LEGISLATIVE COUNCIL.

Wednesday, November 16, 1960.

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

DEATH OF SIR MALCOLM McINTOSH.

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

That the Legislative Council expresses its deep regret at the death of the Hon. Sir Malcolm McIntosh, K.B.E., formerly a Minister of the Crown and member for Albert in the House of Assembly, and places on record its appreciation of his public services, and that as a mark of respect the sitting of the Council be suspended until the ringing of the bells.

The late Sir Malcolm McIntosh was a member for Albert in the House of Assembly for 38 years—from 1921 until 1959—and held Ministerial office for a record period in Australia of 28 years. Those years were from 1927 to 1930 and from 1933 to 1958. He was Commissioner of Public Works and Minister of Education from 1927 until 1930; Minister of Repatriation, Minister of Irrigation and Commissioner of Crown Lands from 1933 until 1938; Minister of Railways and Minister of Local Government from 1938 until 1953; and Minister of Works and Minister of Marine from 1938 until 1958. It was my privilege to be a Cabinet colleague with the honourable member for nearly 20 years and I had the opportunity to appreciate the high personal qualities of our late friend. He was a tenacious advocate for things in which he believed. On a couple of occasions I served a period as acting Premier, when I learned to appreciate those qualities. He had opinions which, as I have said, he tenaciously supported, but when any subject was decided one could not have a better and more loyal colleague than Sir Malcolm. He was a great advocate of Coonalpyn Downs, as we know it today. He had great faith in that area where he himself set the pattern by trying to develop some of the country. I think that the results we see today justify the optimism that the late honourable member always expressed regarding that part of the State. I extend an expression of sympathy to Lady McIntosh and her son and two daughters. Sir Malcolm was an affectionate father and I know how much they feel their loss.

The Hon. F. J. CONDON (Leader of the Opposition)—It is with deep regret that I rise to support the motion. You, Mr. President, are now the only living member who was a member when Sir Malcolm entered Parliament, and I followed him three years later. I have always enjoyed a very close personal friendship with our late colleague. He was a very efficient Minister and always had consideration for any request made to him by any honourable member on behalf of his constituents. He accomplished a great deal, particularly when he was Minister of Works. He was associated with such projects as the Morgan-Whyalla main, the Mount Bold reservoir, and many harbour improvements, to mention only a few. He was well liked and respected by everyone, a man who rendered valuable service not only to South Australia, but to the Commonwealth. The Opposition extends its sympathy to Lady McIntosh and members of the family. It may be some little consolation to them to know that those who had been associated with Sir Malcolm extend their sympathy in their sad bereavement. Our thoughts are with them today.

The Hon. L. H. DENSLEY (Southern)—It is with regret that I, too, support the motion. I would like to express the sincerity of our Party members in their expression of goodwill to the members of the family of the late Sir Malcolm and the sympathy we feel for them in their sad bereavement. I had the privilege of knowing Sir Malcolm for many years and at the time of his first election to the single electoral district of Albert I was chairman of the Albert District Committee of the Liberal and Country Party, and it was amazing the popularity which Sir Malcolm was able to generate throughout the electorate. In his early years he was interested in one or two farming propositions at Pinnaroo, and later took an interest in Coonalpyn Downs, where he purchased a property and did much to develop that part of the country. I always found Sir Malcolm to be an efficient Minister, and one who took a great interest in the particular portfolio that he held. He generally knew most of the things going on in relation to the departments under his control as Minister. I am sorry that he has departed and I extend sincere sympathy to Lady McIntosh, his son Malcolm and the two daughters. I express appreciation for what Sir Malcolm did for the State, the district of Albert in particular and the Commonwealth generally.

Motion carried by members standing in their places in silence.

[*Sitting suspended from* 2.26 *to* 2.47 *p.m.*]

QUESTIONS.

TRAFFIC CONTROL AT ROADWORKS.

The Hon. A. J. SHARD—I ask leave to make a brief statement prior to asking a question.

Leave granted.

The Hon. A. J. SHARD—Last year Parliament passed an amendment to the Road Traffic Act dealing with the speed of motor vehicles past places where workmen are repairing roads. At the request of a number of workmen last week I inspected Holbrook Road, which is being repaired between Henley Beach Road and the River Torrens. The signs, indicating a speed limit of 15 miles an hour, were distinct at the ends, but, relating to the point mentioned by the Hon. Mrs. Cooper, the side street was not covered. Despite the signs, whilst I was there I do not think one motorist was down to 15 miles an hour and some were estimated by three of us present to be travelling at 40 miles an hour. The men informed me that whenever a police constable or a motor traffic man was about the place everything appeared to be all right. Their main complaint was about the early morning traffic peak period. Will the Chief Secretary take up the matter with the Commissioner of Police, or the superintendent in charge of traffic, to see whether it would be possible, where men are repairing roads under such conditions, to have somebody, perhaps from the Traffic Department, controlling the traffic during the early morning peak period?

