person was totally or partially dependent on the worker. I know of a recent instance of a young man being killed while working a tractor, but no compensation was payable because his father was not dependent on him. Why should the parents of a man who is killed and is under the age of 21 years be denied compensation? That is not fair or reasonable and the law should be altered accordingly.

I have always held the opinion that we have never gone far enough in this type of legislation. Although we have improved the position, our benefits do not compare with those operating in the other States. The limit of payment for total incapacity is £2,500. This limit should be removed and whether a workman suffers permanent or partial disablement his weekly payments should continue for life. A man may receive a permanent injury, but is entitled to compensation for only three or four years. If at the end of that period he is still unable to earn a livelihood, he is compelled to go on the pension. If industry has been responsible for his position, why should it not carry the responsibility? That is reasonable. The present limit for incapacity is compensation amounting to £12 16s. a week. The law prescribes a weekly payment of £8 15s., plus £2 10s. for a wife and an additional £1 for each dependent child, with a maximum of £12 16s. If a man has only one child, it is all right, but if he has three or four he receives nothing additional. That is not fair or reasonable and the law should therefore be altered. With regard to additional compensation in respect of medical expenses, there is a limit of £150 on the cost of medical, surgical, hospital and such like expenses. I have known dozens of cases in which people have met with serious accidents. Last year we altered the law relating to deductions from lump sum payments. It might cost a man £400 or £500 for medical expenses, as he might be under medical attention for some years, but all he can get in reimbursement is £150, whereas he should be recompensed for actual costs. Fixed rates of compensation are paid for certain injuries, but not for loss of speech or severe facial disfigurement. One would think that workers in a democratic country should receive the same consideration as those in other States. In regard to the loss of earning capacity, the compensation set out in the table for specified injuries, including such things as the loss of an arm or a leg, should be regarded as the minimum lump sum payment.

A very important matter from my point of view, and one to which I have referred on several occasions, is the matter of travelling and living away from home expenses while receiving medical treatment. A man who meets with an accident might have to come to the town often to have medical treatment, and he may have to pay living away from home expenses as well as his fares, so some consideration should be given to him. In New South Wales the maximum amount allowable is £300, but there is a right to claim further. It is recognized in Queensland, New South Wales, Victoria, and the Commonwealth that payments should be made if injuries are incurred while travelling to or from work. If members stand outside this building in the morning they will see Government employees taken in departmental vehicles to their work, which may be three or four miles away. Many manufacturers send vehicles to meet trains to convey their workmen to their employment. Other States have provisions relating to payment for injuries received while travelling to and from work, so I cannot see why this Government should not provide similar legislation.

The Gunn Government initiated a Government insurance office, run on the same lines as a private company, but the next Government altered the Act so that that institution dealt only with its own properties. I have some figures of the money invested in, and the profits made by, the various insurance companies, which I do not think are suffering any hardships, although it is often said that they cannot stand any greater payments. In 1948-49 insurance companies received premiums of £577,000, but paid out for claims, less amounts recoverable, £331,000. These figures increased until in 1953-54 £5,835,000 was received in premiums, and £2,897,000 was paid out in claims. What is the use of saying that the companies are not in a position to pay what I have suggested they should?

Although the Opposition moved several amendments to clause 9 in the House of Assembly they were defeated. That clause refers to Common Law actions brought by workmen, and deals with the period within which a claim can be lodged. Under the Act, a claim must be made within six months. This

clause improves that position by extending the time limit to 12 months if it can be proved that the delay was not unreasonable. The workers of South Australia are entitled to better consideration than they are receiving, because an injured person finds it very difficult to meet his commitments. Workmen here are second to none in the Commonwealth, and they have done a good job in industry, so I contend they are entitled to the same consideration as Parliaments have extended to the workmen of other States. I support the second reading.

The Hon. Sir FRANK PERRY (Central No. 2)—Once again we have a Workmen's Compensation Bill before us, as we have had for the last three years.

The Hon. C. R. Cudmore—There will always be, so long as we have this committee.

The Hon. Sir FRANK PERRY—I thought when the committee was appointed it would review the Act, make recommendations as it thought necessary, and the matter would be finalized. The Act was altered last year, and as a result premiums paid to insurance companies by industry increased by 10 per cent, making a very substantial increase in the cost to industry. In dealing with injuries and death, it is natural that a considerable sympathy is extended to those who are injured or killed as a result of an accident. However, workmen's compensation is not an insurance policy covering all liabilities, but is a tax placed on industry to give some alleviation to a workman who is injured. I think those who regard it as an insurance policy that fully compensates a man who is injured when he is at work do not know the real intention of the Act. If a man is injured on the way to a football match, he has as much suffering as if he had been injured at work, so to raise this sympathetic tone in speeches is satisfactory from the point of view of the Labor Party and the workman, but it is not logical. It will not apply to accidents that happen every day to people who are not at work, and should they not have the same sympathy extended by the public? However, that is not done. The insurance companies cover accidents, but the Labour Party seems to have selected workmen's compensation as a direct tax on industry because the accidents happen to fall within the boundaries of a man's employment or in the time of his employment. Outside of that, perhaps, sympathy is not extended at all and consequently the man gets no compensation. I agree that where there are risks in industry it is only right that there should be compensation for injuries or loss of efficiency, and that has been the aim of workmen's compensation over the years. In this Bill we again have an opportunity of considering what we should do with the Act. However, it has been introduced very late in the session and must of course be dealt with today. I do not object to bringing the prescribed amounts in line with present-day monetary values, but in the other States Labor Governments have tended to treat workmen's compensation as an insurance policy instead of what was originally intended, namely, some form of compensation for injury.

I do not criticize, and propose to accept the Bill in so far as it covers proposed increases. However, it goes further and alters two fundamental principles of the Act. About 1920 we made a schedule of percentage payments to be made to persons who were permanently injured or who suffered loss of efficiency through injury. That came about because the fixing of loss of efficiency was very difficult and resulted in a good deal of litigation and expense. Consequently, by common agreement, a table of percentages was prepared and those percentages have remained constant, although the amounts payable have risen or fallen according to the amount fixed for death. For instance, the loss of both eyes is assessed at 100 per cent, or the equivalent of total loss of efficiency or death. That is all right, but what this Bill does now is to provide that the workman not only has the right to the total payment, but the right to elect whether he shall accept total payment or seek to have his injury and loss of efficiency rated by a court.

The Hon. K. E. J. Bardolph—At common law.

The Hon. Sir FRANK PERRY—Not necessarily, but under this Act. This brings us back to exactly where we started. The whole thing is again thrown in the melting pot and every case could again go to litigation. That will, I am afraid, involve additional costs to industry. I am therefore of the opinion that clause 8 (*a*) should be rejected.

(*Sitting suspended from* 5.50 *to* 7.45 *p.m.*)

The Hon. Sir FRANK PERRY—While not opposed to workmen's compensation I feel that the general tendency is to regard this legislation as a general insurance policy and not as was originally intended. I do not oppose the amendments which increase benefits based on increases in other States or related to the decrease in the value of money. However, two new principles are introduced which are at

variance with the original intention of workmen's compensation. A workman is entitled to decide how he will obtain compensation. The Act provides a scale of percentages of total incapacity for various injuries. That scale was designed originally to overcome the necessity for entering into costly and unnecessary litigation. Total incapacity is now established as £2,500. The Bill provides that an injured employee can either accept that scale or seek redress at law. Litigation can be costly to industry. If a workman thinks he may receive more through court action he may engage in litigation. No insurance company or employer desires to enter into litigation in respect of accident cases. Employers generally are sympathetic to employees who suffer injuries.

The Hon. F. J. Condon—Employers are not concerned: insurance companies are involved.

The Hon. Sir FRANK PERRY—Insurance companies assume the obligations of an employer. It would be detrimental to employers, employees and insurance companies if litigation were entered into. I oppose this provision and seek its deletion in Committee. It is also provided that an employee can give notice of his intention to commence action within 12 months. At present the Act provides that notice must be given within six months. In many cases it is difficult to obtain necessary legal advice and information to contest a claim 12 months after an accident has happened. In Committee I will seek to retain the present limitation of six months. Subject to those reservations, I support the second reading.

The Hon. S. C. BEVAN (Central No. 1)—I support the second reading, but unlike Sir Frank Perry I believe the Bill does not go far enough. I am disappointed with it. I hoped that the legislation would be reviewed and that the Bill would not only relate to a few general clauses. The definition of a workman has been amended. It is proposed that a workman will be entitled to earn £35 weekly before he is deprived of benefits under the Act. On present day values that is not an extraordinary wage and I know of many men in industry who receive more than that. If an employee's wages exceed more than that amount he should not be debarred from receiving benefit under this legislation. If he is killed surely his wife and family should be entitled to some compensation. A man may occupy a managerial position but he is just as entitled to consideration as any other employee in industry. After all, a manager is an employee.

The Government prides itself that its legislation is comparable with that in other States but under Commonwealth, Western Australian and Queensland legislation there is no limitation on the earnings of a workman in connection with his right to compensation. In Victoria and New South Wales the permissible income is approximately £2,000 a year. If the Government prides itself in not lagging behind the other States in its working class legislation, why does it not follow suit in this case? The amount of compensation payable on the death of a workman who has a widow wholly dependent on his earnings is equal to the average weekly earnings over the period of the four years preceding his death. This is where we come to the snag. There is a limitation that the payment shall not exceed £2,250; the amendment increases the maximum to £2,350. Here again South Australia is lagging behind the other States. Section 16 (1) of the principal Act stipulates that the amount of compensation should be a sum equal to the employee's earnings for the four years preceding his death, whereas section 16 (4) provides that where the period of employment was for less than four years the amount of the average weekly earnings at the time of his death shall be multiplied by 208. Having in mind the basic wage of £11 11s., a workman's average earnings if multiplied by 208 would amount to a considerably higher sum than the limit set by the Act, and even the limit suggested in the amendment. We can take the average worker in the lower paid income group receiving £12 17s. a week. If this is multiplied by 208 we would get £2,872. To give an idea of some of the average rates ruling in the State I submit the following:—The street sweeper under the Municipal Corporations Determination has a margin of 20s. a week, under the Government General Construction Determination the margin is 18s., under the Country Councils Agreement 21s., yardman's wages under the Brickmakers Determination 30s. 9d., Claypipe Determination 24s.; labourer under Cement Manufacturing Award, 24s., Cement Brick Determination 32s. 6d., Government Railway Construction Determination, 29s., Fettler under the Commonwealth Railways Determination, 17s., labourer under the Salt Workers Award, 24s., and labourer under Hume Pipe Making award, 32s. If we average those payments we get 26s., and if that is added to the £11 11s. we arrive at £12 17s. That amount multiplied by 208 gives £2,872, and yet the maximum under the Bill is considerably less.

The *South Australian Year Book* reveals that the average payment for males in the December quarter, 1954 was approximately £16 5s. a week. If that is multiplied by 208 we get £3,382, which is much more than under the Bill. Therefore, there should be an additional increase based on the last figure that I quoted. In the section dealing with weekly payments we find that similar anomalies occur. The section provides for £8 15s. to be paid to the workman, plus £2 10s. a week for his wife and an additional £1 for each child, but with a maximum of £12 16s. Mr. Condon gave an illustration of a man who had a dependent wife and five children, but despite that the maximum would still be £12 16s. a week. It should be at least equal to the weekly wage and nothing less.

The Hon. A. J. Melrose—So he would make a profit out of his incapacity.

The Hon. S. C. BEVAN—Such a suggestion is unwarranted. The Act provides that the maximum amount payable under the weekly payment provision is £2,600 and once that has been reached there are no further payments. Weekly payments already made are not deducted when a lump sum is paid. That is a slight advantage. If an employee suffered an injury which continued for 18 months his maximum would be £2,600, and he would be entitled to no more until his incapacity ceased. If it continued for the rest of his life he would have to go on the pension. What is that to a man aged between 20 and 30 years with a young family when his normal expectancy of life would enable him to earn a much greater sum? Under those circumstances the Act should provide that he should be entitled to his pension for life.

Sir Frank Perry referred to matters under the heading "Scheduled Injuries" by which certain percentages are provided for injuries received. It provides that when an employee meets with an accident he is paid by the insurance company. Sir Frank Perry has suggested that the amendment should not be carried because this Act says that he can receive the scheduled amount or he can have his injuries assessed by an arbitrator. He suggests that this gets right away from the principles of the Act, but we have got away from nothing, because the same conditions have always prevailed. We have always had recourse to Common Law, and it is not compulsory for any workman to accept the amount set out. Even before the advent of workmen's compensation the workman could have utilized the Common Law.

The Hon. Sir Frank Perry—But negligence must be proved in Common Law.

The Hon. S. C. BEVAN—I agree. Sir Frank Perry said that if the amendment is carried, it will result in litigation that will cause considerable expense to the employers, but does the Act work one way? The employers have the same right as the employees. If it is feared that there will be considerable litigation and added costs, the Act should be reconsidered, because there must be an injustice to employees, otherwise there would not be any necessity for litigation. If an employee loses a finger, a hand or a foot, percentages are laid down, but if those percentages were sufficient and just there would not be any fear of litigation. However, that has prevailed for some time. I know of an instance in which an employee lost his fingers and the insurance company offered him £200, but I advised him not to accept that because it was too low. The matter was placed in the hands of the union's solicitor, and without any litigation the company agreed to pay £1,200. When these things go on it proves it is time that we had a look at this Act to make such things foolproof.

The Hon. F. J. Condon—That is not an isolated case either.

The Hon. S. C. BEVAN—I know that, because I dealt with many such cases when I was a union secretary. Invariably, if matters were taken up with insurance companies they increased the amount they had offered. Sir Frank Perry said that this matter would involve industry in extra cost, but I point out that the workers should be adequately protected. The amendment is not a material departure from practice because of the employee's rights at Common Law. It merely writes into the Act what has been in operation, but I do not see how there can be any objection to it. It has been said that consideration should be given to an employee who, through an accident whilst in his employment, loses his speech or suffers facial disfigurement. It is noteworthy that in the report of the Workmen's Compensation Committee it is advised that consideration be given to this matter so that something equitable can be arrived at to include this matter in the Industrial Code in future. I support the second reading.

The Hon. C. R. CUDMORE (Central No. 2)—I wish to say a few words, not to go over the possibility of what might have been in this Bill, upon which Mr. Bevan has spoken, but on the Bill itself. I agree entirely with Sir Frank Perry that it is a pity that we have

this permanent Workmen's Compensation Committee. I do not know who it reports to, but so long as it exists it will be the same as the Road Traffic Committee, which reports to nobody, and so long as we have them we will have a Bill each year. It is wrong that that should go on.

The Hon. K. E. J. Bardolph—Your Government appointed it.

The Hon. C. R. CUDMORE—Yes, but I am entitled to an opinion. The schedule that was brought in, setting out the amounts of compensation, started with a comparatively small amount of £1,050. It has gradually gone up to £2,500; this Bill raises it to £2,600, and leaves a percentage of that for certain specific injuries such as the loss of a finger. A workman could receive that and return to work. It was to obviate legal action to prove a claim for negligence that this schedule was brought into the Act, and it has been increased from time to time. All I want to do is to ask members to have a look at clause 8 (*a*), which gives the workman the option of saying in writing which side he is going to be on. As Mr. Bevan said, section 69 (1) provides:—

> Except as expressly provided in this Act, nothing in this Act shall affect any liability which exists independently of this Act.

I shall therefore content myself by saying that I agree with the financial increases in the Bill, because we must go with the times and the value of money, but subclause (*a*) of clause 8, which gives option to one side and not the other, is not just, and I hope the House will not accept it.

The Hon. K. E. J. BARDOLPH (Central No. 1)—This matter has been well discussed on the industrial side by the Leader of the Opposition and Mr. Bevan, but one or two statements made by Sir Frank Perry, particularly in regard to the worker being covered travelling to and from work, should be discussed. He said that a person going to a football match is not covered, but it is an economic necessity for a worker to go to industry, so there is no similarity between that man and one attending a football match. I believe that all this social legislation should be controlled by the Commonwealth Parliament. We find that there is a conflict in this matter between the different States. New South Wales and Victoria have a model Act with extended benefits, but some other States provide less benefits. It is really a Federal matter that should be determined on a broad basis, giving the same extended benefits to every person in employment in all the States of the Commonwealth.

