LEGISLATIVE COUNCIL.

Wednesday, October 17, 1956.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS.

MENTAL INSTITUTIONS.

The Hon. E. ANTHONEY—I ask leave to make a short statement with a view to asking a question.

Leave granted.

The Hon. E. ANTHONEY—Has the attention of the Chief Secretary been drawn to a sub-leader in the *News* of October 12 dealing with the alleged unsatisfactory condition of mental institutions in this State, particularly Parkside I presume, and stating that the Government was very much behind in regard to buildings, and generally criticizing the Government's administration. If so, has he any comment to offer?

The Hon. Sir LYELL McEWIN—My attention was drawn to the article and because of it I sought a report from the Superintendent of Mental Institutions because it was evident that the article had not been written from facts. The buildings which have recently been erected have been favourably commented on and, following a conference of Ministers of Health in Adelaide in January last, one State sent a special commission back to view what had been done and to take particulars of costs, as such things, in their estimation, were rather difficult to obtain in their own State. I think the article stated that we were not holding the position so perhaps I should give members the information which the Superintendent has supplied. This article was written in association with a visit by Dr. Stoller last week, and the report states:—

Dr. Stoller had been here the previous day and had examined a number of our new buildings. Dr. Stoller stated to me that South Australia seemed to be making more progress than any of the other States in its new building programme. He inspected a number of our new buildings and commented very favourably on them.

When Dr. Cunningham Dax, the head of the Mental Hygiene Department in Victoria, was in South Australia at the recent health conference, he visited Parkside with his Minister and Ministers from other States. He was so impressed with what he saw that he arranged for his chief lay officers to inspect our new buildings. He stated that he was impressed not only with the quality of the buildings but also with the way in which we were able to have them erected.

In the leading article in the *News* on October 12, reference is made to an estimated increase in the number of patients of at least 70 a year. Whilst the last annual report available gives the average increase for the last nine years as 71, I point out that last year and the year before there were fewer mental patients than at the beginning of the year. The estimate of 70 was quite outdated; in fact, it was two years out of date, and it does not represent a fair report of the mental hospital picture in this State. I think South Australia is indeed fortunate to have a man of the administrative capacity of Dr. Birch, who has had to administer his department under difficulties created by matters outside his control during the war and since. He is exceedingly capable, popular with the inmates and respected by his staff.

TRAMWAY STOPPAGES.

The Hon. E. ANTHONEY—Has the Minister of Industry seen the statement in this morning's paper referring to the likely action of tramway men with regard to spasmodic stoppages that will seriously inconvenience many unoffending members of the public? Is he prepared to express an opinion on whether there cannot be some amicable settlement of the dispute rather than embroiling the public in inconvenience and delay?

The Hon. C. D. ROWE—I have seen the statement referred to, and I regret that there has been inconvenience to the public because of the difficulty that has occurred in connection with the operations of the Tramways Trust. As the honourable member knows, arbitration machinery is provided for the settlement of differences of this kind. My own view is that everyone has more to gain from arbitration than from any other means, and if the people involved would realize that, the issues involved could be settled in a satisfactory manner. Everything possible is being done to see that the difficulties are settled on that basis.

GUMERACHA SEWERAGE SCHEME.

The PRESIDENT laid on the table the final report of the Parliamentary Standing Committee on Public Works on the Gumeracha sewerage scheme, together with minutes of evidence.

PUBLIC ACCOUNTS COMMITTEE.

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

That, in the opinion of this Council, it is desirable that a Joint Parliamentary Accounts Committee should be appointed.

(Continued from October 10. Page 951.)

The Hon. Sir LYELL McEWIN (Chief Secretary)—I agree with the mover that

there may be justification for the appointment of a public accounts committee in regard to the Mother of Parliaments and the Commonwealth Parliament. However, he stated that this was justification for the appointment of a similar committee in this State but I was unable to draw from his remarks any condition that established a comparison between South Australia and the other cases mentioned. The Parliaments of both England and Australia are engaged in huge national projects, such as the maintenance of the fighting services and the post and telegraph services, which entail the expenditure of huge amounts and involve a ramification of conditions which cannot be handled as they can be in the more compact and domestic administration of the State. For instance, the Minister in charge of a big Federal department has a vast amount of travelling to do, having branches operating in all the States, and I would say it was physically impossible for him to keep sufficiently in close contact with those branches to guarantee the efficient administration of his department.

Similar motions have been sponsored from both sides of the Chamber previously, one being moved by a late respected President when he was on the floor of the House. He was a member of the Liberal Party, but his motion was not accepted by the Government. There may have been some justification for a public accounts committee then, because there was no Parliamentary check-up or examination of public expenditure to the same extent as today. In 1927 Parliament established the Public Works Standing Committee, which now investigates all major projects of expenditure. The original estimated cost of a project may be, say, £57,000, but by the time it is completed the cost is, say, £73,000. By some stretch of the imagination the honourable member suggested that perhaps a public accounts committee might remedy such a disparity. Of course, that would be possible if conditions remained precisely the same as those existing at the time the report was submitted.

The Hon. K. E. J. Bardolph—I said there might have been valid excuses for increases.

The Hon. Sir LYELL McEWIN—Of course they would be valid. There are other checks. When tenders are called for a job they are examined by the Auditor-General and reported upon by the respective officers and the prices compared with estimates by our engineers or, if it is a question of the purchase of goods, then it is dealt with by the Supply and Tender Board. These organizations carry out a check on the expenditure which is made. The Public Works Committee examines proposed projects and questions the officers of the departments concerned regarding those projects. If the Committee considers that a project is too expensive, or that there is something which should be brought to the notice of Parliament, it acts accordingly. Mr. Condon and Mr. Bice have access to this information and impart it to us from time to time.