Much has been said about the cost of workmen's compensation, but the person working in industry, whether artisan or clerk, has only his labour to sell. I know that members say that he is covered by our legislation, but, as pointed out by Mr. Condon and Mr. Bevan, we on this side disagree with the meagre payments provided in this measure and submit that they should be worked out on the formula used for death. It is of interest to note that the total amount of premiums paid by employers in 1954 was £1,929,121 in respect of all employees, whereas claims amounted to only £628,485. Members will see that the amount paid in premiums, and the claims submitted—not necessarily paid—were small in comparison with other forms of insurance. In 1938-39 there were 43,371 employees in industry whereas in 1952-53 the number was 80,483, an increase of practically 100 per cent.

The Hon. A. J. Melrose—What do you mean by industry?

The Hon. K. E. J. BARDOLPH—I mean workers who are producing goods for sale. I know there are many people engaged in rural industries and they would swell the numbers considerably. Workmen's compensation had its genesis in the days of Bismark in Germany and was the first workmen's compensation legislation ever passed. Great Britain followed in the 1890's, and the Dominions after that. The problems that were created by the industrial era had to be solved and that led to the implementation of legislation to meet the situation. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Fixed rates of compensation for certain injuries."

The Hon. Sir FRANK PERRY—As I intimated in my speech on the second reading, I move:—

That paragraph (*a*) be deleted.

The schedule in the original Act was designed to cover loss of efficiency experienced by a workman by reason of accident, whereas many of the claims paid have nothing to do with loss of efficiency. In most cases men return to work at the same rate of pay as they left it and it has now become what might be termed compensation on account of injury. It is time we got back to what was originally intended. It is true that a workman has his rights at common law, but then he must prove negligence on the part of his employer or fellow workmen. Under this legislation, however, he sees the items in the schedule and

knows he can get them, and this clause is an invitation for him to try to get more by the suasion of his union secretary or lawyer. I am sure it will result in litigation and unpleasantness and possibly disappointment to all concerned.

The Hon. Sir LYELL McEWIN (Chief Secretary)—The honourable member's speech rather emphasizes the Government's wisdom when it established the advisory committee to keep workmen's compensation under review. We have heard two contending parties in this debate and, of course, it becomes a matter of weight of numbers which will ultimately determine the question rather than the fairness of an appeal. All the Government desired was a fair deal for workmen, so it appointed a committee with a representative of employers and of the employees under an independent chairman who has the confidence and respect of all sections of the community. Admittedly, some of the amendments in the Bill are the result of a majority decision which in some cases may favour the employee and in others the employer, but I think that what this Committee is asked to consider is fair and reasonable.

The amendment moved by Sir Frank Perry means that a workman may give notice that he prefers to accept the determination of the court instead of what is prescribed in the schedule. From inquiries I have made it is not expected that the provisions of this clause will affect the amount of premium necessary to cover the insurance in those odd cases which occur, so I think we have to take the reasonable approach. There has been give and take on both sides and we have before us the results of the recommendation of a committee which has been able to weigh up the matter and hear the representations of both sides. Therefore I think that this is a compromise which this Committee could well accept.

The Hon. F. J. CONDON—I am sorry Sir Frank Perry has moved this amendment. This afternoon I said I would indicate quite a number of amendments, but on reflection I decided that as I have always accepted recommendations of committees appointed for specific purposes, I would not proceed with any amendments. The Chief Secretary referred in eulogistic terms to the chairman of the committee. I desire to mention Mr. A. J. Gibb, President of the Metal Trades Association, who has agreed to this provision.

The Hon. Sir Frank Perry—No, he has not.

The Hon. F. J. CONDON—He accepted the majority decision and that is all I am doing tonight. I did intend to move about 10 amendments, but I shall not in order to give the Bill a quick passage. This afternoon Sir Frank Perry spoke about the 10 per cent increase in premiums after the last Bill was passed. There was no need for such an increase. I give the following information supplied by the Commonwealth Statistician under date of last September, in reference to workmen's compensation insurance. In 1948-49 the premiums received by the companies amounted to £577,000 and claims paid to £331,000. The respective figures for the subsequent years were:—1949-50, £728,000 and £354,000; 1950-51, £860,000 and £410,000; 1951-52, £1,072,000 and £503,000; 1952-53, £1,292,000 and £628,000 (and that is where they had to increase the premiums by 10 per cent); 1953-54, £1,306,000 and £671,000. The total receipts for the period were £5,835,000 and claims paid £2,897,000, and yet we have honourable members opposing something which is reasonable and which operates in the other States. I am prepared to accept the report of the committee because I think it is fair and reasonable. I therefore oppose the amendment.

The Hon. C. R. CUDMORE—The honourable member says that he is supporting the report. What report? Has he seen it? The rest of us have not. The report is not tabled and unless members ask for it as a special favour it is not tabled for them and therefore I do not know what is in the report and what the minority report says. We are entitled to see the reports of Government committees and therefore I shall stand on the principle as I see it—that it gives one side an option without giving the other side an option, and therefore I am opposing the clause.

The Hon. S. C. BEVAN—I support the clause as drafted. Sir Frank Perry says that everyone will take advantage of its provisions, that there will be lengthy litigation and it will increase costs to employers. The clause merely clarifies the position. Mr. Cudmore says he has not seen the report. The following appears in the report under the heading "Scheduled injuries":—

The Committee has considered the question whether a worker who receives one of the scheduled injuries in section 26 should have the right to elect to receive either the compensation specified in the Act for the injury or to have the compensation assessed in the ordinary way on the basis of his loss of earning capacity.

Mr. O'Connor stressed the fact that in some cases a scheduled injury may lead to so great a loss of earning capacity that the scheduled amount of compensation was not sufficient. We agree that in a small proportion of cases

this might be the position and in such cases it would be unjust to a workman to have to take the scheduled amount of compensation in full satisfaction for his disability. Accordingly, we recommend that the workman should have the option, in the case of a scheduled injury, of having his compensation assessed in the ordinary way or taking the scheduled amount.

Only a small proportion of workmen would come within the category mentioned, and because of that the committee considered it would be unjust if what they suggest was not done. If it is likely to be unjust, it is our duty to remove the provision or put something in its place to rectify the position.

The Hon. Sir LYELL McEWIN—I was interested in the remarks of Mr. Cudmore regarding options being on one side. If there were a claim it would be defended by the insurance company and there would be no need for an option. If the claim has been assessed the insurance company deals with it. To satisfy any honourable member who may think that the Government was holding something back I give them the benefit of the committee's report. It included the following:—

The following is a short summary of the committee's recommendations:—

(*a*) That the rule requiring one day's loss of earnings as a condition of compensation be abolished.

(*b*) That the definition of "workman" be extended so as to cover employees whose average weekly earnings are £35 a week.

(*c*) That the maximum compensation on death be increased from £2,250 to £2,350.

(*d*) That on the death of a workman leaving dependants burial expenses up to £60 should be paid.

(*e*) That in cases of death of a workman not leaving dependants the burial expenses be increased from £50 to £60.

(*f*) That the maximum amount of compensation from incapacity be increased from £2,500 to £2,600 (in addition to weekly payments).

(*g*) That, in the case of a scheduled injury under section 26 of the Act, the workman should have the right to elect either to take the scheduled amount of compensation, or to have the compensation assessed in the usual way.

(*h*) That the desirability of adding loss of speech and facial disfigurements to the list of scheduled injuries, by means of a proclamation under section 26 of the Act, be investigated.

(Signed) E. L. BEAN
E. R. O'CONNOR
A. J. GIBB

There is no reservation. The recommendation was signed by the whole committee and I do not think there is any need to take the matter further.

The Hon. C. R. CUDMORE—I am obliged to the Minister for now placing before us the facts and recommendations upon which this Bill was based, but I think it would have been fairer to everyone, and much more reasonable, if this had been done in the first place. Under this clause, the workman has the option of saying that he is not under workmen's compensation, but the employer is compelled under the Act to be liable under this schedule. I therefore withdraw nothing that I said about one person having an option and the other not having such option.

The CHAIRMAN—I think I have let the Committee wander far enough from this clause for everyone to understand it. It is limited to the fixing of rates of compensation for certain injuries, and has nothing to do with schedules or reports, except the ones that affect the clause. I will ask future speakers to confine themselves to the position as I have set out.

The Committee divided on Sir Frank Perry's amendment.

Ayes (6).—The Hons. J. L. Cowan, C. R. Cudmore, L. H. Densley, A. J. Melrose, Sir Frank Perry (teller), and Sir Wallace Sandford.

Noes (12).—The Hons. E. Anthoney, K. E. J. Bardolph, S. C. Bevan, F. J. Condon, E. H. Edmonds, A. A. Hoare, N. L. Jude, Sir Lyell McEwin (teller), W. W. Robinson, C. D. Rowe, C. R. Story, and R. R. Wilson.

Majority of 6 for the Noes.

Amendment thus negatived; clause passed.

Remaining clauses (9 and 10) and title passed.

Bill reported without amendment, and Committee's report adopted.

Read a third time and passed.

APPROPRIATION (GRASSHOPPER DESTRUCTION) BILL.

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

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

That this Bill be now read a second time.

Its object is to appropriate from the general revenue the sum of £150,000 for the destruction of grasshoppers and to provide for the manner in which that sum may be expended. At present expenditure on the destruction of grasshoppers is being financed by advances out of the Governor's Appropriation Fund. Payments of two kinds are being made, namely, payments to councils for insecticides purchased

by them and distributed amongst landholders, and payments for measures undertaken by the Minister of Agriculture.

The Government desires to recoup to the Governor's Appropriation Fund the amount of the advances, and, at the same time, to authorize future payments for expenditure incurred by councils and the Minister on the destruction of grasshoppers. Approval is sought for the appropriation of £150,000 for these purposes.

Clauses 2 and 3 provide for the issue from general revenue of £150,000 and the application of that sum to the destruction of grasshoppers. Clause 4 enables the Treasurer to make payments out of that sum to meet expenditure incurred by councils on the purchase of insecticides distributed amongst landowners and to meet expenditure incurred by the Minister of Agriculture on the destruction of grasshoppers. Clause 5 enables the Treasurer to recoup the Governor's Appropriation Fund from the amount appropriated by the Bill.

It is a pleasing feature of this matter that it has been proved that our expenditure has met with a great measure of success, and what threatened to be a calamity can fairly safely be said now to have been avoided. Although there are a few grasshoppers on the wing, it has been definitely shown that aerial treatment can deal with them. This is a large amount of money, but the grasshoppers could have caused a great deal of damage if this action had not been taken.

The Hon. F. J. Condon—Is this in addition to the £150,000?

The Hon. Sir LYELL McEWIN—No, it is the whole of the vote, and I hope it will not be used, although it is there if it is required. Anyone who has studied the markets, and has seen how they fell but rose again, will appreciate that greater assurance has been given the landholders, because what they feared has not occurred. It is not easy to estimate just what the prevention measures that have been taken have meant to the economy of the State, but I would say it is very much in excess of the amount we are seeking to appropriate. I commend this legislation to members.

The Hon. F. J. CONDON (Leader of the Opposition)—When the sum of £100,000 was mentioned here before, I said that I thought considerably more would be needed; this Bill provides for £150,000. It is most unfortunate that the legislation is necessary. I commend the Government for the action that has been taken, although I think it should have been taken before. The seriousness of this menace has been realized, because not only have we grasshoppers in this State, but they appear to be coming from other States. It would be very unfortunate if the South-Eastern parts of our State were attacked, particularly the winegrowing districts. We can safely say that in the Northern division a considerable amount of the wheat crop has been harvested, and I think that the early action taken has probably saved severe losses to the farming community. In some districts, particularly Telowie and Baroota, the people have suffered considerably and I hope that the Government will consider compensating them in some way. We have read of some very hard cases and I feel sure that Parliament would be fully behind any action the Government took to help the sufferers.

The Hon. C. R. CUDMORE (Central No. 2)—I have great pleasure in supporting the second reading and congratulate the Government and the Department of Agriculture on the work that has been done. The situation is rather interesting because my friend the Leader of the Opposition and some of his colleagues were so critical a few weeks ago of what the Government was doing or, allegedly, not doing. Now they are pleased to praise the Government's action and to support this expenditure. The Department of Agriculture has done an extremely good job in co-operation with the Commonwealth Government which has lent troops and jeeps to help in the fight. We may not be altogether out of the wood yet, but if we have prevented a major disaster by the expenditure of this £150,000 we have done very well.

The Hon. E. H. EDMONDS (Northern)—As a representative of a district where there was a heavy infestation of this pest I feel I should express gratification at the results achieved and a few words of commendation of the Minister, the officers of the Department of Agriculture and particularly of the men who are actually doing the job. Beyond all doubt these men are extremely keen. They realize their responsibilities and it is not a question of working and particular hours; they work from daylight to dark when the occasion and circumstances warrant it, and I could not possibly let this Bill go through without publicly expressing appreciation of all that has been and is being done. From the limited opportunities I have had to observe them I should say that the methods adopted have been effective and I subscribe to the view that the possible overall saving as a

result of the campaign will be far in excess of the amount provided for in this Bill.

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

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.

It makes some amendments of the Superannuation Act dealing with administrative matters, and provides some concessions to pensioners. Clauses 3, 4 and 5 are administrative provisions affecting the board. The principal Act provides that a member of the board loses his seat automatically if he absents himself without leave of the Governor from three consecutive meetings or five meetings in any year. This provision was passed at a time when public servants received only two weeks' annual leave. Under the present arrangements for leave, however, it is quite possible for a member of the board to be absent from three meetings while taking annual leave in the usual way. There is, of course, no virtue nowadays in a provision which requires the leave of the Governor to be obtained in order that a member may take his ordinary annual leave. The principal Act also provides for the automatic forfeiture of a seat on the board for incapacity. Experience has shown that provisions of this kind, which were common in the past, are unsatisfactory. It is a difficult matter to decide whether a vacancy has occurred by reason of incapacity, and still more difficult to say when it occurred. It is proposed in this Bill to repeal the provisions for automatic loss of an office by reason of absence from meetings or incapacity, and to provide instead that the Governor shall have power to dismiss a member of the board from office for neglect of duty or mental or physical incapacity to perform his duties. A provision is also inserted to facilitate the giving of notice of meetings to members.

Clause 6 deals with the number of units of pension for which a public servant may subscribe. Under the present Act employees in receipt of a salary up to £260—these are, of course, new appointees—have the option to contribute for units in excess of those prescribed in the normal scale of units. In view of the increases in salary and alterations in the scale of units it is now desirable to make this concession apply to officers in receipt of salary up to £350. This is done by clause 6.

Clause 7 extends the time for making an election under certain provisions of last year's Act. By that Act an officer in receipt of salary exceeding £1,470 a year was given the option to elect to contribute for units of pension in excess of twenty; and if the officer was more than fifty years old on February 1, 1955, he was entitled to contribute for half of his new units at the rate of contribution for age 50. The section provided that elections had to be made before June 1, 1955. It was thought when the Bill was introduced last year that by June 1, 1955, the marginal increases to Government employees would have all been settled and that officers would have plenty of time to make their election. However, it happened that some railway officers had their salaries raised by awards made on May 19, 1955, and June 2, 1955, and the increases operated from February 13. These increases were in a few cases sufficient to entitle the officers to take additional units. But none of them made their elections before June 1. Those who were governed by the award made on June 2 obviously could never have done so; and those who were governed by the award made on May 19 had only 12 days in which to ascertain their position and obtain the necessary papers and send them in. It is not surprising that they failed to do so. An application has been made to the Government to extend the time for making these elections, and in the special circumstances the Government considers it just that further time should be granted. All the other officers in Government employment whose salaries were increased as a result of the margins cases had an opportunity of making an election before June 1, and it would be rather unjust that a small number of officers whose salary claims were dealt with more tardily than the others should be denied the same privilege.

Clause 8 is a consequential amendment. Clause 9 deals with the rights of contributors who, in the past, have elected not to contribute or have been exempted from contributing for units of pension which they might have taken. Under the present law, if a contributor has foregone the units open to him, the board may give special approval for all or any of those units to be taken. There are many contributors to the fund who have elected not to take all the units available to them, and the board receives frequent requests from such contributors to be permitted to take up additional units. As the result of the alteration in the value of the unit and in the scale of units

which may be taken up, some questions arise as to the number of units which these contributors may now be permitted to contribute for. For example, supposing that a contributor gave up his right to 10 units at a time when the units were £26 ought he now be permitted to take up 10 units of £45 10s.? Or if a contributor omitted to take up units at a time when he could take one unit for every £52 of his salary, is it just that he should now be permitted to take up the same number of units, when the scale of units is on the basis of one unit for every £70 or more of his salary? This question has arisen in a number of cases which the board has dealt with by administrative decisions as allowed by last year's Act. The principle on which the board acts in these cases is now clearly defined, and it is desirable that it should be stated in the Act. It is that a contributor will not necessarily be allowed in future to take up the full number of units which he has foregone in the past, but the board will allow contributors who are subscribing for less than the number of units allowed by the present scale to take up at any time units not exceeding the number allowed by that scale, provided that the contributor pays the rate of contributions appropriate to his present age, and satisfies the board as to his state of health. Clause 9 contains a section which embodies this principle.

Clause 10 deals with a minor point in connection with the reserve units of pension. Under the present Act employees of the Government are permitted to contribute for reserve units of pension, that is to say, units of pension which are above the number appropriate to their salary for the time being, but which they will ultimately become entitled to. When the reserve units are converted to actual units the Act provides for any actuarial surplus of the contributions for the reserve units to be refunded to the contributor. However, in cases where the contributions for reserve units have been paid for less than five years the actuarial surplus is very small and not worth the trouble of making the complicated calculations necessary to determine them. It is proposed to provide in the Bill that the refunds in respect of reserve units will not be made unless the reserve units have been contributed for for at least five years.

Clauses 11 and 12 deal with the pensions payable to widows of deceased contributors or deceased pensioners. The Act provides that where the widow was not the first wife of the contributor or pensioner, her pension will be reduced below the normal widow's pension by 1¼ per cent for each year in excess of five years by which her age was less than that of her husband. This reduced rate of pension for second wives, though it has some justification, has always been unpopular and there have been persistent requests for its removal. The Government has investigated the cost of granting this request and finds that it can be done without increasing contributions and has accordingly decided to alter the law so that the reduction in the pension of widows who were second wives will no longer be made.

Clauses 13 and 14 provide that the Superannuation Board may pay the amount of children's allowances due to orphans to the Public Trustee upon trust to use it for the support and education of orphans, and that the Public Trustee will have power to accept the money and carry out the trust. The board has in the past been able to make arrangements in this connection by consent of all parties, but it is desirable that the board should have the statutory power enabling it to make these payments to the Public Trustee wherever circumstances warrant it.

Clause 15 deals with a problem which has given the board some difficulty in administration. Under the Act the board frequently grants invalid pensions to persons whose incapacities are only temporary, and quite a number of pensioners are restored to health at relatively early ages. The board, however, cannot cancel a pension unless the pensioner is able to perform the duties of the office which he previously held. It frequently happens that a pensioner who is restored to health is not able to perform the same work as he performed before his breakdown, but is able to perform other work which is available and suitable to his state of health and abilities. But, owing to the principle laid down in the Act, the pensioner is entitled to continue on pension unless he is able to perform the work which he was doing before the incapacity occurred. To deal with such cases it is proposed to alter the Act so that a pensioner who is restored to health can be offered any work suitable to his state of health and abilities, and if the work offered to him carries at least three-quarters of his previous salary then his pension may be cancelled. I should mention that the board has always taken a very sympathetic attitude towards invalid pensioners and is never anxious to cancel a pension unless it is quite clear the pensioner has recovered. But from time to time the board finds that pensioners who have recovered

obtain private work or even set up their own businesses and, at the same time, try to retain their pensions. The board feels that it should have adequate power to deal with these cases.

Clause 16 is an administrative matter only. It provides that when a contributor retires or dies without having paid all his contributions any arrears of contributions can be deducted from the money due to the pensioner. In practice the board has been acting on this principle, but there is some doubt about whether it is wholly consistent with the Act and it is desired to make it quite clear that the board has this power.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the Bill. As indicated by the Chief Secretary, it merely tidies up the Act. The Opposition is happy to support the provision relating to the pensions payable to the widows of deceased contributors or deceased pensioners and that which provides that a second wife's pension is not to be reduced by 1¼ per cent for each year in excess of five years by which her age was less than that of her husband. I support the provisions that provide that the board may pay the allowances due to orphans to the Public Trustee upon trust to use it for their support and education. Clause 16 provides that when a contributor retires or dies without having paid all his contributions any arrears of contributions can be deducted from money due to the pensioner. That, too receives my support.

The Hon. C. R. CUDMORE (Central No. 2)—In the past I have not been lacking in the tributes I have paid to our public servants. I realize how much we owe to their loyalty. In many instances they might have transferred to the Commonwealth Government or other employers because of the high bribes offering, but they have remained steadfast in their loyalty. I am glad to support anything which tends to improve their pensions. But I think the Government is entirely wrong, and is bringing Parliament into disrepute, by introducing a measure of this nature so late in the session. It was read a first time in the House of Assembly yesterday in order to be printed. We are not in a position to know its provisions.

This is a Government measure and the Government must take full responsibility for delaying its introduction until now. I do not know why there has been this delay. I remind the Government that it derives its power only from Parliament, therefore, if Parliament is to be dragged down there will not be much behind any Government of any colour in this State. I protest strongly against this type of procedure. Instead of having a cigar after dinner this evening, I obtained a *Hansard* pull of the second reading speech and studied it. I have no quarrel with the measure so far as I can understand its contents, but clause 9 means absolutely nothing to me. It relates to the rights of contributors who in the past have elected not to contribute or who have been exempted from contributing for units of pension which they might have taken. In respect of this clause the Minister said:—

> Under the present law, if a contributor has foregone the units open to him, the board may give special approval for all or any of those units to be taken. There are many contributors to the fund who have elected not to take all the units available to them, and the board receives frequent requests from such contributors to be permitted to take up additional units. As the result of the alteration in the value of the unit and in the scale of units which may be taken up, some questions arise as to the number of units which these contributors may now be permitted to contribute for. For example, supposing that a contributor gave up his right to 10 units at a time when the units were £26 ought he now be permitted to take up 10 units of £45 10s.? Or if a contributor omitted to take up units at a time when he could take one unit for every £52 of his salary, is it just that he should now be permitted to take up the same number of units, when the scale of units is on the basis of one unit for every £70 or more of his salary?

That does not mean a thing to me. I will not object to it if it will benefit civil servants and will assist in straightening out the superannuation fund, but I am not going to give it my blessing because I do not understand it. There may be persons in this Chamber who understand it, but I doubt whether any member does. When Bills are introduced in the House of Assembly I procure copies of them and study them after the second reading speeches are given, but in respect of this legislation I have had no chance of so doing.

The Hon. F. J. CONDON (Leader of the Opposition)—Mr. Cudmore is a careful student of all measures which come before this Chamber and I compliment him on the manner in which he studies legislation. It is rather unfortunate that at this stage of the session we should be asked to consider legislation we do not understand. There may be nothing objectionable in the Bill, but we are entitled to an opportunity of fully considering it. The Government will not introduce legislation relating to the superannuation of Parliamentarians this session.

The Hon. C. R. Cudmore—Why shouldn't we? Let us introduce such a measure.

The Hon. F. J. CONDON—There will be no such legislation because my Party would not agree to what the Government suggested. The Premier said that legislation could be introduced if we would agree to it. We were asked to agree to an increase of 100 per cent in contributions in order to receive a 50 per cent increase in benefits.

The Hon. C. R. Cudmore—Who was asked to agree to that?

The Hon. F. J. CONDON—The Labor Party.

The Hon. C. R. Cudmore—We never heard of it.

The Hon. K. E. J. Bardolph—You don't count.

The Hon. C. R. Cudmore—That is right; we don't count.

The Hon. F. J. CONDON—While the Government is prepared to introduce legislation on the last night of the session to assist other people, it would not ask the Public Service, Police Association or any other body to accept what it has offered to us. I am not prepared to agree to the contributions being doubled to a total of £150 a year when the increased superannuation will amount to only 50 per cent.

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

ELECTORAL ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 23. Page 1706.)

The Hon. F. J. CONDON (Leader of the Opposition)—Clauses 3 to 9 deal with postal voting for citizens on a visit to England. Up to the present a vote has not been available to such people. If a person who was leaving for overseas was handed a ballot paper for a House of Assembly election and he failed to vote, would he be subject to a fine?

The Hon. C. D. ROWE (Attorney-General)—I will ascertain the position and let the honourable member know.

The Hon. F. J. CONDON—Under the Bill the time for applying for a postal vote is extended. It is proposed to appoint an assistant returning officer in London. If there should be a snap election there would be difficulty in appointing such an officer and forwarding the necessary voting papers. I presume that they would be sent by air. It is all right to extend the time for postal voting within the Commonwealth, but it is a different matter if the practice is extended to London or elsewhere outside Australia. Clause 10 deals with informal votes. I have always contended that where there are two candidates it should be sufficient if a vote is placed in one square. I have been a scrutineer at many elections, and the returning officer has not been prepared to accept a vote if only one candidate has been voted for.

The Hon. C. D. Rowe—I think that if there are only two candidates such a vote is valid, but the Bill covers the position when there are more than two candidates.

The Hon. F. J. CONDON—I have argued with the returning officer, but he has said that if a voter has not voted in both squares when there are two candidates, the vote is informal. The provisions of this Bill are an improvement on the Act. Clause 11 increases the maximum amount of electoral expenses. This may apply to one Party more than another, but that does not enter into the matter. If any person wants to spend his money, he should be permitted to do so, no matter in what way he desires to spend it. For instance, the Act does not take broadcasting into consideration. The Bill provides that an individual can pay his personal expenses, but no association can do so. We all know that election expenses are very heavy, and I do not think members of Parliament are given enough allowances for taxation. For a long time, the amount allowed was only £100 a year, which is nothing compared with what members in other States and Federal members are allowed. This matter should be reviewed because of the nature of the times. It has been held up for six months to get the Taxation Department to agree to an increased amount.

The Bill also provides a restriction on the size of election posters. It gives power to the police to remove posters placed on walls, footpaths and telegraph poles if they are not within the provisions of the Act. I cannot see any objection to the Bill, so I support it.

The Hon. C. R. CUDMORE (Central No. 2)—I support the second reading of this Bill, which I think has many features to commend it. Quite definitely, our Electoral Act has been outdated in many ways. It deals with various matters that I do not propose to discuss in a second reading speech. There are only two things that I would like to mention. This Bill tackles a problem that we tried to deal with when you were on the Floor of the House, Mr. President, that of

organizations publishing lists of the names of members they said were in support of their particular mania, whether it was alcoholism, non-alcoholism, non-vivisection or anything else. We could never find a statement that really covered it, so after several attempts we left it out. However, the Government has been bold enough to draw up a clause it thinks will cover it.

The only other item I wish to mention on the second reading is limitation on the size of posters. Because it was introduced in the House of Assembly at least a week ago, I have had an opportunity to study and read this measure, and there is only one alteration to the Bill as it was introduced, which is with regard to the size of posters. The Bill originally provided that they were to be no more than 60 square inches in size, the whole point of that being to conform with Federal legislation. We all know what happened in a Federal election some years ago when this limitation was brought in. In Norwood someone had the bright idea that, if posters were only to be 10 inches by six inches, they could fill a whole window with posters of that size. In other places, they were placed in designs such as horseshoes, and there were prosecutions and trouble. All that has been overcome. As I understood this legislation when it was introduced, its objective was to make it the same as the Federal legislation, because we have tried to make our laws the same as Federal laws. There used to be trouble about the distance from the polling booth as which a voter could be spoken to, but most of these things have been ironed out. As introduced in the House of Assembly, the provision as to size of posters was the same as the Federal legislation, and I cannot understand how it was altered in that Chamber from 60 to 120 square inches.

The Hon K. E. J. Bardolph—Why not double it?

The Hon. C. R. CUDMORE—What is the good of it? It does not conform to anything. It still only gives a piece of paper 12 x 10 instead of 10 x 6, which seems quite useless and stupid. I support the second reading, but I shall have something further to say during the Committee stage.

The Hon. S. C. BEVAN (Central No. 1) —I support the second reading because I think the Bill is a definite advancement. From time to time, incidents have occurred during an election, and afterwards there have been considerable arguments about the approaches to the Act. This Bill will bring some uniformity into the matter. Clause 11 takes into consideration present monetary values in that it has increased the allowable expenses of a candidate. Clause 14 makes it an offence for any association or member of the controlling or executive body of an association, or any officer of an association, or any person acting on behalf of an association, to publish or announce without the written authority of the candidate any matter in which it is claimed or suggested that a candidate in any election is associated with, or supports the policy or activities of that association. If an association issues pamphlets or makes statements in the press about a candidate at election time without his knowledge or consent, it is an offence. That has been done and it has been detrimental to the candidate. In some cases it has been a variation from fact. This provision should have appeared previously in the Act. It will prevent anyone connected with an association from making any statement without the authority of a candidate.

There are one or two clauses that I hope I shall receive more information about in Committee. The Bill provides that an election poster of more than 120 square inches shall not be exhibited. Mr. Cudmore apparently did not agree with the amendment inserted by the House of Assembly, and felt that a poster should be smaller. One thing that I have been interested in is the size of an advertisement on a picture screen.

The Hon. C. D. Rowe—I think it refers to posters on structures and hoardings of any kind.

The Hon. S. C. BEVAN—Then apparently it will not apply to screen advertising. Further new section 155b (2) provides that a person shall not write, draw or depict any electoral matter on any roadway, footpath, building and so forth. That is a total prohibition. If I, as a candidate, working in my own district affix a poster not exceeding 120 square inches to my own motor car or on my own home am I committing a breach of the Act? If I am I consider that we are encroaching on the rights of the individual.

The Hon. C. D. Rowe—This clause follows the Federal Act.

The Hon. S. C. BEVAN—That may be so but I have no recollection of any person being prosecuted for displaying electoral posters on his own home.

My final point is in connection with new section 155 (3) which says:—

Nothing in this section shall prohibit the posting up, exhibiting, writing, drawing or depicting of a sign on or at the office or committee room of a candidate or political party indicating that the office or room is the office or committee room of the candidate or party. . . .

Committee rooms of political Parties are usually established as close as possible to polling booths, and the verandahs or rooms of private homes are used for the purpose. It is customary to attach a streamer to the verandah or fence so that people will know that it is a Party committee room and I see no harm in that. If, however, we may display posters of only 120 square inches people will want magnifying glasses to see them. If we can display a streamer of, say, six inches by 2½ feet in a prominent place people will be able to see it readily.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I take the same point as raised by Mr. Bevan. At election times we often see walls or doors scrawled over with electioneering slogans. Does this provision apply merely to that sort of thing or to recognized printed electoral posters?

The Hon. C. D. Rowe—It prohibits it on walls and footpaths, etc., altogether.

Bill read a second time.

In Committee.

Clauses 1 to 13 passed.

Clause 14—"Publication of matter."

The Hon. C. R. CUDMORE—I move—

In section 155b (1) to delete "one hundred and twenty" and to insert "sixty."

I have already mentioned the fact that this Bill was expressly drawn up to conform to the Commonwealth Act and to prohibit posters larger than 60 square inches, which has been the accepted thing for some years. I can see no sense or reason for increasing the size to 120 square inches and I therefore suggest that we should go back to 60 square inches. I want to hear from the Government why it allowed the Bill to come here prescribing 120 square inches.

The Hon. C. D. ROWE (Attorney-General)—I imagine the reason why it was altered in the House of Assembly was that a small poster 10 inches by 6 inches was considered to be too small for practical purposes as it could be seen from only a short distance. Although the Commonwealth Act prescribes that a poster shall be only 10 by 6 inches it was honoured more in the breach than in the observance and the House of Assembly felt that a limit of 120 inches would be practicable and reasonable in the circumstances. I ask the Committee to accept the clause as it stands.

The Hon. Sir FRANK PERRY—I think the idea is to eliminate posters altogether. A poster 10 by 6 inches is designed for distribution by handing out because it is useless posting up posters of that size. That is one of the main reasons why it was done. I should say that most reputable political organizations adhere to the 60 square inches and I am prepared to support the amendment.