The Hon. K. E. J. Bardolph—Doesn't that Committee's function cease when it submits a report to the Government?

The Hon. Sir LYELL McEWIN—Yes, but the Government has estimates placed before it and that is the foundation on which it commences. If it is something which involves the Architect-in-Chief's Department, the plans and the more detailed work of the project are gone into and tenders are called. The practice of tendering polices itself, because there is free competition and we find a tremendous disparity in the tenders. The Government has the opportunity of examining the tenders and comparing them with the estimates which have been provided by its officers and the department concerned, and ready comparisons can be made as to whether it is fair tendering. Tenders are examined by the Auditor-General before they are even considered by the Government.

After the war we established the Land Settlement Committee which investigates all projects of land settlement before any public expenditure is undertaken. The Committee satisfies itself as to the value of such development that can be undertaken with success, and recommends that the Government should undertake certain work. We also have the Industries Development Committee which reports on whether certain projects of secondary production are projects for which the Government should provide assistance, and whether there is some likelihood of their being economically successful.

The Hon. K. E. J. Bardolph—The Industries Development Committee, unlike the other committees, takes the responsibility of recommending that money should be spent.

The Hon. Sir LYELL McEWIN—I do not know whether they have any responsibility; the final say is with the Treasury. All the committees make recommendations, but there is a final check even on them. I am simply pointing out that these things are checked and

rechecked, but we have an even further examination of our accounts. The Commonwealth Grants Committee—

The Hon. K. E. J. Bardolph—I think the least you say about that the better.

The Hon. Sir LYELL McEWIN—I shall have quite a bit to say about it because at its head there is Professor Alex Fitzgerald who is recognized as one of the leading accountants in Australia, and that Commission makes a very exhaustive examination of the accounts of the claimant States, of which we are one. It insists on an efficient system of accounting, and if it were not satisfied both as to how the accounts are kept and how the administration of public funds is carried out it would soon draw attention to it in its report and the State would be penalized for it. On the contrary Professor Fitzgerald has complimented the officers of this State on their bookkeeping methods and the way in which their figures are presented; we have never had anything but praise of our accounting and I have never heard one desparaging remark regarding the expenditure of money in South Australia. We have been penalized because perhaps, we have not spent enough money and have not collected as much in taxation as some of the States, but I have never heard any suggestion of loose handling of public funds.

Every one of the committees to which I have referred involves additional work on Government departments, and if we duplicated all the existing committees we would reach the stage when we would have to duplicate the Treasury staff because it would be fully employed in dealing with inquisitorial comments, not by expert accountants, but by persons seeking to educate themselves more than to criticize the actions of others, that the very thing that is sought to be achieved would be defeated.

Moreover, it does not end there: in this Parliament, when members are discussing Appropriation Bills in this Chamber and the Budget in another place, we always have the Auditor-General's report before us. That is not simply a compilation of figures and balances sheets but a detailed explanation of departmental accounts, and reports upon any unusual features relating to the figures concerned. It seems therefore that we have adequate checks before spending public money. There is yet another that I might mention. It has been the custom for some years for the Treasurer himself, on the presentation of his Budget, to issue a report, which contains a great deal of information, and I fail to see what further machinery could be devised which would give more enlightenment and information to members than that which already exists. For these reasons I ask the Council to vote against the motion.

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

JUSTICES ACT AMENDMENT BILL.

The Hon. C. D. ROWE (Attorney-General), having obtained leave, introduced a Bill for an Act to amend the Justices Act, 1921-1943. Read a first time.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

This Bill deals with four subjects. First, it provides a simpler and more effective procedure for enforcing the payment of fines imposed and amounts payable under recognizances forfeited by the Supreme Court in its criminal jurisdiction. Second, the Bill revises the provisions of the principal Act dealing with the detention of habitual criminals, and, in particular, provides for the release of habitual criminals under supervision. Third, the Bill enables the Crown to appeal to the Full Court in criminal matters under certain conditions. Fourth, the Bill deals with the detention of sexual offenders.

At present the procedure in the Supreme Court for enforcing payment of fines and forfeitures is slow and cumbersome. At the end of each criminal session the Clerk of Arraigns prepares a schedule of fines and forfeitures which he delivers to the Sheriff. The Sheriff thereupon serves a summons on each of the persons liable to pay a fine or forfeiture requiring him to appear before the Full Court at the next sittings of the Full Court for enforcing payment of fines and forfeitures if he has not sooner paid the fine or forfeiture. These sittings are held in March, June, September and November. If the summons is served and the fine or forfeiture is not paid, the Full Court may order the issue of a writ enabling the fine or forfeiture to be levied on the person's property. The writ is returnable at the following sittings of the Full Court and if the fine or forfeiture is by then still not recovered, the Full Court may issue a further writ authorizing the person to be imprisoned for not more than six months.

There are many difficulties in this procedure. The principal difficulties are as follows:—First, it is often difficult to effect service of the initial summons, especially since the summons cannot be served outside the State. Second, since the writs can only be issued by virtue of an order made by the Full Court at one of the sittings mentioned, there is great delay in issuing them. Third, the period of imprisonment under a writ so issued cannot be shortened by part payment, nor does it bear any relation to the amount of the fine or forfeiture.