The Committee divided on the amendment.

Ayes (5).—The Hons. J. L. Cowan, C. R. Cudmore (teller), A. J. Melrose, Sir Frank Perry, and Sir Wallace Sandford.

Noes (13).—The Hons. E. Anthoney, K. E. J. Bardolph, S. C. Bevan, F. J. Condon, L. H. Densley, E. H. Edmonds, A. A. Hoare, N. L. Jude, Sir Lyell McEwin, W. W. Robinson, C. D. Rowe (teller), C. R. Story and R. R. Wilson.

Majority of eight for the Noes.

Amendment thus negatived; clause passed.

Bill reported without amendment and Committee's report adopted.

Read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL (GENERAL).

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.

It contains a number of amendments of the Road Traffic Act. Most of them deal with rules of the road and general duties of motorists and have been inquired into and recommended by the State Traffic Committee. The others deal with registration of vehicles and the concessions in registration fees. I will explain the clauses of the Bill in their order.

Clause 4 deals with the definition of "commercial motor vehicle." At present this definition lays it down that motor vehicles "of the type commonly called buckboard" are included in the term "commercial motor vehicle." Since that definition was inserted in the Act the word "buckboard" has been almost entirely superseded by the term "utility" and the Government's legal advisers

have raised the question whether there are any vehicles now commonly called "buckboards." The definition is of importance because it affects the amount of the registration fee. Therefore it is desirable that there should be no doubt as to its meaning, and it is proposed to alter the word "buckboard" to "utility."

Clause 5 deals with the rights of farmers to drive unregistered tractors and farm implements on roads. At present a farmer can drive an unregistered farm tractor on roads within 15 miles of his farm for purposes set out in subsection (5) of section 7 of the Road Traffic Act. One of the purposes is to take the tractor to a workshop for repairs. Representations have been made to the Government that some farms are situated more than 15 miles from workshops where repairs to tractors can be efficiently carried out, and for this reason the Government has agreed to propose an extension of the distance for which unregistered tractors may be driven. The Bill provides, therefore, that the specified distance shall be increased from 15 to 25 miles. It also allows unregistered tractors to be driven beyond this distance if there is no suitable repair shop within 25 miles. Clause 5 also alters the provision of section 7 of the principal Act which enables farm implements or machines, which would normally require to be registered as trailers, to be driven without registration by unregistered farm tractors on roads within 15 miles of the farm. It is proposed to extend this distance to 25 miles and to provide that an unregistered farm implement may be driven within the permitted distance either by farm tractor or by any registered motor vehicle. Clause 6 provides that permits to drive vehicles in country areas pending registration need not necessarily be affixed to the windscreen of a vehicle but may be affixed in any place prescribed for the fixing of an ordinary registration disc. Clause 7 deals with a difficulty which has been experienced by manufacturers of agricultural machines. Some of these machines are trailers within the meaning of the Road Traffic Act and cannot be drawn on roads without registration. Manufacturers, however, in the course of delivering agricultural machines to purchasers often find it necessary to move them along roads for short distances on their own wheels. It would be a considerable hardship if every such machine had to be registered for one short journey, and the manufacturers have asked the Government to grant them an exemption from the duty to register these machines. The Government has agreed to give some relief in this matter. However, as it is necessary for the proper administration of the Act that there should be some identifying mark on the rear of these machines, it has been decided that the most satisfactory method of granting a concession is to enable the manufacturers to obtain limited traders' plates, which cost £2 a pair, without the necessity of taking out general traders' plates, which cost £16 a pair. These limited traders' plates could be attached to any agricultural machines which are being drawn on roads in the course of delivery to purchasers, and will exempt them from having to be registered.

Clause 8 deals with the compulsory disqualification of motor drivers for offences against the Road Traffic Act. Under the present law, if a driver is convicted of a second or subsequent offence of exceeding the speed limit or driving without due care or failing to give way, and such conviction is recorded within ten years of a previous conviction for the same offence, it is obligatory for the court to order that the driver be disqualified for a period. Upon representations made to the Government by the Automobile Association, the State Traffic Committee considered the question whether convictions 10 years old should operate to the detriment of a motorist. The committee recommended that the period should be reduced to three years, which is more in line with what Parliament has provided in other Acts. The Bill makes an amendment to carry this recommendation into effect. It will mean that these convictions will after three years cease to count against a motorist for the purpose of compulsory disqualification, but may still be taken into account by the court, if it thinks fit, in the exercise of its discretionary power to order disqualification.

Clause 9 alters the law as to rear lights on motor vehicles. The rules in the Act on this subject were drafted in the early days of motoring and do not suit modern conditions. They are based on the assumption that a motor vehicle has only one rear lamp which is used for the dual purpose of illuminating the rear number plate with a white light, and showing a red warning light to the rear. Nowadays, however, most vehicles do not use the same lamp for both these purposes, and there is no reason for compelling them to do so. It is therefore proposed to take away the present obligation to have a single dual-purpose rear lamp. In addition, it is provided that the number plate must be illuminated so that the figures and letters are distinguishable at a

distance of at least sixty feet. The present figure is forty feet, but it is proposed to alter it to sixty in accordance with recommendations made by the Commonwealth Committee on Uniform Vehicle Standards.

Another amendment made by clause 9 deals with front lights on motor cycles. The present law provides that these lights must illuminate the front number plate. Nowadays there are many motor cycles and motor scooters which have small wheels and the front number plate fixed in a position well below the headlamp. On these vehicles the front light cannot be directed so as to illuminate the number plate and it is proposed to abolish the requirement that the front headlamp on motor cycles should illuminate the number plate.

Clause 10 deals with the law relating to rear vision mirrors. Under the present law the general rule is that every motor vehicle must carry a rear vision mirror, but there are three exemptions. The first is that motor cycles are exempt. The second is that a motor vehicle drawing a trailer need not have such a mirror. The third is that a vehicle need not have a mirror if owing to the mode of its construction or the load carried it is not practicable to have one. It is proposed in the Bill to remove all of these exceptions, and to provide that every vehicle other than a trailer must have an effective rear vision mirror.

Clauses 11 to 18 make a number of amendments to Part IV of the Act which deals with the width of tyres and maximum loads. These amendments have been recommended by the Commissioner of Highways and have been inquired into and recommended by the Traffic Committee.

Clause 11 amends the interpretation section of Part IV. It inserts a definition of axle, the object of which is to make it clear that in a case where an axle has two spindles at each end with wheels on each spindle, or where there are tandem axles within forty inches of each other, the whole of each such system of spindles or axles will be regarded as a single axle for the purpose of computing the permissible axle load. It has been proved that tandem wheels on spindles or axles close together do almost as much damage to the road as an ordinary single axle with two wheels on it, and should be subject to the same maximum axle load.

Another alteration of the law made by clause 11 provides that a semi-trailer will not be treated as a separate non-mechanical vehicle as the law now provides, but will be regarded as part of an articulated motor vehicle. This will mean, in practice, that the axle load for a semi-trailer will be the same as for a motor vehicle, *i.e.*, eight tons, instead of six tons which is the limit for a non-mechanical vehicle. This is considered equitable as the tractor portion of an articulated vehicle is nowadays regarded as an integral part of a motor vehicle.

Clause 12 provides that it will be an offence if a motor vehicle carries more than sixteen tons on any two axles thereof. At present the law prescribes a limit of eight tons per axle, but does not make it possible to lay a charge against a man that the total load on two axles exceeded 16 tons. Sometimes it is not possible to weigh the axle load on each axle separately. In such a case all that can be ascertained is the total load on two axles. In order to facilitate the enforcement of the Act it is desirable that it should be possible to lay a single charge in respect of the overload on two axles, and clause 12 will enable this to be done. It does not alter the permissible load on any one axle.

Clause 13 deals with the exemptions which are sometimes required to enable vehicles to carry heavy pieces of machinery and other loads in excess of those permitted by the Act. At present a person desiring to carry an excess load must obtain permission from the town or district clerk of every municipality and district through which he proposes to travel. This rule has been found to be rather unsatisfactory. In the first place it gives the Commissioner of Highways no control as to whether heavy loads shall be taken over the roads maintained by him and, secondly, it gives a good deal of trouble to members of the public who sometimes have to get the approval of a number of local government officers. Therefore, it is proposed in clause 13 to lay down a rule that the Commissioner of Highways will be the authority to give consent for the conveyance of loads above the legal maximum, but before giving his consent he must consult with the appropriate road authorities. Thus members of the public will only have to deal with one officer and, at the same time, the interests of the local governing bodies will be safeguarded.

Clauses 14 to 16 deal with the duty to weigh vehicles. At present the owner or person in charge of a vehicle can be required by an authorized officer to take the vehicle to a weighbridge or weighing apparatus for the purpose of weighing the vehicle or its load. The Act, however, places limits on the distance which a person can be compelled to go in order to have a vehicle weighed. If the

vehicle is being driven on a road when the direction for weighing is given it can only be compelled to go to a weighbridge within one mile of it. In other cases an owner can be compelled to take the vehicle to weighing apparatus within two miles. These limits were originally fixed many years ago for horse-drawn vehicles, and in recent years have proved much too restrictive. It is proposed to alter the distances in question to five miles.

Clause 15 deals with the power of an authorized officer to require a person in charge of a vehicle to stop and give his name and address and the name and address of the owner of the vehicle. The present rules, which are set out in section 99 of the Road Traffic Act, have led to some difficulty in practice. At present the direction to stop has to be given to the person in charge of the vehicle, who is not necessarily the driver. If there are two persons sitting in the driver's seat of the vehicle it may be impossible for an authorized officer to know who is really in charge of the vehicle at the time. It is preferable, therefore, that the law should provide that the direction to stop shall be given to the driver.

Another amendment made by this clause deals with the duty to answer questions asked by a member of the police or some other authorized person for the purpose of ascertaining the name and address of the owner of a motor vehicle. Under the present law such questions can only be directed to the person who is in charge of the vehicle. As I previously mentioned, Sir, it is in some cases difficult to determine who is in charge of a vehicle, and it is desirable that authorized persons should be able to direct their questions to the driver of the vehicle as well as the person apparently in charge of it. The amendment will permit this to be done. Amendments for this purpose are included in clause 15.

Clause 17 and 18 raise the general maximum penalties prescribed by Part IV of the Act. The penalty for breach of any regulations under that part is raised from £10 to £50. The penalties for offences against the actual provisions of Part IV are also raised. The maximum for a first offence is raised from £10 to £50, and for a second offence from £20 to £100. These increases are justified by the decreased purchasing power of money, and by the increasing seriousness of the offences involving overloading of vehicles.

Clause 19 contains amendments of the law relating to the duties of road users at railway crossings. These amendments were asked for by the Railways Commissioner and inquired into and recommended by the Traffic Committee. The first amendment in clause 19 provides that when a vehicle has stopped at a railway crossing in obedience to a mechanical signal, it may proceed to cross while the signal is still working, if so directed by an employee of the Railways Commissioner. The Railways Commissioner points out that occasionally signals are working when there is no train coming and in these circumstances an employee is sent out to direct the traffic across the level crossing.

The next amendment made by clause 19 is to require vehicles approaching railway crossings to slow down to not more than 20 miles an hour for the last 50 yards before reaching the crossing. This amendment is prompted by the number of crossing accidents, some of them serious, which have taken place in recent years both in South Australia and in other States. Some accidents have occurred because the vehicles approached the crossing at such a speed that they were unable to stop in time even where the driver saw the train coming. It is considered that if motorists got into the habit of slowing down before reaching level crossings there would be an appreciable reduction in the number of accidents.

Another provision of clause 19 provides that omnibuses, and vehicles carrying inflammable gases, or explosives must in all cases stop before proceeding over a level crossing, whether there is a stop sign or not. The word "omnibus" is defined so as to include all passenger vehicles with accommodation for more than eight persons, and also any other vehicle which at the relevant time is carrying more than eight persons. This amendment is also prompted by the serious level crossing accidents which have occurred in recent years.

Clause 20 contains provisions to provide for the control of traffic on what is commonly called the Emerson intersection, that is, the place where the Brighton railway line crosses the intersection of South Road and Cross Road. The road traffic problem at this intersection has been made much more difficult by the duplication of the Brighton railway line. There is, however, good reason to believe that the engineers of the Railways Department have devised satisfactory methods of dealing with it. The proposed arrangements include road alterations to facilitate left hand turns by vehicles and the installation of automatic boom-gates to keep traffic away from the railway lines when the trains are passing. In addition, a special system of traffic lights will

be installed to ensure that no congestion of road traffic occurs on or near the railway line, and that the traffic will be quickly cleared when the boom-gates are about to close. The traffic lights, in addition to showing green, amber, and red signals, will show directional arrows for the purpose of sorting out the traffic. When a green signal is shown with an arrow pointing to the left or right, traffic will be permitted to enter the intersection only for the purpose of turning in the direction indicated. When the green signal is shown with a vertical arrow, the traffic entering the intersection must proceed straight through. The road at the approaches to the intersection will be divided in to traffic lanes so as to separate the streams of traffic, that is, those turning to the right or left, or going straight on. The light signals with the various arrows will be shown in succession so as to prevent congestion within the intersection and will be properly timed in relation to the closing of the boom-gates. From the legal aspect, it is necessary to provide by law that the arrows marked on the green lights will be binding on motorists, and that a motorist who does not obey the indication given by the arrow will be guilty of an offence. Clause 20 provides for this.

Clause 21 deals with the effect of stop signs at railway level crossings. It provides that where there is a stop sign at a crossing vehicles and pedestrians must stop more than ten and not more than 40 feet from the railway line. At present the traffic is obliged to stop at least 30 feet from the railway line which, in some cases, has been found to be too far. Drivers and pedestrians at this distance from the line are often unable to see what is coming. The proposed new rule will get rid of this difficulty, and is in line with the recommendations of the Uniform Traffic Code Committee.

Clause 22 empowers municipal and district councils to establish pedestrian crossings by appropriate markings on roads. Before marking a crossing a council must apply for the approval of the Highways Commissioner. If the commissioner refuses approval the council may appeal to the Minister of Roads who will finally decide the matter after obtaining such information and advice as he deems necessary. The system of approvals is proposed because it is desirable that there should be some overall control of the establishment of pedestrian crossings in order to secure uniform policy and to prevent the unnecessary multiplication of crossings. The crossings will have to be marked in the manner to be prescribed by regulations which will, no doubt, adopt the commonly accepted methods of oblique yellow lines. Pedestrians on a crossing will have the right of way against vehicles and animals approaching the crossing, and the duty to give the right of way is expressed in language similar to that which sets out the ordinary duty of motorists to give way to traffic on the right. In addition to placing duties on motorists, the clause imposes on pedestrians the obligation not to remain within the limits of a pedestrian crossing longer than is necessary for the purpose of passing over the crossing with reasonable despatch.

Clause 23 provides a speed limit of 15 miles an hour for vehicles passing school buses which are taking up or setting down children. It also alters the wording of the notices which the law requires to be placed near school playgrounds and children's playgrounds where a special speed limit is in force. The object of this alteration is to adopt the type of notice approved by the Standards Association of Australia.

Clause 24 provides that it shall be an offence to open a door of a vehicle or alight from a vehicle on to a road so as to cause danger or impede the passage of traffic. It might be thought that this is a somewhat trivial matter, but the attention of the Government has been drawn to the fact that conduct of this kind has in recent years been responsible for at least three deaths, and it is common knowledge that quite a lot of inconvenience to traffic is caused in this way. For this reason the State Traffic Committee recommended the creation of a specific offence to deal with such conduct.

Clause 25 extends the provision of the principal Act dealing with the securing of loads on vehicles. The present provisions on this subject apply only to loads which project beyond the limits of the vehicle. They do not place any obligation on a driver to ensure that a load which does not project from the vehicle shall be firmly stacked and secured so that it will not fall off and create dangerous situations or damage the roads. The police have in recent months reported a number of cases in which large pieces of stone have fallen from trucks on to road surfaces but it has been difficult to detect the specific offenders. The police, however, know that the reason why the stones have been falling on to the roads is that the tail boards of the trucks are not fastened. In order to prevent such happenings it is necessary to make it an offence to carry a load without taking precautions to prevent it falling off. The proposed new provisions require that every load,

whether projecting or not, shall be properly arranged, fastened and confined so as to remain on the vehicle. In addition, all projections likely to cause injury or damage are forbidden.