The Supreme Court has in some cases avoided the difficulties involved in the procedure by exercising a common law power to order imprisonment until payment, but the position is nevertheless unsatisfactory. The procedure can and should be simplified, and accordingly the Government has included provisions for the purpose in this Bill. Briefly, the scheme proposed is that the sheriff should be made responsible for enforcing the payment of fines and forfeitures, and should be enabled to apply to a judge or the Master of the Supreme Court at any time for the appropriate writs for that purpose. It is also proposed to enable the court to fix a term of imprisonment not exceeding twelve months to be served in default of payment, and to provide for the reduction of the term on part payment.

Clause 6 gives effect to these proposals by enacting a number of sections of the principal Act. New section 300 is of an introductory nature. Section 300a enables the Supreme Court or a judge, at any time after a fine is imposed or a recognizance forfeited, to fix a term of imprisonment, not exceeding 12 months, to be served in default of payment, and to allow payment by instalments and time for payment. The section also enables the Supreme Court or a judge to discharge a recognizance or reduce the amount due under a recognizance.

Section 300b provides that if default is made in payment of an instalment, the whole amount remaining unpaid shall immediately fall due. Section 300c provides that where no time to pay is allowed and the fine or forfeiture is not immediately paid, the person in default, if present before the Court or judge, may be detained without the issue of a writ for the term fixed by the Court or judge, subject to any reduction thereof for part payment. Section 300d requires the Sheriff to recover all fines and forfeitures imposed by the Supreme Court in its criminal jurisdiction, and deals with several machinery matters.

Section 300e enables a judge or the Master to issue a writ at any time on application by the Sheriff and to fix a term of imprisonment if none has been previously fixed. Section 300f enables the commencement of a term of imprisonment fixed under the Bill to be postponed until the expiration of any other term which the person concerned is liable to serve. Section 300g provides for the reduction of a term of imprisonment fixed under the Bill by part payment of the amount due.

Section 300h is an evidentiary provision designed to facilitate proof of an order made under the Bill and proof of default in payment. Clauses 7 and 25 make amendments to the principal Act consequential upon the provisions of Clause 6. Clause 26 deals with the transition from the present system of enforcement to the new system.

I turn now to the second matter dealt with by the Bill. For some time the provisions of the principal Act dealing with the release of habitual criminals have been found unsatisfactory. The principal Act provides that the Governor may release an habitual criminal if he determines that he is sufficiently reformed, or for other good cause. A person so released is required to report his address and occupation periodically to the Commissioner of Police in person or by letter, and is liable to be returned to prison if he commits certain acts or offences set out in the principal Act. If after two years he has not been returned to prison and is not liable to be returned to prison, he ceases to be an habitual criminal.

The effect of these provisions is in practice that there is no supervision over an habitual criminal after his release, so that an habitual criminal cannot be released unless the Government is certain that he is fit to be at liberty without supervision. It frequently happens that an habitual criminal could safely be released subject to supervision, but is not fit to be released without supervision. In these cases, the Government has no alternative but to keep him in prison.

The Government thinks that it is in the interests of prison administration that habitual criminals should be released where it is just and reasonable to do so. Clause 10 accordingly provides that the Governor may release an habitual criminal on licence subject to such conditions as he thinks fit, and that an habitual criminal so released may be recalled to prison at any time. If, after three years, he has not been recalled, he will cease to be an habitual criminal, unless the Governor orders to the contrary. The system of release provided for

in clause 10 is somewhat similar to that provided two years ago in the Prisons Act Amendment Act, 1954, for persons imprisoned for life.

Clauses 8, 9, 11 and 12 make a number of minor improvements to the provisions of the principal Act dealing with habitual criminals. The only clause which calls for comment is clause 9. This clause repeals a provision of the principal Act providing that an habitual criminal shall be offered facilities for selling or otherwise disposing of the products of his labour in prison. For a period an attempt was made to give effect to this provision, but it was found impracticable to do so. For many years now habitual criminals have been working on the same jobs as other prisoners, and have been credited with earnings in the same way as other prisoners.

I come now to the third subject dealt with by the Bill. Under the principal Act a person convicted on information in the Supreme Court can appeal against his conviction or sentence. Also, where a person is so convicted, the trial judge may reserve a point of law for decision by the Full Court, or may be required by the Full Court to state a case to the Full Court. The Crown has no right of appeal whatsoever.

In practice, one result of these provisions is that important points of criminal law seldom fall to be settled by the Full Court. If a ruling is given against either side by the trial judge and the accused is acquitted, there can be no appeal to the Full Court on the point, and neither can a case be stated. Where a ruling is given against the Crown and the accused is convicted, he will hardly appeal on the ruling, and it is seldom that a judge states a case. Where a ruling is given against the accused, he will very frequently not appeal, since the circumstances may be such that there has been no substantial miscarriage of justice and the appeal would have no chance of success.

There is power under the Supreme Court Act to state a case at any stage during a trial. This power is seldom exercised, however, mainly because judges do not like to delay the result of a criminal trial. Difficult questions of law arise from time to time in criminal trials. Thus a decision of the House of Lords or the English Court of Criminal Appeal sometimes appears to be inconsistent with a decision of the High Court or our own Full Court. On occasions also there is difficulty in settling points arising under new legislation. Where one of these difficult questions arises, a judge will sometimes refuse to follow the ruling of a brother judge. This gives rise to uncertainty in the administration of justice and makes counsel's task difficult. It is important also for the administration of justice in courts of summary jurisdiction that these difficulties should be authoritatively settled. Many indictable offences are triable summarily, and it is desirable that magistrates should have the benefit of rulings of the Full Court.