Clauses 26 and 28 have to be read together. Their joint effect is to make two amendments of the principal Act. The first deals with the duty of the owner of a motor lorry to paint his name and address on the vehicle. In the past, buckboards weighing not more than 32cwt. have been exempt from this obligation. In recent years, however, buckboards have increased in weight and it is proposed to raise the exemption from 32cwt. to 35cwt. The old section still deals with buckboards. In addition, it is proposed to extend the exemption to all commercial vehicles up to 35cwt., whether they are, strictly speaking, buckboards or not. This will avoid the need for drawing fine distinctions between one class of vehicle and another. Secondly, it is proposed by these amendments to provide that a trailer which forms part of an articulated vehicle will not be regarded as a separate vehicle for the purpose of the provisions which prescribe speed limits based on weights of vehicles. In other words, the whole of an articulated vehicle will be treated as one vehicle for the purpose of computing the permissible speed based on the weight of the vehicle in accordance with section 174 of the Act. This is in accordance with the commonly accepted idea that the trailer portion of an articulated vehicle is not a separate vehicle.

Clause 27 alters the permissible maximum speed of heavy vehicles. At present these are laid down by section 174 of the Road Traffic Act and there are two scales of speeds, one for commercial motor vehicles drawing trailers and the others for commercial vehicles not drawing trailers. There are three speeds in each scale but there is no distinction between speeds in built-up areas and speeds outside such areas. Both scales apply only to vehicles exceeding three tons. The scale applicable to vehicles with trailers prescribes speeds varying according to the weight of the vehicle from 30 to 20 miles an hour. The scale applicable to vehicles without trailers prescribes speeds between 25 and 35 miles an hour. As the ordinary articulated vehicle is at present deemed to be a vehicle with a trailer it is on the lower scale of speeds and if the aggregate weight of the vehicle and its load exceeds 11 tons, as is usually the case, it must proceed at a speed not exceeding 20 miles an hour.

These speeds have been reviewed in the light of information obtained by the Government from the Road Traffic Committee, and carriers, and also with regard to recommendations made by the Commonwealth Uniform Road Traffic Code Committee. The main criticism of the present speeds is that an ordinary freight carrying vehicle which with its load weighs 11 tons or more is not built to drive for long distances at a speed not exceeding 20 miles an hour. Moreover, it is confusing to have two scales of speed with minor differences according to whether the vehicle has a trailer or not, especially as the articulated vehicle is treated as a vehicle with a trailer. The proposals of the Government are to have two scales of speeds—one for built-up areas and the other for open roads. Each scale will prescribe speeds varying only according to the total weight of the vehicle, its trailers (if any) and of the loads in the vehicle and trailers. The scales proposed for roads outside built-up areas are as follows:—For vehicles from 3 to 7 tons, 40 miles an hour, for vehicles from 7 to 15 tons, 30 miles an hour, for vehicles over 15 tons, 25 miles an hour.

Inside built-up areas the proposed speeds are 30 miles an hour for vehicles up to 7 tons, and 20 miles an hour for vehicles over 7 tons. Perhaps the most important change in the new speed is that the permissible speed of vehicles weighing from 7 to 11 tons outside built-up areas is increased from 25 to 30 miles an hour, and that of vehicles weighing from 11 to 15 tons, from 20 to 30 miles an hour. Clause 29 increases the general penalty for offences against Part VII of the Act which deals with the protection of roads. The general penalty at present is a fine not exceeding £20. In view of the prevalence of these offences and their serious consequences it is proposed to increase the general penalty to £50.

The Hon. C. R. CUDMORE (Central No. 2)—It is an old story that I will tell but I will tell it on every occasion possible. It is extraordinary that we always get a Road Traffic Bill in the dying hours of the session. I notice that in 1948 when we made considerable amendments a Bill was received the day before the closing day of the session and in 1950 one was received four days before the end of the session. This may be a war of attrition we have got into and I will quote what I said on November 15, 1950 with regard to this procedure. It was as follows:—The committee apparently furnished a report, and I use the word "apparently" because we have not had the privilege to see the report of

this private committee which advises the Government. Such of their reccommendations as the Government likes to adopt are submitted to us in the form of a Bill. It has been said before, but it must be repeated, that a Bill of this nature should have been before us four months ago so that we could have had a chance to analyse and discuss it. We do not know when the Traffic Committee made its report; it may have been a year ago. I gave evidence before it on certain points almost a year ago. I have every reason to think that most of the recommendations in the Bill were submitted by the Traffic Committee months ago. I again enter my protest at the way this House is treated by the Government. I reiterate that the Government should realize some time or other that it derives its authority only from Parliament, and if it writes down Parliament, as apparently it thinks wise to do, it will write itself off eventually. I have said it about four times this session and I cannot let the opportunity pass without reiterating the fact that the Government is undermining Parliament in the minds of the people. Everybody connected with the Royal Automobile Association knows that the Bill was only read a first time in the Assembly yesterday. We have received it only tonight and yet this Bill of 29 clauses, with most diverse amendments, is brought forward. It took the Minister of Local Government a quarter of an hour to read some 12 pages of foolscap to explain the measure, yet we are asked to deal with it in a few minutes. It is wrong and out of order.

I have often said that the great trouble with our road traffic laws in this State is that we have not a proper code of signals. Time and time again in this House I have demonstrated what is the accepted signal in England and elsewhere to indicate "Come on, it is quite safe; I am going to turn in to park or turn the corner and you are all right to pass me." When one is driving here behind another car the driver in front puts up the recognized stop signal and you have to guess whether he is going to stop or turn left. Why they do that when they intend to turn to the left I have not discovered. I have discussed the question of the signal indicating "Come on, it is all right" in evidence before the State Traffic Committee and it approved it with enthusiasm. I have also discussed it with the Commissioner of Police and he approved it and said he would try to get it introduced, and then I discussed it with the chairman of the Royal Automobile Association and the chairman of the City Council Traffic Committee. Everyone says it is quite right, but nothing ever happens about it. I cannot understand why it is not introduced. The real reason is that our system is different from that in the Old Country. There they have a road courtesy code published with the authority of the Minister. It is only a courtesy code, and it is not an offence if you do not give the signals, but if you do not the evidence may be used against you in a civil action. The attitude adopted here is that everything must be an offence—that the Australian is a crude animal who will not do anything unless the police can make him do it. That is an attitude of despair. I know that the Chief Secretary is the head of the police and he and I do not agree on this. He thinks the Australian has to be made to do things. I think we should still have hope that we can persuade our citizens to have some regard for each other. Therefore, I am very sorry that in this new and lengthy amendment to the Act we have not one word on road courtesy, which, after all, is the most important item in road traffic.

The Hon. Sir Lyell McEwin—We achieved something last week, according to statistics.

The Hon. C. R. CUDMORE—By threatening. That carries out the Minister's idea of a threat by the police to run offenders in and therefore they will not go so fast. I am more hopeful that we shall have something better in the community than that. There is no point in discussing the Bill in the second reading stage. I think it is rather an insult to this House and to Parliament that we should be asked to discuss such an important measure at this stage of the session. I will have something more to say when it gets into Committee, as it is bound to do, and it is bound to go through without any kind of proper inspection or supervision by members.

The Hon. K. E. J. Bardolph—How do you know?

The Hon. C. R. CUDMORE—I do know. I ask honourable members to tell me what the amendments mean. I could not get a copy of the second reading speech in the House of Assembly until after mid-day.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I agree that this is a Committee Bill. I did not propose to speak on the second reading, but on every occasion when such Bills come before us in the last days of the session Mr. Cudmore attempts to make himself the martyr of Parliament and to indicate that he is the only champion of the rights of the

people. He is not the only custodian of the affairs of this Parliament. He is very reckless in some of his statements about an honourable member who may have been away. It is true that I went to Sydney for one week, but the honourable member goes to Sydney on private business from time to time when the House is sitting. I do not think he has suffered any criticism from me during his absence. Since I have been a member, it was the first occasion I have had the opportunity, for very personal reasons of going to New South Wales; but I do not go, as the honourable member does from time to time and neglect the sittings of the House for private business reasons.

The honourable member has criticized the Government for bringing down this measure at this late hour. The Government is of the same political complexion as the honourable member, and if he has any influence in his party I suggest that instead of making this the battleground for any political remarks concerning his own party he should make his comments within the four walls of the L.C.L. Party room, which is the proper place to discuss the affairs of his party. I rose only to put the honourable member on the right track, because he has been off it for some time.

The Hon. A. J. MELROSE (Midland)—I also wish to protest against the custom of introducing at such a late hour legislation such as this, which needs a great deal of consideration, and which is not the product of some moment. This practice has been developing throughout the years. It not only detracts from the dignity of Parliament to agree at the end of a session to matters that need much consideration, but it is also evidence to the public of very bad management on the part of the Government. I do not know if there is politics in it—that if you bring Bills in at a late hour you will get them through.

The Hon. F. J. Condon—What do you mean by saying there is politics in this?

The Hon. A. J. MELROSE—I mean that a way to take a Bill through is to bring it in late in the session so there will not be much discussion on it. There are problems that need discussing other than those mentioned in the Bill. I have heard much talk about the laxity of supervision of traffic crossing over intersections, and some official protest should be made about this. Another thing that should be mentioned is that we South Australians, who pride ourselves on our commonsense and ability to govern, should stop to consider what outsiders must think of us when we label a toy elephant, which is only operated for charitable purposes, as if it were an articulated vehicle, as the Minister has called it. Presumably that is because it might wear out our roads or run over someone. I ask the Minister to recognize it as a toy and not tax it as an articulated vehicle.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I am not in any way associated with this Bill, because I am not in charge of it, but as far as the respectability of a Parliament is concerned, no-one has greater consideration for that than I. For honourable members to have the audacity to stand up and reflect on the decency of the Government and to say that it is improper for the legislation to be introduced at any stage of the session is completely beyond my comprehension. The dignity of Parliament is within the power of Parliament itself—

The Hon. C. R. Cudmore—Hear, hear!

The Hon. Sir LYELL McEWIN—I ask the honourable member who is so quick to applaud my remarks what legislation he considers would be appropriate to any particular day of sitting of Parliament. I do not know of any more simple legislation to be put before members than this Bill. If the dignity of Parliament is to be preserved, I suggest that members address themselves to the Bill and point out the clauses that are difficult, because so many of them are so straightforward and simple. I know of no Bill to which members could address themselves with greater confidence than a road Traffic Bill. Mr. Cudmore wants answers regarding signs, but apparently some of his signs went astray during the early part of the session. I cannot see anything about signs in this Bill. That may be regretted, but the honourable member could have quoted his regrets with the dignity that is customary of him and of which no-one is more competent than he. He has said nothing except that he bemoans the delay that has occurred, and he implied that there is some indecent motive on the part of the Government in bringing the Bill in at such a late hour. Everyone knows there has been litigation regarding roads and transport throughout last year. There have been cases before the High Court and the Privy Council, decisions have been made and it is very hard to follow the law.

Out of all these discussions Cabinet has produced the most simple measure to meet

the most urgent problem. I cannot see anything in the Bill to keep members from giving a vote on every clause, instead of talking about extraneous matters that have nothing to do with the Bill. I have heard this, year after year, from the same honourable members, so I ask what legislation would they like to have on the last night of the session. I presume we would have a final session with no legislation and everyone would be happy, and that would produce a lot of respect for Parliament, would it not? If we are here to support the dignity of Parliament, we should address ourselves intelligently to the legislation before us.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Duty to register."

The Hon. C. R. STORY—I would like to know why it was necessary to increase the distance from 15 to 25 miles. That seems rather a long distance to go.

The Hon. N. L. JUDE (Minister of Local Government)—The Government wanted to approach this matter fairly from the point of view of farmers in outlying areas. The honourable member will realize that by making it 25 it really gives it a length of 50 because of the distance on either side.

[*Midnight.*]

Clause passed.

Clause 6 passed.

Clause 7—"Traders' plates."

The Hon. Sir FRANK PERRY—This clause is an improvement on the present law relating to traders' plates for the transport of vehicles from a manufacturer's premises either to the port or the railways for shipment. I believe the present law provides that a man cannot lend a red trader's plate. It is the custom of many manufacturers to get a haulier to take vehicles or implements to a point of shipment. Does this clause provide that he can haul vehicles with the manufacturer's trader's plate?

The Hon. N. L. JUDE—For a considerable time implement manufacturers have been in the habit of having their implements transported to the wharves by a haulier or drawn by their own trucks. A case was taken against one of them and it was suggested that an offence was being committed. The Government promised to look into the matter and consider whether a provision should be introduced to allow machinery manufacturers to have some kind of protection by the provision of a special plate. It was decided that it was not reasonable that the plates should be similar to the ordinary trader's plate used when new cars are driven, and that there should be a plate of a different colour, for which the charge would be £2 instead of £16 as for the ordinary trader's plate. Machinery manufacturers are quite satisfied with the provision.

Clause passed.

Clauses 8 to 10 passed.

Clause 11—"Interpretation."

The Hon. E. ANTHONEY—There seems to be confusion in the minds of some people whether the clause will not considerably affect those who use low loading vehicles. It is said that vehicles of the Electricity Trust and others will be affected.

The Hon. N. L. JUDE—The axle loading is what counts. It does not matter if a man has 10 tyres on an axle, he is not permitted to carry more than eight tons to the axle.

Clause passed.

Clauses 12 to 18 passed.

Clause 19—"Crossing railways."

The Hon. C. R. CUDMORE—The clause includes the following:—

(2b) A person driving an omnibus or driving a vehicle which is carrying inflammable gases, or explosive material, shall before driving across a railway line stop such omnibus or vehicle not less than ten feet and not more than forty feet from the railway line.

I take it that it means that if a service bus is going to Willunga, Victor Harbour or elsewhere it must actually stop at every railway crossing whether the driver sees anything in sight or not.

The Hon. N. L. JUDE—That is the position.

The Hon. E. ANTHONEY—How does the Minister propose that this provision should be policed?

The Hon. N. L. JUDE—It will be just as easy to police it as the excessive speed provisions.

Clause passed.

Clauses 20 to 26 passed.

Clause 27—"Speed limit of heavy vehicles."

The Hon. L. H. DENSLEY—I am pleased to see that it is proposed to step up slightly the speed of heavy vehicles. I question whether a speed of 25 miles an hour for a laden truck is as high as it might be.

Clause passed.

Remaining clauses (28 and 29) and title passed.

Bill reported without amendment and Committee's report adopted.

Read a third time and passed.

LIBRARIES (SUBSIDIES) BILL.

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

The Hon. C. D. ROWE (Attorney-General)—I move—

That this Bill be now read a second time.

Its purpose is to enable the Government to subsidize local government libraries. It provides that where a municipal or district council has a library in a council building which has been furnished by the council, the Treasurer may, in any financial year, pay towards the cost of managing the library an amount which does not exceed the amount paid by the council towards the management of the library. Thus, the Treasurer may contribute towards the annual cost of a local government library pound for pound with the council.

It is provided that, before a subsidy is paid by the Treasurer in any financial year, the Libraries Board is to make a report upon the library and the Treasurer is to consider the report. The purpose of this provision is to secure that an examination of the library will be made by an expert library body with a view to securing that the subsidy will not be paid to a library which is not of a standard to justify a subsidy. The contribution of the Treasurer may be made subject to any conditions recommended by the Libraries Board and deemed fit by the Treasurer.

It is also provided that the Treasurer is not to subsidize a library unless he is satisfied that a substantial proportion of the books in the library are of an educational or literary nature and that the library is available to the public whether on the payment of fees or subscriptions or otherwise. The amounts applied as subsidies are to be paid out of moneys voted by Parliament for the purpose. A further provision is that the Libraries Board may set up a service for lending books to libraries subsidized under the Bill. The Libraries Board will, with the prior approval of the Treasurer, lay down the conditions upon which the service will be made available. The cost of the service is to be paid out of moneys provided by Parliament for the purpose.

It is also provided that libraries other than those managed by councils may be subsidized. For this purpose, it is provided that if a library is housed in a building under the control of a body approved by the Treasurer and if the local council contributes to the cost of the management of the library, the Treasurer may subsidize the library up to an amount not exceeding the amount provided by the council. The payment of any such subsidy is subject to the same reports and recommendations of the Libraries Board as subsidies payable in respect of council libraries. Thus, the general effect of the Bill is that a council or other local body which establishes or has established a suitable library may apply for a Government subsidy. There will be an inquiry into the application by the Libraries Board and, after considering the report of the Board on the matter, the Treasurer may subsidize the library but the subsidy is not to exceed the annual contribution by the council to the library. Each application for a subsidy will be in respect of a particular financial year so that it will be incumbent on the council or the other body managing the library to maintain the library at a proper standard to justify the payment of a subsidy from year to year.

The subsidy will be payable whether the library is operated on a subscription basis or as a free library or partly one and partly the other but, in any case, the Government subsidy, in any year, will be limited to an amount equal to that devoted in that year by the council towards the cost of managing the library. In addition, the Libraries Board will be empowered to set up a lending service for subsidized libraries. It is contemplated that the board will establish a pool of suitable books which will be made available to the various subsidized libraries as required and so that the books will rotate from library to library.

The Hon. E. ANTHONEY (Central No. 2)—This Bill is introduced for the purpose of extending library facilities to country areas, but I can see considerable difficulty about the working of it. Although I am thoroughly in favour of giving all possible facilities to people for reading the best literature I cannot see how this Bill will achieve very much. If the Government really wanted to increase the facilities its best course would have been to provide more finance for the many institutes throughout the State. We have a splendid set-up, referred to in the Pitt-Munn report as the most highly organized and fully developed library system in Australia. The

Bill originally provided for Government subsidies for district councils for institute purposes, but it was amended in the House of Assembly to include other bodies as well as councils. That certainly widens the scope of the Bill, but there are places where there are no district councils and unless the people themselves are prepared to set up an institute they cannot obtain the subsidy.

I ask country members just how many councils they think will undertake this scheme? To do so they will have to raise money which can only be done by rating. Many councils are in parlous straits for money for road purposes and they are not likely to impose a rate to find money in order to participate in a library subsidy.

No doubt the idea is a good one, but I would have preferred to see the matter postponed for a time to enable the Government to inquire through the Public Libraries Board, the Institutes Association and library committees throughout the State with the idea of producing a system likely to work. We have all the instrumentalities now for getting books to the public. The Public Library has an excellent country lending service which sends books out all over the State, and the Institutes Association which controls 231 institutes last year issued 2,336,146 books. The total number of members was 27,950 so it will be seen that the institutes have been doing valuable work. I cannot see the necessity for a duplication of effort and expense and the Government would have achieved its objective better and much more economically by more heavily subsidizing institutes.

There was a time when the Institutes Association received a pound for pound Government subsidy, but that has been considerably reduced until today the highest subsidy is about 7s. 6d. in the pound on the subscription rate of an institute. I know that many councils are quite apathetic. Some make a small subscription to the institute and some do nothing. In many cases councils have been asked to take over institutes and have flatly refused to do so. Therefore I can see that the Government is going to face considerable difficulty in getting the scheme launched and I can see no need for the Bill.

The Hon. C. R. STORY (Midland)—I think this Bill is of some significance, especially for country areas, as it enables country libraries to receive a subsidy from the Government. In the report of the Institutes Association a large number of country towns and municipalities are listed. This Bill, with the amendment introduced in the House of Assembly, affords the opportunity for a little self-help. I feel that there are some places, even very big towns, where the voluntary subscription is very low, whereas smaller places contribute much more. For example, Clare, with a population of about 3,500, receives a subsidy of £156 whereas Brighton, with a population of 13,000, receives £245, which indicates that in some areas people are subscribing to their local libraries at a much higher rate than others.

Under the provisions of this Bill councils will be able to establish libraries and receive assistance from the Government. Existing libraries are not disturbed. The Government will subsidize on a pound for pound basis any contribution a council makes to an institute committee or other body which manages a library. The subsidy is paid on a similar basis to what subsidies are paid to hospitals. Auxiliaries raise money and the Government subsidizes it on a pound for pound basis. Mr. Anthoney suggested that some councils would not be able to find money for the purpose of assisting libraries because they are rating to their maximum. However, if some other body is prepared to assist a library it can make a donation to the council which in turn passes it on to the library management, which then becomes eligible for a subsidy.

The Bill also provides that the Libraries Board may establish a service for lending books to libraries subsidized under this Bill. A considerable number of books are sent out through the free lending library at present. It is frequently said that the Government does not do sufficient in providing library services, but South Australia is actually providing more on a *per capita* basis than any other mainland State. New South Wales pays in subsidies 3s. 3d. *per capita*, Victoria 3s. 9d., Queensland 1s. 10d., South Australia 4s. 8d., Western Australia 2s. 11d. and Tasmania 6s. 1d. We cannot complain about the Government's activities in this direction. I welcome the legislation as will most councils and institute committees. I support it but may raise questions in the Committee stages.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Power of Treasurer to subsidize libraries."

The Hon. E. ANTHONEY—I admit that as a result of an amendment made in the

House of Assembly much of my objection to the original Bill has been removed. Institutes will be able to take advantage of the Government subsidy. Apparently I conveyed a wrong impression when I referred to the amount the Institutes Association received as a subsidy. I was alluding to what it received years ago. Subclauses (3) and (4) state:—

(3) The payment by the Treasurer may be made subject to such, if any, conditions and restrictions as are recommended by the Libraries Board of South Australia and are thought fit by the Treasurer.

(4) No payment shall be made by the Treasurer unless he is satisfied—

(*a*) that a substantial portion of the books to be provided in the library will be of an educational or literary nature; and

(*b*) that the library will be available to the public.

Those provisions will require strict policing to ensure that libraries contain the type of reading material prescribed as a condition of the subsidy. The scheme envisaged in the Bill will neccessitate the appointment of skilled librarians, who are not plentiful at present. However, I understand the Libraries Board is training them, but it will take some time before this scheme is in thorough working order.

The Hon. C. R. STORY—Can the Minister indicate whether, if an institutes committee which is managing a library at present accepts a subsidy from a council, it will in any way come under the control of the council? Have councils the necessary power to receive donations for libraries and to pay them to the institutes committee or any other body managing them?

The Hon. C. D. ROWE (Attorney-General)—If a library accepts a donation from the council it does not place itself under the council's control. In order to receive a subsidy a library must conform to the provisions of subclauses (3) and (4). If a donation is made to the library through a council it is eligible for subsidy.

Clause passed.

Remaining clauses (3 and 4) and title passed.

Bill reported without amendment and Committee's report adopted.

Read a third time and passed.

REGISTRATION OF BUSINESS NAMES ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

NATIONAL TRUST OF SOUTH AUSTRALIA BILL.

Returned from the House of Assembly with an amendment.

Consideration in Committee.

The Hon. C. D. ROWE (Attorney-General)—I think the position is quite clear. We inserted clause 7 as a suggested clause to be inserted by the House of Assembly. It has agreed to that and I move that the amendment be agreed to.

The Hon. C. R. CUDMORE—I have much pleasure in supporting the amendment. I have no doubt that Mr. Condon—who made such a fuss about the procedure of inserting this clause in erased type and suggested he had never heard of the practice—will now be impressed with how easy it is to do and that it is in order.

Amendment agreed to.

HARBORS ACT AMENDMENT 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 object is to enable the Harbors Board to make and carry out arrangements with the Commonwealth under which the board will obtain the Dean Rifle Range at Port Adelaide in exchange for other land. The acquisition of this rifle range is essential in order that the board may be able to carry out developmental work at Port Adelaide which is of great value and importance to the State. Some negotiations have already taken place between the Harbors Board and the Commonwealth, in which the Commonwealth authorities have displayed a very reasonable and co-operative attitude. They are quite willing to give up the Dean Rifle Range on condition that some other suitable land can be found for a range. The negotiations have proceeded satisfactorily, but in the absence of further statutory powers they cannot be finalized. This Bill will give the board the necessary authority to do this. It empowers the board, with the approval of the Governor, to make arrangements with the Commonwealth under which the Dean Rifle Range will be transferred to the board, and in exchange the board will transfer to the Commonwealth other suitable land for use as a rifle range. The Bill also gives the board

the necessary power to acquire land for carrying out the arrangement. The cost of acquisition and other expenses incurred in connection with the arrangement will be paid out of money provided by Parliament. It will thus be seen that before the arrangement can be carried out it must be approved in Executive Council and the necessary funds must be available.

The Government has introduced this Bill because it considers the acquisition by the State of the Dean Rifle Range to be essential to the development of the Harbors Board's undertaking on the east side of the Port River. In this area is a tract of land of about 2,000 acres extending north and east from the present northern end of the Harbors Board's wharves towards the North Arm. Most of it is lowlying land, periodically inundated by the tides, and requiring reclamation before it can be developed. Some of it was privately owned, but in 1950 Parliament authorized the Harbors Board to acquire the privately-owned portions and most of them have now been acquired accordingly. The remainder of the area consists of Harbors board's reserves, railway reserves, Crown lands and the land belonging to the Commonwealth, consisting of the Dean Rifle Range and a protective area and other lands on the boundary of the range.

The extension of harbour facilities, including wharves, docks, transit sheds, storage sheds, stacking yards and the necessary roads, railways and sidings, and the provision of sites required for the development of industry, render it essential that this area of land should be reclaimed and developed. The Harbors Board is the only authority in South Australia which can satisfactorily undertake this work because it alone has the dredging plant with which the work can be done. Some of the land north of the wharves has already been reclaimed with soil dredged during the deepening and widening of the Port Adelaide River, and it is proposed to continue this work gradually northwards to the North Arm. The Dean Rifle Range is in the centre of the area proposed to be reclaimed. For this reason its acquisition is vital to the developments which the Harbors Board is carrying out, and which are essential in the interests of the commercial and industrial expansion of the State. The Government therefore seeks Parliamentary authority to continue the negotiations with the Commonwealth, and to carry out the arrangements which may be agreed upon. The Bill is purely an enabling Bill, with adequate safeguards to ensure Government and Parlaimentary control.

The Hon. F. J. CONDON (Leader of the Opposition)—This Bill provides for an exchange of land between the State and the Commonwealth Governments; the land proposed to be exchanged consists of the Dean Rifle Range which is a tract of about 2,000 acres north and east from the present northern end of the Harbors Board wharves. This is in conformity with the Port Adelaide development scheme which was referred to the Public Works Committee in 1950. It consisted of 20 projects to be carried out over a period of years at a then estimated cost of £23,000,000. Included in those estimates was a certain sum for the acquisition of the rifle range. It is not expected that the area will be required for a number of years and probably it will be another instance of the Port Adelaide City Council losing rates. The Commonwealth Government is in somewhat the same position as the State Government in respect of the payment of rates, although it does pay something. Most of the area is low-lying swamp land subject to inundation by the tides and it will have to be reclaimed and in order to give the Government the necessary power this Bill is necessary. I support the second reading.

The Hon. Sir FRANK PERRY (Central No. 2)—This Bill marks a further stage in the big change taking place in the Port Adelaide area and, although it may prevent the council from collecting rates, the area in question when reclaimed and developed will be a valuable addition to the city of Port Adelaide. Perhaps the proposal is a little early as there is much work that the Harbors Board can do before extending down to the Dean range, but presumably the negotiations will take some little time to complete. It is to be hoped, however, that the Government will not make the transfer until it is necessary. The rifle range was named after a very prominent citizen of South Australia, and I hope that when it is transferred to another site the name will be retained in order to perpetuate the name of a soldier and rifleman who served this State for many years. Generally, this is a step in the right direction. The land is low-lying and it will entail much work to reclaim it. However, in the course of time Port Adelaide will be better for it and I have much pleasure in supporting the second reading.

The Hon. L. H. DENSLEY (Southern)—The Act gives the Harbors Board authority to

acquire land either compulsorily or by agreement. The board saw fit to purchase a number of blocks of land, but some difficulty arose about valuations and no finality was reached. Some owners offered their land at prices which were refused by the board, which in turn offered a lower price than the owners would accept. An independent valuation was made, when it was found that there was a great difference between it and the board's valuation. It was then agreed that another valuation should be made, but that was done over 12 months ago and still no replies have been received from the board. I think it would be undesirable in the circumstances to acquire this land until the undertaking to obtain a further valuation has been honoured.

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

INDUSTRIAL CODE AMENDMENT BILL (GENERAL).

Adjourned debate on second reading.

(Continued from November 17. Page 1676.)

The Hon. S. C. BEVAN (Central No. 1)—This is a Bill to amend the Industrial Code to bring it up to date, but I feel it does not go far enough, because various matters contained in the Code should be relegated to the Archives. I shall deal with only two clauses of the Bill, the first relating to the powers of industrial boards to make determinations. The Act fixes the matters to be dealt with by industrial boards, and there is also a proviso that a board shall not have power to make a determination where the wages exceed £20 a week. This Bill provides that that amount shall be increased to £25. It is interesting to note that in the Workmen's Compensation Bill the amount provided is £35, but in this matter the board has not power to deal with any wages over £25 a week. However, it is an attempt in some small way to bring the legislation into conformity with present-day conditions. Once the Board of Industry has decided that it is necessary to have a wages board to deal with the wages of an industry, that wages board should have the power to determine wage rates and conditions without any limitation. If the Board of Industry has sanctioned the setting up of a wages board, it should have power to decide what the wage rates shall be, and also the conditions of employment.

Section 186 provides that a notice of a determination shall be published in the *Government Gazette,* and subsection (*c*) of that section provides that the determination shall not come into force until 14 days after such publication. The Bill rectifies that position, as it gives power to the board to make a determination retrospective. Section 187 has been superseded by the provisions of another Act, but it still remains in the Code. That section makes provision for retrospective payments to a date fixed by the court in relation only to public servants, railway employees and those employed by municipal and local government bodies. Section 139 (1) deals with the operation of the Code, and provides the only conditions whereby a wages board can depart from a wages determination applicable only to the metropolitan area. That section has created a number of anomalies. Under the Industrial Code, the Industrial Court can use its discretion in making an award retrospective. In the Commonwealth Arbitration Act there are provisions giving powers to the Commonwealth court to make an award retrospective but in relation to determinations of wages boards, the Industrial Code provides that a determination made by a wages board shall not have operation until 14 days after publication in the *Government Gazette.* That has led to considerable anomalies and unrest. In one industry, a wages board is operating, but it only has effect within the metropolitan area.

If a matter is to be State-wide, an organization must apply to the Industrial court, which always embodies in an award a provision that it shall apply to the whole State excluding the metropolitan area as defined in the Industrial Code. As a result, an award operates outside the metropolitan area, but a determination operates within the metropolitan area. The court makes its award operative from a given day, but a considerable time lapses before employees in the metropolitan area have the same facilities afforded to them. If the application is made to a wages board in the first instance it will not determine the matter until the court has dealt with the award. When the court has dealt with the matter and has increased wage rates and fixed a date of operation, the employees must go back to the wages board. After its deliberation they have to wait for a further 14 days before effect can be given to it.

Sir Frank Perry has intimated that he does not consider boards should have retrospective powers, and that if retrospectivity is granted it should be confined to certain conditions. I point out that it has created considerable anomalies. The Industrial Court

said, when applications were filed on a given date in January for marginal increases, that it would make those awards retrospective to December 13, 1954, irrespective of the delay caused by the number of applications made to the court. The chairman of a wages board might be a chairman of a considerable number of boards. The secretary of the board invariably consults him, and gets from him a date upon which it is convenient for him to initiate a hearing. A notification is then sent to the other members of the board informing them that the board will meet on a given date. Despite the length of the hearing, the board cannot make a determination effective until 14 days after publication in the *Government Gazette.* There was an instance in which a determination was made on December 22, but because of the Christmas period the secretary forgot all about the matter, and it was some considerable time before his attention was drawn to the fact that it had not been published. It was then published, and the employees had to wait until 14 days after publication before receiving the benefits of the determination.