A provision was enacted in New South Wales in 1951 whereby the Crown after an acquittal can require the trial judge to state a cause to the New South Wales Court of Criminal Appeal. The Court is empowered to determine the question of law, but the determination of the question does not affect the verdict of acquittal in any way. After giving careful consideration to the whole question the Government has decided that it would be in the interests of justice to provide in South Australia a procedure similar to that available in New South Wales.

Accordingly clause 15 provides that counsel for the Crown may, within ten days of the acquittal of a person tried on information, request the trial judge to reserve a question of law for decision by the Full Court. The request must be made with the written consent of the Attorney-General. On the making of the request the judge is required to reserve the question for determination by the Full Court. The Full Court is empowered to hear and determine the question, but its determination does not affect any verdict or decision given at the trial. The person tried has the right to be heard, but if it appears that he will not be represented, the Attorney-General may instruct counsel to argue the question on the person's behalf. To enable the Full Court to protect a person who has been acquitted from possible injury by its determination, the Court is empowered to exclude the public from the proceedings and to restrict or prohibit publication of particulars of the proceedings.

Under the principal Act, unless the accused appeals, a sentence cannot be reviewed. From time to time a sentence is imposed in the Supreme Court which is not consistent with the sentence usually imposed for the offence in similar circumstances, or which otherwise appears inappropriate. The Government believes that all sentences imposed by trial judges should be subject to review so that inappropriate sentences can be varied and proper standards laid down by the Full Court.

The Government therefore proposes to enable the Attorney-General to appeal against a sentence imposed in a criminal trial by the Supreme Court. There is a precedent for the Government's proposal in New South Wales where such a right of appeal exists. Clause 16 accordingly provides that the Attorney-General may appeal against a sentence passed on the conviction of a person on information. As rules of court will be necessary to give effect to the provision, the Bill provides that it will come into operation on a day to be fixed by proclamation.

Clauses 13 and 14 and clauses 17 to 24 make various amendments designed, so far as practicable, to make an appeal by the Attorney-General subject to the same conditions as an appeal by a convicted person, and also make consequential amendments. It should be mentioned that under the Bill an appeal against a sentence of imprisonment by the Attorney-General will not affect the operation of the sentence pending the determination of the appeal.

The fourth subject dealt with by the Bill is, as I have mentioned, the detention of sexual offenders. Section 77a of the principal Act provides that a court or judge may on the report of two medical practitioners order a person found guilty of an offence of a sexual nature to be detained in an institution. Until recently it was generally thought that this section referred to courts of summary jurisdiction as well as to the Supreme Court, and the section was employed by courts of summary jurisdiction. However, it has been held in an appeal under the Justices Act that the section does not apply to courts of summary jurisdiction.

The Government is of opinion that the provisions of the section should be available to a court of summary jurisdiction constituted by a special magistrate. The Government feels that the powers contained in the section can safely be entrusted to magistrates, especially since they have been satisfactorily exercised by magistrates in the past. In the same case, doubts were expressed about the meaning of the expression "offence of a sexual nature." The Government proposes to remove these doubts by making the section available where any of a number of specified sexual offences is committed and on the commission of any other offence where the evidence indicates that the offender may be incapable of exercising proper control over his sexual instincts.

The opportunity has been taken at the same time to make section 77 of the principal Act available where a magistrate finds a person guilty of a sexual offence. This section enables a court or judge on the report of two medical practitioners to order a sexual offender suffering from venereal disease to be detained until he is cured. The section at present does not apply where the offence is punishable summarily. This section is seldom employed, but it is desirable that it should be amended to bring it into line with section 77a. The expression "offence of a sexual nature" also occurs in section 77, and the section is amended to make it clear when the section is available. These matters are dealt with in clauses 3, 4, and 5. The Government believes that this Bill will materially improve the administration of justice in the State and commends it to the favourable consideration of members.

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

APPROPRIATION BILL (No. 2).

Adjourned debate on second reading.

(Continued from October 16. Page 1022.)

The Hon. E. H. EDMONDS (Northern)—This is the general measure presented each year which sets out the estimates of revenue and details of the expenditure of that revenue by the various Government departments. In common with the general tendency, the Bill shows a continued upward trend in expenditure. Documents on members' files, such as the Treasurer's report on receipts and expenditure, are supplementary to the Bill and give full details of the items of expenditure. As the Council has no authority to amend money Bills, we are left merely with the privilege of giving our blessing to the measure and making such comments upon the various items as we think fit.

The Hon. E. Anthoney—We can reject it.

The Hon. E. H. EDMONDS—We might do that, but that has never happened in my experience. A member of the Opposition or of the Government Party could move for a reduction in the first line, which would be tantamount to a motion of no-confidence in the Government. The increase over the years in some lines in the Estimates has been remarkable. Over a period of eight years from 1947-48 the amount provided has increased from about £13,500,000 to the present total of £49,000,000. Anyone who is not prepared to go into the details of governmental expe diture

might at first be inclined to think that as a result of the increased expenditure we are getting comparatively increased services and more benefits, but of course the amounts are only relative. Much of the increase over the years has, to a great extent, been due to the rise in costs of everything associated with the establishment of Government services. Despite the big rises in expenditure, we are not getting comparatively greater services for the money so spent.

The Estimates provide quite a wide field on which members may discourse. I think it is the usual practice that members confine themselves to such matters as they regard of particular interest to the district they represent, and also of particular interest to members of this Council generally. I will follow the usual custom and confine myself to one or two points which I think are of general interest.