All the Bill asks is that wages boards shall have power to make determinations retrospective, which after all is only giving them power to use their own discretion. It does not mean that the wages board will make every determination retrospective but it gives it discretionary power to do so. The self same power is given to the Industrial Court and I cannot see why there should be any objection to giving it to wages boards. Sir Frank Perry said that in some circumstances retrospectivity was advisable but that we should not make it a general rule. This is not doing so. He went on to say that a number of wages boards' determinations applied outside of the metropolitan area, but I have already pointed out that under the Industrial Code the only determinations that can apply outside of the metropolitan area are in respect of railway employees, employees of the public service and of various councils and municipalities.

The Hon. Sir Frank Perry—They can get a common rule.

The Hon. S. C. BEVAN—The honourable member claimed yesterday that he was conversant with wages boards and the Industrial Court, but he proves to me by his statement that he is not. The Industrial Code distinctly lays down that a determination shall be confined to the metropolitan area except in respect to those bodies I have just mentioned. It is impossible to get a common rule from a wages board because the Industrial Code prescribes that wages boards' determinations shall be binding on every employer and every employee, whether they are members of an organization or not, within the metropolitan area. Common Law gives authority to the Industrial Court to make a common rule, but that is a different body altogether.

The Hon. Sir Frank Perry—The original wages board determination was made a common rule by the court.

The Hon. S. C. BEVAN—I think the honourable member and I are at cross purposes. He uses the term "court" when he is referring to a wages board, but a wages board makes a determination applicable only within the metropolitan area. The Industrial Court makes an award—not a determination—applicable within the whole of the State, but excluding the metropolitan area if there is a determination already in operation. The court has power under the Industrial Code to make an award a common rule upon application, but a determination by a board is already made binding on every employer. Sir Frank went on to say that a wages board is summoned and immediately determines a case.

The Hon. Sir Frank Perry—It immediately starts its hearing.

The Hon. S. C. BEVAN—That is a different thing. A case is not determined until a board has finished its deliberations, and that can take a considerable time. However, he did admit that his foreshadowed amendment would considerably limit the Bill although it would provide for the preservation of the present system which allows the court, the board, or the chairman of the board to provide for retrospective payments if either side has deliberately delayed the proceedings. I claim to have some knowledge of this because for 10 years I was the employees' representative on nine wages boards, as well as representing the union in the Federal Arbitration Court and the State Industrial Court and I say that the Industrial Court has power to make a retrospective award, but there is no provision for wages boards to make any determination retrospective. If there were we would not be deliberating this matter now because the power would already exist. There is a proviso in the Bill whereby if the court has made an award which would have retrospective effect beyond the actual date of lodgment before a wages board the board, considering all those circumstances, also would have power to make the determinations retrospective beyond the date

of lodgment. I suggest that if it is good enough for the court to have this power it is good enough for the wages boards to have the same power and I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Section 186 of principal Act amended."

The Hon. Sir FRANK PERRY—I move—

To delete "striking out the words 'the fourteenth day after such publication' in" and to insert "inserting at the end of."

To delete "and inserting in lieu thereof."

After "words" to insert "Provided that the board may order that the determination shall be deemed to have come into force on."

To delete "having regard to the length of time involved in the hearing."

To delete the whole of the proviso.

When speaking on the second reading I indicated that I had amendments which would prevent retrospective pay being granted as provided for in the Bill. Both Mr. Bevan and Mr. Condon claim that retrospective payment is desirable, and I agree that it may be in some circumstances. However, the Bill is drafted in such a way as to be rather an encouragement to provide for it than otherwise. With the amendments the clause will read:—

Provided that the board may order that the determination shall be deemed to have come into force on any day which, not being prior to the day on which the board commences hearing of the matter in question, the board may consider equitable.

That gives the wages board, in circumstances which would have to be clearly stated, power to make a determination retrospective. Otherwise, the present procedure would continue.

The Hon. F. J. CONDON—This is the first occasion in my political experience when a Minister has not replied to a Bill I have introduced. I do not suggest that he has been discourteous, but I am a little suspicious of what has happened. This Bill was introduced in the House of Assembly and was amended by the Premier. I therefore ask members to agree to it and reject the amendment. Sir Frank Perry claimed considerable experience of wages boards, but Mr. Bevan answered his arguments and proved that he was *not au fait with* wages board procedure. South Australian unions could not get wages boards and were compelled to go to the Federal Arbitration Court. I approached the Liberal Government for the establishment of a wages board for the milling trade but my request was refused and ultimately we had to combine Federally in our approach to the Arbitration Court.

In the past there have been delays in determinations. An application was filed before the Jewellers and Opticians Wages Board on February 23rd and the chairman made a decision on July 1 increasing wages by 6s. a week. There was a delay of five months before the increases were paid. A decision was made by the chairman of the Breadcarters Board on December 21st, 1954 for an increase of 15s. 6d. a week for adult breadcarters. The board's decision was not published in the *Government Gazette* until January 13, 1955, and did not operate until January 27, 1955, some five weeks after the board had made its decision. The reason for the delay in publishing the board's decision was that the Government Printer insists on all decisions of boards reaching him not later than Monday for publishing in the *Government Gazette* on the following Thursday; the Government Printing Office was closed for the Christmas holidays and there was neglect on the part of the responsible officer in the Department of Industry in forwarding the determination to the Government Printer in time to be published on January 6, 1955. As a result the breadcarters did not receive their increased wages until five weeks after the board had reached its decision. On November 25, 1954, the President of the State Industrial Court, when dealing with State awards, said:—

My present view is that where an award or order is varied on such applications, the order of the new marginal wage rates should, saving all just exceptions, be given retrospective effect to the date of the filing of the application, but in no case should an order take effect prior to December 13, 1954.

That was the date the Federal court said they should come into operation. I strongly oppose the amendment because it will cause dissatisfaction. The Bill as originally introduced in the House of Assembly was amended by the Premier and I suggest the Council accepts it.

The Hon. C. D. ROWE (Attorney-General)—I am sorry if the member feels that I was discourteous by not making a speech on the second reading. Sir Frank Perry intimated that he proposed introducing amendments and, as there were only two operative clauses in the Bill, I thought no purpose would be served in commenting until it was known what the amendments would be. The amendments were placed on our files late this afternoon and Sir

Frank Perry did not move them until immediately before Mr. Condon rose to speak. In the circumstances I do not feel that there has been any omission and certainly no discourtesy on my part in not speaking before. It has been necessary to undertake a certain amount of research to determine whether these amendments should be accepted. This is a House of review and whatever may have happened elsewhere it is our responsibility to consider amendments which are moved here. Having examined the amendment carefully and studied reports on it, the Government believes it should be accepted.

The Hon. F. J. Condon—Are you squibbing?

The Hon. C. D. ROWE—There is no question of squibbing. I do not hurl epithets of that kind at the honourable member and suggest he does not do so. If he desires to retain the dignity of Parliament he should desist. The amendments affect the provisions of the Bill conferring power on industrial boards to make retrospective awards. Under the present provisions of the Industrial Code industrial boards have no such power. The Bill, as it reached the Council, gave industrial boards power to make retrospective awards on two grounds.

The first was that a board could make an award retrospective to any date not earlier than the commencement of the hearing if the board considered it equitable to do so, having regard to the length of time taken in the hearing.

Secondly, in cases where the board's decision was based on an award of the Industrial Court or of the Commonwealth Arbitration Court the board had a power of making the award retrospective to any prior date.

The amendments are for the purpose of restricting to some extent the proposed powers of making retrospective awards. They provide that industrial boards shall have power to make awards retrospective to the commencement of the particular proceedings if, for any reason, the board considers it equitable to do so. A board, however, will not have power to make an award retrospective to any day earlier than the day on which the actual hearing of the matter in issue was commenced by the board. In my opinion these amendments should be accepted. The Bill in its present form gives powers which may be criticized as being too wide. Neither the Industrial Court nor any other State tribunal has power to make awards retrospective to a time earlier than the commencement of the proceedings in which the award is made. The Federal Arbitration Court probably has unrestricted retrospective power, but whatever this power may be, the Court has always expressed strong views against making awards retrospective.

It would be anomalous to give our industrial boards greater powers than the Industrial Court itself. If the amendments are carried the powers of industrial boards as to retrospectivity will be substantially the same as those of the Industrial Court. I suggest that in the interests both of employers and employees it is not wise to go any further than this. The remarks of the Opposition appear to be based on the assumption that every future determination of wages boards will be upwards, but the time might very well come when they might be downwards. If they take that into consideration, they will appreciate the reasonableness of the amendment.

The Hon. C. S. BEVAN—I am not concerned with the last remark of the Minister that the Opposition perhaps has in mind an upward trend in wages. We have to remember that there may be a lower trend. What I am concerned with is the fairness of the legislation. I draw members' attention to section 187 (1) which is as follows:—

> No determination of any board shall, as regards Public Service employees or Railway employees come into force or have any effect whatever until after such determination has been laid before both Houses of Parliament, and in case such determination provides for the payment to such Public Service employees or railway employees of increased wages, prices or rates or piece-work prices or rates, until the money for the payment thereof has been appropriated by Parliament for that purpose . . . and the determination shall come into force and take effect as from the day fixed by the court for coming into operation of the determination where the date has been so fixed, or as from the date of the coming into operation of the determination as provided by section 186.

Although the section still remains in the Code, the question arises whether it has any effect as it has been superseded by another Act. It was included to enable the court to make an award retrospective to a date it fixed, which could be prior to the date of the filing of the claim. I recall that many applications were filed earlier this year but were not heard for a considerable time, and they were made retrospective to December 13th, 1954. The amendment is designed to eliminate the proviso, which is the very thing that section 187 provides for. The clause as drafted enables a wages board to use its discretion as to the date of the operation of its award. There is no argument in support of the amendment.

The Hon. C. R. CUDMORE—I support the amendment but do not think it goes nearly far enough. Instances were quoted to show that there were some grounds for dating back awards because of the long delay in getting a case finalized. If we pass the clause with the amendments it will read:—

Provided that the board may order that the determination shall be deemed to have come into force on any day which, not being prior to the day on which the board commenced the hearing of the matter in question, the board may consider equitable.

That will leave it open for the board to make its award retrospective for any reason or no reason so long as it thinks it equitable. I think it should read "Provided that the proceedings before the board are for any reason unduly delayed." I will not support the third reading unless the amendment is included.

The Committee divided on the amendments.

Ayes (13).—The Hons. E. Anthoney, C. R. Cudmore, L. H. Densley, N. L. Jude, Sir Lyell McEwin, A. J. Melrose, Sir Frank Perry (teller), W. W. Robinson, C. D. Rowe, Sir Wallace Sandford, C. R. Story, and R. R. Wilson.

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

Majority of 9 for the Ayes.

Amendments thus carried; clause as amended passed.

Bill reported with amendments and Committee's report adopted.

Bill read a third time and passed.

Later,

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

LAND AGENTS BILL.

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

No. 1. Clause 47—Delete "for registration."

No. 2. Clause 63—In subclause (2) before "If" insert "After the thirtieth day of June, nineteen hundred and fifty-seven."

No. 3. Clause 63—Add the following passage at the end of subclause (2):—

> Provided that this subsection shall not apply if the instrument is before being lodged for registration in the Lands Titles Registration Office certified as correct for purposes of the Real Property Act, 1886-1945, by a legal practitioner.

No. 4. Clause 66—Leave out "who is a licensed land broker" in subclause (3).

No. 5. Clause 72—After subsection (3) insert a new subsection as follows:—

> (4) Every sum so recovered shall be paid into the general revenue, and the residue, after the deduction of costs and other expenses, may, with the approval of the Attorney-General and without further appropriation than this Act, be applied—
>
> (*a*) in compensating any person for any loss sustained by reason of any breach of any condition of the bond; and
>
> (*b*) in refunding to the surety or sureties any balance left after payment of such compensation.

Consideration in Committee.

Amendment No. 1.

The Hon. C. D. ROWE (Attorney-General)—Clause 47 provides that, on an application for renewal of a land salesman's registration, a receipt for the renewal of the land salesman's current fidelity bond may be delivered to the board instead of a new fidelity bond. It is intended that it should be possible to renew both the fidelity bond delivered on the original application and also any bond delivered on a subsequent application for renewal. However, this is not clear in the clause at present, and this amendment makes the necessary alteration to the clause to clarify the point. It is a drafting amendment, and the Parliamentary Draftsman recommends that it should be accepted.

Amendment agreed to.

Amendment No. 2.

The Hon. C. D. ROWE—This amendment provides that clause 63, which prohibits the preparation of instruments relating to land transactions by land agents who are not land brokers, shall not come into operation until June 30, 1957. The amendment would enable a land agent who is not a land broker but who has customarily prepared instruments relating to land transactions to continue preparing such instruments for long enough to enable him to obtain a licence as a land broker. It is known that there are a number of country land agents who are not land brokers but who have for many years prepared such instruments in the course of their businesses. It could be argued that it would be unfair to prevent them continuing to do so while they were taking steps to become qualified. These land agents are familiar with the work, and their reputations are beyond reproach. The position is, I think, that land agents who are not licensed land brokers can hardly complain if the business of preparing instruments relating to land transactions is

taken from them. They have had ample opportunity in the past to obtain licences as land brokers, and thereby become properly qualified for the work which they have undertaken. However, there is always a strong argument against interfering by Act of Parliament with existing businesses. In view of this and the apparent willingness of the land agents concerned to accept the proposed new law, and to set about obtaining the necessary qualifications, I recommend that this amendment be accepted. I have ascertained that the period allowed by the amendment will be an ample period of grace. A person desiring to obtain a land broker's licence must take an examination conducted by the School of Mines or an alternative examination conducted by the Registrar-General. The School of Mines course takes a year and the examination is held in November. The Registrar-General holds a general examination every year in May, but is prepared at any time to examine an individual applicant who seeks to be examined.

I think the purpose of the clause is quite clear; that is, it enables people who have been preparing these documents in the past to continue to do so until June 30, 1957, by which time they will have the opportunity to take the examination and qualify as brokers if they desire to do so.

Amendment agreed to.

Amendment No. 3.

The Hon. C. D. ROWE—This amendment provides that a land agent who is not a land broker shall not be guilty of an offence against clause 63 if a Real Property Act document prepared by him is certified correct by a legal practitioner. This amendment would enable land agents to prepare Real Property Act documents, but would provide protection against fraud and incompetent preparation, since the documents would be required to pass through the hands of a legal practitioner. It is therefore not inconsistent with the principal object of the clause. In the circumstances I recommend that this Council accept the amendment.

The Hon. C. R. CUDMORE—I object strongly to this. It is another matter altogether. This is to say that land agents are still able, without any qualification, to go on preparing documents if they take them to some solicitor and pay him a small fee to certify them. Surely that is wrong. It goes far enough when we take away from the legal profession the right to prepare these documents, as was done under the Real Property Act, and to give land brokers equal rights with solicitors to prepare legal documents, but now we are asked to say that anybody else can prepare them so long as they take them to a solicitor to be certified. That is a new idea which I have not had the opportunity to consider, and I would like to know whether the Law Society has been consulted. I am surprised at this being brought forward especially by the Attorney-General and it should be looked into much more closely.

The Hon. C. D. ROWE—This amendment was only sent up to the Council this afternoon and therefore there has not been an opportunity to confer with the Law Society on it. I agree that it should probably be consulted, but before a solicitor could certify a document as correct he would have to satisfy himself that the contents of the document were correct and that the signatures of the parties were in fact the signatures of the parties concerned.

The Hon. K. E. J. Bardolph—And there is nothing to say that he shall accept a low fee.

The Hon. C. D. ROWE—He would be entitled to a reasonable fee. I do not think a person would save much in a land transaction by having the documents prepared by other than a solicitor. It appears that the reason for the amendment is that there are places in the country where there is no resident practising solicitor, but where there are people carrying on business as land agents, and the amendment will meet that situation.

Amendment agreed to.

Amendment No. 4.

The Hon. C. D. ROWE—I am instructed that this is consequential on amendment No. 3 and I move that it be agreed to.

Amendment agreed to.

Amendment No. 5.

The Hon. C. D. ROWE—This is the Council's suggested amendment which has been inserted by the House of Assembly and I suggest that it be agreed to.

Amendment agreed to.

POLICE REGULATION ACT AMENDMENT BILL.

Returned from House of Assembly without amendment.

PLACES OF PUBLIC ENTERTAINMENT ACT AMENDMENT BILL.