During the time I have been associated with public life I have always taken a very keen interest in medical services in the State. I have had some personal experience of the extension of medical services, particularly to the remote areas of the State, and I have been fully appreciative of the efforts of respective Governments towards alleviating the position of the people in those districts. I am sure that everyone appreciates that the desire to give that service still remains with the authority that is entrusted with the dispensation of funds for those purposes.

The Flying Doctor Service is doing a wonderful job for the people in the remote parts of the State. An amount of £500 is provided for the Flying Doctor Service which is connected with the Bush Church Aid Society; £1,000 is provided for the Flying Doctor Service of Australia (S.A. section) which, of course, covers a wider field; £150 is provided for the Cook Hospital; and £250 each is provided for the Oodnadatta Hostel and the Tarcoola Hospital. The sum of £15,000 is allocated to the District and Bush Nursing Society. Members would probably not find any difficulty in putting up a good case for increases in the amounts that have been decided upon in the distribution of the revenue of the State for the current year. Whilst I appreciate what has been done for those services that I have mentioned I would stress the need for even greater assistance if possible, especially to the outback Flying Doctor Service which, like many other institutions, is confronted with an increase in costs. I stress again that all possible help should be given to these people.

I will quote a personal experience I have had of the operation of the Flying Doctor Service. It was my privilege some months ago to be present when a broadcast from the Flying Doctor headquarters at Alice Springs was made, and I had the opportunity of listening in to a call for assistance and advice from the wife of a station owner who was living some 200 miles west of Alice Springs. This woman was anxious about her little girl who had developed some sickness. The doctor was connected on the aerial telephone, and after the symptons were explained to him he told the woman to give the little girl tablets from a packet which bore a certain number. I might mention that the outback people are provided with first-aid kits and drugs for use in an emergency. The doctor told the woman that the girl would be all right for the time being, but that if her condition deteriorated to contact him in the morning and he would send a plane out if necessary. One does not need very much imagination to appreciate what a comfort that would be to a woman situated in the outback on some remote station, and probably alone. Much of the work done by this organization is voluntary, and much of it is done on the principle of the people helping themselves before they come to any Government for help, and that is a principle we should encourage.

I want to say something with regard to the State's land policy. I am prompted to do this by some remarks of Mr. Condon in addressing himself to another Bill some little time ago. He seemed to criticize the Lands Department because there has been some degree of migration of farmers from South Australia to other States. That has taken place, but it is nothing new; for almost as long as I can remember South Australian farmers have gone to the other States. It was a South Australian wheatgrower who went to Western Australia and to a very great extent demonstrated what could be done with what was considered to be an inferior class of country—mostly sand plain and salmon gum country—for cereal growing. South Australian farmers went there and by their initiative and courage eventually developed the land and illustrated just what a valuable asset Western Australia had in that country. It is reputed that the largest wheatgrower in Australia is a farmer by the name of Smart who migrated to Western Australia from the Jamestown district. Members who have had the priviledge of seeing his establishment over there recognize what an enormous success he has made of his farming in that State.

What applied to Western Australia also applied to New South Wales, although not so much in recent years. Some years ago it was not uncommon to find many South Australians in the wheat growing districts of New South Wales, but I do not think they went there because they could not get land in this State. After all, our young people still have an adventurous spirit and a belief that distant fields are greener, which were probably the reasons why they went elsewhere to settle.

This State has made a great deal of advancement in land development over the years. That development, particularly in view of the fact that at one time it was considered that all the arable land here was ocupied, has been remarkable. In post-war years our activities in this direction have been confined mainly to the settlement of returned servicemen, and in this connection it might be interesting to know that the area of land recommended for settlement by the Land Settlement Committee for the five years ended June 30 last, was 468,202 acres, and the area purchased but not subject to any recommendation was 54,627 acres—a total of 522,829 acres. However, that is not the end of the story, because much has been achieved by private enterprise and by individuals.

As a result of research initiated very largely by the Lands Department and from trial and error, lands previously considered to be of little value have been improved to such an extent that they have become valuable for stock and cereal production. Some idea of the activity of the Lands Department can be gained from the knowledge that over a period of five years 1,500,000 acres of Crown lands and 306,615 acres of marginal land were allotted. This was not all necessarily new land, because it could include transfers. The same applies to pastoral country. The total land activity of the department over the period of five years amounted to over 7,500,000 acres. From this it can be seen that the department has not been dilatory in making land available for development.

The Hon. Sir Frank Perry—It is for all classes of usage, is it not?

The Hon. E. H. EDMONDS—Yes, not necessarily only for cereals, but also for stock, dairying and irrigation. Irrigation is included in the last total I have given, although the area is much smaller than for other purposes because the individual units are much smaller. At times we hear an agitation for subdividing some of the inside country. We have some wonderful estates inside Goyder's line of rainfall, and from my own observation I know that many of the large estates have been considerably diminished by sale, share farming and other ways that have increased production. Other valuable estates in this area of between 3,000 and 5,000 acres are fulfilling an important economic position in the production of this State.

At the southern end of the district I represent there are one or two properties on which covetous eyes have been cast by people who favour cutting up large estates. These properties are rendering a national service, and on them some of the finest stud sheep breeding is carried on. In the lower north there is one property that I know of that is used for stock fattening purposes in conjunction with another property in the northern part of the State. It is not unusual to see on this land 1,000 head of well-bred shorthorn cattle being topped up for the metropolitan market. Although at first glance it might appear that the land is not put to the fullest use, it is a valuable national asset because of the way it is used.

The land policy of this Government over the years has been one of progress; it has shown results and it has quite a big future. It is my privilege to have been associated with the Land Settlement Committee for many years, in which capacity I have had the opportunity to travel over a large part of the State. I can still see possibilities for future development in many areas. It is only be encouraging people to go out and by assisting them in their development that we will get the best results from the country, which has only yet been tickled on the feet.

I now wish to refer to road contruction and maintenance, and my only excuse, if I need an excuse, for referring to this matter again is the unsatisfactory condition of roads throughout the State. I have travelled over many of them and I know that they are deteriorating. The engineers are now considering ripping up even some of the older established roads that have been sealed for years to render them capable of carrying the altered transport now using them. I believe that road construction and maintenance will have to be undertaken on a national basis because it is beyond the capability or resources of councils to do any more than attend to their own district roads.

The only possible solution to the problem of main arterial roads is to treat them as a

national project and as part of the Federal Government's defence policy. This, of course, would involve Commonwealth funds, and the only possibility of getting sufficient money—millions of pounds would be needed—is to float a special loan to build up a fund that would offer an inducement to large scale construction units to do the job. In the meantime, however, we have to maintain the roads we have. Throughout the State there are hundreds of miles of roads, many of which, even arterial roads, are only dirt tracks.

The Hon. K. E. J. Bardolph—Do you agree that road transport is much more preferable for defence purposes than rail transport, as railways are vulnerable?

The Hon. E. H. EDMONDS—I am not competent to express an opinion on that. All sorts of circumstances come into it. I think there is room for the two transport systems for commercial purposes, although the tendency is to rely more and more on road transport, which has considerable advantages. A road haulier picks up his load and delivers it to its destination in the one operation. Then, there is the unfortunate position of our shipping. I have known of instances where goods were delivered to be dispatched by boat and a month has elapsed before they reached their destination, due to an industrial dispute, and on more than one occasion they have been carried backwards and forwards around our coast. Under those circumstances one can appreciate that the people concerned prefer road transport. There is not the same trouble with breakages and the passing of the buck between one authority and another as to short deliveries. A strain will continue on our road structures until the objections I have mentioned are removed.

One could offer suggestions for added expenditure in practically every field of activity, but anything of that nature is futile under this Bill. Members had that opportunity earlier in the year before the Estimates were finalized, but once they are finalized they have to be accepted. Because of the ever increasing amounts required, emphasis is placed on the added responsibility devolving upon Parliament, the Government and departmental officers in the discharge of their duties. We have had propositions put before us for the setting up of safeguards to keep a critical eye on departmental expenditure, and this all arises from the greatly increased costs. I support the Bill.

The Hon. E. ANTHONEY Central No. 2)—Often the Government gets very close to its Estimates, which is a reflection on the excellent planning of departmental chiefs. We cannot add to or subtract from the amount suggested, but that does not preclude members from closely scrutinizing the financial proposals. I should like to see increased responsibility shown by members in these matters, but this is not possible unless they are furnished with the necessary information, which often comes to us rather late, and therefore he cannot be expected to have a properly informed mind. I noticed a statement in today's press relating to the continued losses in State railway services. Mention is made, however, of a profit of £1,500,000 by the Commonwealth Railways. If, with the high prosperity in this State, we have to continue budgeting for deficits, what will happen when we come to the leaner years, which no doubt we will experience? It seems rather odd that we should continue to budget for deficits in our railway system, particularly when more goods and passengers are being carried at higher rates than ever before. I understand that improvement has been shown in our service because of the introduction of diesel engines. We must modernize our transport system. No one would question the statement that our railway system is a long way from being modern. In many respects it is outdated.

The Hon. C. D. Rowe—It would take a tremendous amount to modernize it.

The Hon. E. ANTHONEY—Quite so. I am not criticizing the Government, because I know of the tremendous leeway it has had to make up since the war, but the fact still remains that our railway transport system is not modern enough to attract sufficient patronage to meet even operating costs. We should be able to make it fully effective. For instance, our suburban system is far from being up-to-date. Railway carriages have been improved very little over the years, and in some instances the running time is slower than ever before, no doubt largely due to the increased number of stations, but the fact remains that we have not a modern system. If we want to attract patronage, we must make the services comfortable.

I draw attention to the loss of £60,000 on a contract entered into by the Railways Department for the construction of diesel engines. I would have thought that the Government would be sufficiently business-like in its outlook to deal only with accredited firms. The company concerned could not carry out its contract, and according to the Auditor-General's report the Government has lost stone cold £60,000 which

the Auditor-General says there is no possibility of recovering. Apparently, this firm is one of straw. The Government should be more careful with the type of people it deals with, as there are many substantial firms in the United Kingdom and Europe which could have delivered the goods. It is inexcusable that the Government and taxpayers should have been let down to the tune of £60,000. I am in full accordance with Mr. Edmonds' comments regarding our road policy. I have said before that main roads in all States should be put on a national basis. That is our only possible hope of keeping them in proper trafficable condition to meet the demands of modern heavy transport.

The Hon. Sir Arthur Rymill—Do you mean that the Federal Government should take them over?

The Hon. E. ANTHONEY—Not take them over, but make a substantial contribution towards their cost. As Mr. Edmonds said, it is largely a question of defence. Heavy armaments would have to be driven over them in a time of war, and only stout roads could stand up to that type of traffic. That is a Commonwealth matter and therefore the Federal Government should contribute. A controversy is raging in the Victorian press as to whether an effective railway system to link the capitals of Australia would not be preferable to a system of roads.

The Hon. K. E. J. Bardolph—Don't you think that the railways would be more vulnerable in time of war?