Returned from House of Assembly without amendment.

METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL.

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

MINING ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

TOWN PLANNING ACT AMENDMENT BILL.

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

BRANDS ACT AMENDMENT BILL.

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

SUCCESSION DUTIES ACT AMENDMENT BILL.

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

[*Sitting suspended from* 1.58 *a.m. to* 4 *a.m.*]

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

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

No. 1. Clause 3—Leave out "paragraph is" and insert "paragraphs are."

No. 2. Clause 3—Add the following paragraph:—

(*a*2) on the racecourses which are situated within fifty miles of the post office at Barmera for more days in the aggregate in any one year than a number calculated at the rate of eight days for each such club.

No. 3. Add new clause 4 as follows:—

4. Amendment of section 40 of the principal Act—Payment of commission on bets and returns.—Section 40 of the principal Act is amended by striking out the words "noon on Saturday" in the first and second lines of subsection (1) and in the first line of subsection (3) and inserting in lieu thereof in each case the words "three o'clock p.m. on Thursday."

No. 4. Add new clause 5 as follows:—

5. Amendment of section 44a of principal Act—Taxes on winning bets.—Section 44a of the principal Act is amended by striking out the words "noon on Friday" in the third line of subsection (5) and inserting in lieu thereof the words "three o'clock p.m. on Thursday."

Amendments Nos. 1 and 2.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I think the amendments really divide themselves into two, and they are very simple when put in lay terms. No. 1 is obviously a matter of grammar. As the Bill left this Chamber, it provided for racing days to be allocated in the South-East, a district that was clearly defined and did not in any way come into conflict with other racing areas. Amendments Nos. 1 and 2 will permit the Upper Murray racing clubs (Berri, Barmera, and Moorook-Kingston) to pool their racing days, which amount to eight for each club, and allot them to the various clubs as they think fit. That does not come into conflict with the policy of the Act, in which there is a defined area in which a similar provision shall apply. The same principle is already applied to clubs in the South-East, which is more or less an autonomous racing area. I think the towns mentioned also have claims for similar consideration and I do not know where else this condition could apply. It simply means that the three clubs have between them 24 racing days which they can allocate as they desire. Members have only to keep in mind the fact that the country to the north of these towns is practically uninhabited and it is an isolated self-contained area. What we have provided for the South-Eastern division should also apply here.

The Hon. C. R. STORY—I support the amendments which are important from the River Murray angle. I am well acquainted with the clubs that race in this district. They have carried out many improvements to their courses recently. Barmera is about 140 miles from Adelaide and therefore does not cut across any of the city clubs, and the amendments only bring these three clubs into line with the Mount Gambier circuit. I commend the amendments to members.

Amendments agreed to.

Amendments Nos. 3 and 4.

The Hon. Sir LYELL McEWIN—These are merely formal amendments relating to the money clauses suggested by the Council. They have been accepted by the House of Assembly, and I move that they be agreed to.

Amendments agreed to.

MEDICAL PRACTITIONERS ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

PROROGATION SPEECHES.

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

That the Council as its rising do adjourn until Tuesday, December 20.

The moving of this motion indicates that we have concluded the business of this session. It has been a useful session and we have dealt with over 60 measures which I hope will be of benefit to the electors. We appreciate that it has been our privilege to again sit under your guidance, Mr. President. You are respectfully referred to as the "Father" of this House. You were elected in 1918 as representative for the Midland district and in 1944 were elevated to your present high office. For 37 years you have been the honoured representative of the Midland district and have presided over this Chamber with distinction and credit for the last 11 years. We have been happy to sit under your direction. You have earned the respect of members by your impartiality and the manner in which you have controlled the decorum of this House. We hope, Sir, that it will be our privilege to sit under your guidance for many years, and that you will be able to maintain that youthful dignity that seems to have grown permanently upon you, and which I am sure gives pleasure to everyone who sits under you.

I would like also to refer to the services of the clerk and Black Rod. Over the years we have had the experience of witnessing changes in these very important offices, and we have always felt that we have been very efficiently served by their occupants. Without any reflection on the services of anyone who has gone before, I would say that never before has this House been better served than by the two officers who hold these positions today. The assistance and consideration they have shown to every member is something that is appreciated, and I think it devolves upon me to express that appreciation tonight.

I know that I am expressing the feelings of all members in saying that nobody could wish for better co-operation and assistance than we get from the three officers of the Parliamentary Draftsman's office. The Parliamentary Draftsman's record is one that we have come to accept as unbeatable in any other Parliament, but I think I might be excused if I go to the junior end of the partnership and say that the efforts of Mr. Morgan inspire members to believe that, whatever happens in the future, we have an up and coming young man who will do credit to the Parliamentary institution of this State. The Government Printer and his staff are people we do not see, so we have not the opportunity to appreciate what they have contributed to the functioning of Parliament, but I as Minister representing that department have some knowledge of them, and I think they are worthy of a tribute on this occasion. The Government Printer has been carrying on with a much depleted staff and doing an increased amount of work. This is the final year of this Parliament, and it coincides with a Federal election, which necessitates the printing of rolls. That is a very exacting responsibility, and to be able to say that with a depleted staff we have been able to carry on with very little inconvenience, although we may not always have had an immediate print of a Bill, is a matter that is worthy of our thanks. In spite of the difficulties with which his department has been confronted, there has been no slackening of efficiency, and the work that has been carried out and its accuracy is something that enables us to say that we have a good department to serve us.

I now pass on to the *Hansard* staff, who have always produced a very fair record of our debates, even surmounting the difficulties of reporting succinctly what members desire to express.

After all, if they can condense remarks of members, they are making some contribution towards helping the Government Printer and his staff out of their difficulty. I have not had complaints from members that they have not been fairly reported, nor that the *Hansard* staff has not been ready at all times to make corrections necessitated by their not being able to hear what members have said, because it is possible for members to turn their heads the wrong way and probably the acoustics of the House cannot counteract our inefficiencies. I think we have had a good report from the *Hansard* staff.

We have had a new appointment to the messenger staff this year. I think I could say that every member welcomes the new appointee, and would be prepared to say that the services rendered have been everything to maintain the standard set in the past. The librarians, who are in the background, are always available and willing, and seem to overcome their difficulties and staff problems to meet any urgent requests of members. The House staff is ever ready to meet any demands, whether the House sits late or not, and it seems to operate normally under any conditions.

Alhough I have not the time to devote to every member individually, I think I must

mention the Hon. Mr. Condon, the Leader of his very loyal supporters of the Opposition, and say how I appreciate the happy association that has existed whereby, if we cannot agree, at least we can agree to differ. Never at any time has the smooth working of the Chamber been interfered with in any way by any lack of understanding and sympathy on his part. Our association has always been a happy one, and I thank him for the consideration he and his Party have always shown me.

I now come to the Hon. Mr. Cudmore, who is leader of the Liberal Party in this Chamber. It is sometimes difficult for people to understand who is the official Opposition and who is the leader of the Government, but I think we all agree that he and the Leader of the Opposition are two of the hardest working members of the Chamber, and everyone appreciates their proper consideration of measures that come before us.

Last year I conveyed a message from my late colleague the Hon. Reginald Rudall, of his appreciation of the consideration shown him by this Chamber. At that time although he was working in his office under medical advice, he did not attend the later meetings of the Council. Unfortunately, he was not permitted to meet with us again, for he died early this year, but his passing has not meant that any member of this House has forgotten him. Memories of Reg. Rudall will remain fresh in the mind of every member.

He was succeeded in office by my colleague, the Hon. C. D. Rowe, who has creditably assumed the office of Attorney-General. He has applied himself assiduously to his duties, and I congratulate him on his work in the Council this session, and I feel sure the future holds many opportunities for him to develop those powers he has demonstrated he possesses. The vacancy in the Midland District resulting from the death of Mr. Rudall was filled by the election of the Hon. Ross Story. He brought with him the advantages of youth and virility and I am sure, from our associations with him this session, that he will make considerable progress with the opportunities that will be open to him to become a big influence in this Chamber, for he is strong in debate and always displays great commonsense.

According to Constitutional requirements, we must place ourselves before the electors before another session is held. There will be unavoidable changes in the personnel of the next Parliament, for already three retirements have been announced, and one at least affects this House. The Hon. Bertie Hoare has been here for many years, but he was not with us for long before he was loved by all. We have appreciated the stories he has introduced in debates, jumbuck or otherwise. They always conveyed a wealth of sentiment and understanding, and we shall all miss him. We wish him well and the best of health. We know he will not be able to keep away from this environment, and all members will be glad to see him at any time. There will always be a handshake awaiting him, and we shall be pleased to seem him here again following our proceedings.

Should there be other changes as a result of the risks we all face at elections I am confident there will not be any change in the personal relationships between the members of this place, regardless of Party. We have no control over what the electors may decide, but the associations of this place and the work that has to be done in considering legislation develop mutual regard for one another, and that will not be destroyed whatever the electors may say. Whatever the result of the election I am certain that this House will fulfil its obligations to the legislature of South Australia. I conclude by congratulating you, Mr. President, on the privilege that is yours in presiding over us. We express our appreciation of the fact that it has been a pleasure to serve under you. To every member I wish the compliments of the festive season.

The Hon. F. J. CONDON (Leader of the Opposition)—My chief regret is the retirement of an old friend from this Chamber. The Hon. Mr. Hoare has served the public for 24 years as a Federal Senator or as a member of this Council. He has rendered extremely valuable service, and I regret that for health reasons he has decided to retire. His work will go down in the annals of the Labor movement of South Australia. When things were tough he stood up to that contract which he always fulfilled. It is a wrench to part with our dear old friend and I join with the Chief Secretary in wishing him all that he could wish for himself. I support the remarks of the Chief Secretary regarding yourself, Mr. President, and with regard to the officers and all whom he mentioned. In public life one has to take a lot of knocks; one has to give and be prepared always to take. I suppose no-one has taken more knocks than I have, and if I have given a few in return they have never been personal. Sir Lyell referred to his Cabinet colleagues. I think the Government is very fortunate indeed in having a man

like the Chief Secretary, who is one of the hardest working members in Parliament and who has rendered valuable service to his State. His two colleagues in this Chamber are both young men. They may have a lot to learn, but I think that every member of this Council extends to them every courtesy to which they are entitled.

I voice my appreciation of the efforts of both Mr. Rowe and Mr. Jude who have done a wonderful job in a very courteous manner. I ask them to accept my heartiest congratulations. My friend on my right, Mr. Cudmore, is a student of the work of Parliament and of every Bill, and he loses me on occasions. I think we would all agree that he is an acquisition to this Parliament, and I say that in all sincerity. No doubt you will have noticed, Sir, the loyalty of my followers. I appreciate it and extend my sincere thanks to them. You have yourself, Sir, been very generous in your attitude towards me. As the father of the Council you have extended a little leniency at times even to a minority and that has been appreciated.

Uufortunately for the first time for some years a link in the chain has been broken and we regret it, but whether we are in Parliament or not I hope that the friendships formed here will never be broken. Some of us face an election in the near future and one never knows one's fortune. This may be my last opportunity to speak on an occasion such as this. It does not matter what one's opinions may be, but what does count is friendship and respect for each other. At times we may become a little rattled, but that is soon forgotten. May I say in conclusion that I have made a lot of friends in my life, but the best are in this place, and if at times I have said things that should not have been said I am sorry because it has never been my intention to offend anyone. I thank you, Sir, your staff, the boys upstairs and the boys behind us and I trust that we will all be spared for many years to come to enjoy the best of health. I wish you, Sir, and all members the compliments of the approaching season and all that you would wish for yourselves.

The Hon. C. R. CUDMORE (Central No. 2) —This has been an interesting session, the last of this Parliament. It has not been easy in some ways, but in other ways it has been, perhaps, too easy. "Satan finds some mischief still for idle hands to do," and that has been our chief trouble. We have not always had enough to do, but what we have had to do I hope has been done expeditiously and well. The first thing that I must refer to, of course, is my regret that the late Mr. Rudall has not been with us. We have spoken about that at other times. We welcome in his place the Hon. Mr. Story. He has shown competence already by talking only on things he knows something about, but he has contributed very distinctly to the debates of this, his first session in Parliament. It has been said that one member will not be coming back—our friend, Mr. Hoare. He has had an extraordinary career and done remarkable work for his State and for Australia in politics. He served in the Federal Parliament and has been here for 12 years, and I think the Chief Secretary put it in exactly the words I had written down— "He is a person who is loved by everyone." That is our feeling towards him. We like to look after him and see that someone else does not knock him over; he is that sort of person; he just gets under one's skin. I endorse the remarks of the Chief Secretary and Mr. Condon when they say that, whenever Mr. Hoare visits us in the House, we will be delighted to see him.

I congratulate you, Mr. President, on your charming manner in conducting the affairs of this Council. We always feel that we can rely on your decision, and we hope you will remain here for a long time to preside over us. I pay a tribute to the work of the Chief Secretary. There is no man who has held that difficult portfolio for so many years with such distinction, and I feel that the Government, Parliament, or somebody should do something to give him some real relief or a holiday, for he has been at the grindstone for many years, and no man can be expected to go on at that pressure year after year without a long holiday and relaxation. I hope that something of that sort will be achieved.

I join in congratulating the new Attorney-General on the way he has adapted himself to the not so easy position of being the second man in the Government. We knew Mr. Rowe as a good debater, sometimes against the Government, but now we realize that we have not got him on that side, and he is doing an admirable job in his new position. I pay a tribute to the way Mr. Jude is carrying out his duties in the Cabinet.

This session we have been extremely well served by the Clerks at the table. I spoke about them earlier this session, and I concur with the Chief Secretary's statement that members could not receive better help, more

courtesy or knowledgable advice than they have from the Clerks we are privileged to have. Regarding *Hansard,* I have never had reporting such as I have had this session; the staff in the gallery is doing an extraordinarily good job. Our messengers are doing a fine job; indeed, since my entry into Parliament we have never had smoother working in the Council than we have had this session. If I have left out anybody it is because it is impossible to remember everyone. This has been a happy Parliament and like other honourable members I feel that, though we can fight our hardest, we have respect for each other. I thank my colleagues, both those of my Party who have supported me and also those who have not supported me. It does not matter: we are all friends. I wish to extend to you, Mr. President, my best wishes, and to everybody in the Chamber the compliments of the season and, above all, good health in the forthcoming year.

THE PRESIDENT (The Hon. Sir Walter Duncan)—Before putting the motion, I would add a few words to those already said. To Sir Lyell, Mr. Condon, and Mr. Cudmore, may I say a sincere "Thank you" for the flattering remarks about myself. On behalf of all who have been congratulated, but who cannot say "Thank you" for themselves, I thank you. I was pleased that the Chief Secretary and Mr. Cudmore, in particular, referred to the work of the Clerks at the table. I do not think that anybody realizes their responsibilities or the work they have to do. I do not think it is generally recognized that they must overcome many difficulties on a day such as this has been. Indeed, had it not been for the perfect machinery that operated, I do not think we could have got through.

On a day such as this one is a little inclined to soliloquize and look back, having been in this place for longer than I like to remember. On the other hand, I might have given members a talk on the early days of politics, but I do not think 5 a.m. is the right time to start this sort of thing. The years have been happy and pleasant, and this has been due to the good feeling that has always existed in this Chamber. Since I came here I cannot remember any difficulties between any member and the President of the day in this Chamber. As a reputation has been built up by the Council, it is our duty to maintain it and to hand it on to the future. I thank all members.

To Mr. Hoare I say a special word of thanks. He is one who has troubled me the least; I have tried to give him a free hand because I usually wanted to hear the end of the story. To him I say, "Good luck and good health." Any time he is passing I trust he will look in and say "Good day" to members. For all members facing the music during the next few months I have a word of cheer. I would even cheer up Mr. Condon a little by telling him that the practice in this Chamber is to have very few changes, and if I had to pick the card in the coming election, I would not mind having a go at it. I feel that Mr. Condon may weather another storm at Port Adelaide, and no one will be more pleased to see him back than his friends in the Council. To Members one and all, I say "Thank you; a Merry Christmas and a Happy New Year."

Motion carried.

ADJOURNMENT.

At 5.10 a.m. on Friday, November 25, the Council adjourned until Tuesday, December 20, 1955, at 2 p.m.

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