The Hon. E. ANTHONEY—They are both vulnerable, as nothing is immune from bombing. These people in Victoria have taken a keen interest in transport matters, and yet they are not agreed which system is preferable, but the position has to be met. Whether we do it by a good system of either national roads or national railways does not matter very much. It was said recently that we will not be a great country unless we have a good system of either road or rail transport. Had it not been for interstate jealousies we would have had a complete uniform rail gauge throughout the Commonwealth.

The Hon. K. E. J. Bardolph—South Australia is the only State that signed the Uniform Railway Gauge Agreement.

The Hon. E. ANTHONEY—That is recently, of course. I am referring to the past, when labour and materials were cheap and plentiful. Mr. Eddy, then Commissioner of Railways in New South Wales, formulated a scheme for uniform rail gauge, and the work could have been done then for a few million pounds, whereas today it would cost several hundred million pounds. That does not alter the fact that unless we get either a good road or a good rail system to link the capitals together we will never be a cohesive State or grow as we should.

The Hon. F. J. Condon—A change of Government would alter that.

The Hon. E. ANTHONEY—We have had that, and it only seems to accentuate the problem. This is a thing which goes beyond politics and should engage the attention of every honourable member. I now turn to education on which we are spending a great deal of money, I think about £8,000,000 this year. I have no complaint with that, providing we are getting our money's worth.

The Hon. K. E. J. Bardolph—Would the honourable member be in favour of subsidizing denominational schools?

The Hon. E ANTHONEY—I do not intend to go into that matter now. I am not forgetting the great value of private schools, but I am thinking of the general scheme of State education. There has been a tremendous increase in the cost of education. As a result of a big increase in population, largely due to immigration, the department has to find a great deal more accommodation and try to find more teachers. When I was in England and Scotland three or four years ago I inquired what hope we would have of getting teachers to come to Australia, and I was told that we would have very little hope because they were 25,000 teachers short. I notice that some have come to Australia, and I understand that many are settling here permanently. I know that the problem is world-wide, because sufficient people are not entering the teaching profession. The department is doing its best by recruiting teachers to swell the numbers already carrying on this important work.

The Hon. K. E. J. Bardolph—Don't you think there is a good deal of overlapping in the subjects in our educational system?

The Hon. E. ANTHONEY—Probably the honourable member is right. I have had a good deal of experience in teaching, and I think we are attaching too much importance to the frilly subjects which are glamorous and attractive but are not so valuable to the students. I regret that we have so many partially qualified teachers in our State schools.

That cannot be helped, and I would not say a word to discourage those who are doing their best to help. The average school life of a child is only about eight years unless he is going on to secondary education, and it means that a child misses a lot in its early years if it does not have good teaching. I know that the State is not unmindful of its responsibility in this regard, and that it is concerned about the lack of qualified teachers.

We have to be grateful for the voluntary assistance that is given by parents' and teachers' associations; they are doing a very good job in co-operating with the department in various ways. Education is a very important subject and I hope that in the near future the disabilities from which the department is suffering will be overcome. Business men have complained to me that they have been unable to get a youngster to compose a decent letter, which is a severe indictment of the department. A young fellow was sent to me by his father who asked me if I could get the lad a position. I sent this boy to the School of Mines, but the Principal said that he was no good because he could not even make an application for the position; he could not even copy a letter which had been written out for him. This boy had been through a technical high school. I would not say that is an exaggerated instance.

I know that there is overcrowding in schools and many of the trained teachers have an added burden because they have to help carry the less qualified teacher as well as do their own work. We must try to attract more teachers to the department, and obtain as much accommodation as possible for the many thousands of children entering the schools. We have had to face up to this question of immigration, and we should look to the Grants Commission with that point in mind, because we are carrying out the work of the Federal Government in the provision of public services to migrants. That Government should see that our grant is expanded on account of the fact that we are undertaking a large part of their responsibilities in finding homes, schools, and hospitals and all the other public utilities in order to cope with this influx of migrants. We should be compensated for this when our grant is made.

The question of naturalization ceremonies was raised in this debate, and I pay a great compliment to the councils who are carrying out a big job in this regard. These ceremonies take time and involve councils in expense. I do not know how they can be compensated, but I hope the work they are doing will not be lost sight of by the Federal Government whose obligation it is to see that these migrants are properly assimilated. I support the measure.

The Hon. C. R. STORY secured the adjournment of the debate.

LOCAL COURTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 16. Page 1022.)

The Hon. Sir ARTHUR RYMILL (Central No. 2)—This measure is a timely one, and one which should almost automatically receive the support of all members. Its objects, I think, are threefold; the first is to increase the money limits of the jurisdiction of a local court in the various categories; the second is to facilitate certain procedural items to make for smoother working, and the third is to extend the equitable jurisdiction which is limited to the Local Court of Adelaide and does not extend to other local courts.

I shall deal with them in that order, and refer firstly to the increase in money limits of the jurisdiction. The Attorney-General in explaining this measure said that no precise formula appeared to have been followed by the learned committee which sat on this matter, but rather they seemed to have considered what was a fair distribution of the work between the Supreme Court and the Local Courts under present conditions, and were also influenced by certain interstate comparisons. I think that that becomes obvious on a perusal of the Bill because the various jurisdictions in the Local Court have been increased by differing percentages, as the Attorney-General pointed out. The particular jurisdiction of the Local Court —I suppose one could call it the ordinary jurisdiction—is now limited to £750; I think it was increased to that sum in 1935 from £500. The proposition now is that it should be increased to £1,250. Members will realize that that is not a measure of the depreciation of the purchasing power of the pound, but is rather based on other considerations, such as what is the proper amount for the Local Court to deal with under present conditions.

Actually the depreciation of the buying power of money is probably a good deal more than the increase contemplated in the jurisdiction, but, of course, that is not the whole story in fixing jurisdictions; there are such things as the heavier impact of taxation rates and so forth that would vary the relationship between

the jurisdiction of the Local Courts and of the Supreme Court. Therefore I feel that, on a more or less lay approach to this matter, the suggestion is reasonable. One of the members of the committee who is a member of the Magistracy of the Local Court thought it ought to be increased more, but the majority thought that £1,250 was the correct amount, and I think it is difficult to quarrel with this decision on the information before us.

Other jurisdictions have been increased in money values and are set out in terms of pounds because, I suppose, that is about the only satisfactory way it could be done. Consequently, with the alteration of money values one can foresee that these jurisdictions will again have to be altered over the years when money values are further altered, as is inevitable sooner or later.

The procedural matters which the Bill sets out to deal with are mainly technical. There are certain endeavours to facilitate the procedure of the Court and to assist litigants and the Court itself, all of which I think are satisfactory and should assist in the desired direction. However, one of them is worthy of specific mention, namely, the question of requiring a plaintiff to file a formal pleading in reply to a counter claim. That has been a defect of the Local Courts Act for many years and I have often wondered why it has not been rectified. I am glad to see that our Attorney-General was also conscious of that defect as so many members of the legal profession have been, because it is a fundamental principle that a party to an action is entitled to know what he has to answer before he goes into court, and under existing procedure, where a counter claim is filed there is nothing requiring anybody to outline what is to be the answer to the counter claim.

The other matter that the Bill sets out to deal with is the question of the extension of the equitable jurisdiction of the Local Court of Adelaide. That equitable jurisdiction is confined, under the Local Courts Act, to the Local Court of Adelaide of Full Jurisdiction and does not apply to country local courts, although I think there is provision in the Act whereby the Judge having jurisdiction in that equitable jurisdiction may hear any action instituted in the Local Court of Adelaide at any place in the State which he deems convenient for the purpose, or may adjourn the hearing of any such action to any such place. That is contained in section 270. Another thing to which I should draw attention is that, under section 259 which this Bill sets out to extend, the Local Court of Adelaide only has this equitable jurisdiction when it is being constituted by the Local Court Judge or by a Judge of the Supreme Court, so it means that that particular jurisdiction can be exercised only by the Local Court Judge or by a Judge of the Supreme Court sitting as a local court.

I have not heard for many years of a Judge of the Supreme Court sitting as a local court, and I do not think it has happened for a very long time; I believe it did occasionally occur in the earlier days of the colony, but this practice has become more or less obsolete. Therefore, for the purpose of discussing this aspect of the Bill, one can assume that that jurisdiction will have to be exercised more or less exclusively by a Judge of the Local Court and not by any other judge or magistrate. That becomes important when one considers one of these proposed extensions, namely, the power proposed to be extended to the Local Court to hear disputes arising in will actions where the interest of the party concerned does not exceed £1,250. Of the whole Bill that, I feel, is about the only clause that gives me any worry, and on reference to the Law Society I was given to understand that it also has given some thought to this aspect and that it did not support this clause.

I do not propose to move any amendment, but I would like the Attorney-General, if he chooses to reply, to be good enough to give us a little further information on this extension of the jurisdiction and the reasons for it. If I could hazard a guess as to what the motive is I would say that it is probably an attempt to provide some cheaper procedure, but whether it would operate that way in practice I am not quite certain. It could do so, of course—and this is where it is important to realize that it is the Local Court Judge who has the jurisdiction—if the parties were prepared to remain satisfied with the decision of the Local Court Judge. I am not certain that, if that is the intention and is what is wanted, the amount fixed is not too high because these will constructions are normally concerned with very tricky technicalities and fine points of distinction, and if the interest of one of the parties to the action is in the order of, say, £1,000 I doubt whether the average party —indeed nine out of ten—would be prepared to rest on the decision of the judge of the Local Court. I say that in no way in disrespect of the Judge or any other Magistrate because they are all competent lawyers.

I am merely discussing this from the point of view of what is likely to happen, for in nine cases out of ten, unless the point became thoroughly cleared up, there is likely to be an appeal, which must make this procedure more expensive than if the jurisdiction were not extended.

The Hon. Sir Frank Perry—Can the parties take the case direct to the Supreme Court?

The Hon. Sir Arthur RYMILL—They can always do that but they run the risk of the other party objecting and having it sent back, so this is a matter that has given me some concern in the two ways I have mentioned —firstly, whether this jurisdiction ought to be extended and, secondly, if so, whether the limit is not a little high. I believe the learned committee had some similar difficulty in their discussions on the matter although I understand they finally recommended it.

If the equitable jurisdiction of the Adelaide Local Court is to be extended I have been wondering for some time whether it will not become opportune fairly soon to extend this jurisdiction to other local courts throughout the State, and the Attorney-General might give us some more information on that matter, too. I know it has been considered, but I do not know the pros and cons of it. Our magistrates are very capable and are all competent lawyers, and I have no doubt that they would be quite competent to deal with most of these equitable questions that arise. If that is the case the extension of a facility like this to people in the country to get determinations closer to home and the lesser expense involved would be well worthy of consideration. For the reasons I have expressed I support the Bill.

The Hon. L. H. DENSLEY secured the adjournment of the debate.

ADJOURNMENT.

At 4.15 p.m. the Council adjourned until Thursday October 18, at 2.15 p.m.