The Hon. Sir LYELL McEWIN—I will refer the honourable member's question to the Commissioner of Police for report. With the number of repair jobs going on, we all encounter the same sort of thing when coming to work in the morning, and probably there would not be enough police to go around. It is unfortunate that the public generally disregard the signs.

The Hon. A. J. Shard—Some places are more dangerous than others.

The Hon. Sir LYELL McEWIN—I appreciate that.

PAYMENT OF WATER RATES.

The Hon. F. J. CONDON—Has the Minister representing the Minister of Works a reply to the question I asked on November 9 regarding the payment of water rates?

The Hon. N. L. JUDE—I promised the honourable member that I would get a report as soon as possible and I obtained one almost immediately. His question was, why had the water rate accounts for Port Adelaide been presented earlier than usual this year? The Engineer-in-Chief reports:—

It is pointed out that all rates become payable on July 1 of each financial year. The due date is dependent on how soon the accounts can be rendered, it being the objective of the department to issue the accounts as soon as possible after July 1. As there are 280,000 accounts to be issued, some time must elapse before all the accounts can be rendered. Last year the Port Adelaide rates were due in three groups, viz., November 27 and 30 and December 7, and this year the whole are due on November 18. As Port Adelaide is an established compact area, it has been possible to issue these accounts a little earlier than last year.

EDUCATION ACT AMENDMENT BILL.

In Committee.

(Continued from November 15. Page 1804.)

Clause 7—''Teachers Appeals Board''—which the Hon. Jessie Cooper had moved to amend by inserting after ''members'' first occurring in new section 28zb ''one of whom shall be a woman.''

The Hon. C. D. ROWE (Attorney-General)—I have now had an opportunity of further considering this matter and I ask the Committee to oppose the amendment because it is not desirable to have it in the Bill, but I am prepared to accept the second amendment that the Hon. Mrs. Cooper wishes to move. Clause 28zb states:—

For the purposes of this Part there shall be a board to be called the Teachers Appeals Board which shall consist of a chairman appointed by the Governor, two members to represent the Director to be appointed by the Governor . . .

We wish to get the best people possible for this purpose and it may not always be possible from the people available to get one man and one woman or for that matter two women who could most satisfactorily do this job. I ask the Committee not to agree to this amendment but at the same time I assure honourable members that in making the appointments the Director or the person responsible will be guided by the criterion of selecting the persons he thinks most satisfactory and able to do the job most efficiently.

The Hon. JESSIE COOPER—I am happy to accept the explanation of the Minister and I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. JESSIE COOPER—I move—

After ''members'' second appearing in new section 28zb (1) to insert ''(one of whom shall, except in relation to representatives of teachers in trade schools, be a woman)''.

The Hon. C. D. ROWE—I accept the amendment. New subsection (2) states:—

The members to represent teachers shall be elected by and representative of the teachers in the respective branches of the teaching service as defined by the regulations.

In this case they are subject to election by the teachers and if it is their wish, as I understand it is from the remarks of the Hon. Mrs. Cooper, that one should be a woman the Government believes that would be in order and accordingly I accept the amendment.

The Hon. L. H. DENSLEY—I do not believe this amendment is as simple as the first. The Minister said that the responsibility would be one for the Director, but as I read the Bill the responsibility should be exercised by the Minister on the recommendation of the Director. This is a responsibility that we want the Minister to exercise in all cases because it is desirable that the Minister in charge of a department should have full control over it. The amendment deals with various branches and possibly with various committees and it may be difficult with some of the committees to appoint a woman. Although I should be happy to see a woman appointed to these committees it might be difficult in some cases to find a suitable woman.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

POLICE OFFENCES ACT AMENDMENT BILL (No. 2).

In Committee.

(Continued from November 15. Page 1807.)

Clause 3—''Sale and consumption of methylated spirits''—which the Hon. S. C. Bevan had moved to amend by inserting after ''defendant'' first appearing in new section 9a (2) ''or supplier''.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I asked yesterday that progress be reported as the Hon. Mr. Bevan suggested that the provisions of the Bill empowering the court to require a person found drinking methylated spirits to pay the costs incidental to a medical examination and other matters should also be extended to the supplier of the spirits. I suggested that the honourable member's purpose was probably appropriately covered in a suggested amendment to new subsection (4). I have consulted the Parliamentary Draftsman who considers that the place for such an amendment is not under the subsection dealing with drinking of the spirit but in subsection (4), which deals with suppliers. The amendment to subsection (4) I have referred to increases the penalties on suppliers and the Parliamentary Draftsman considers that the increased penalties, which would be quite high, would be an adequate deterrent. In any case the proceedings against a supplier would be different from those taken against the actual drinker, and there may be some difficulty about proof in relation to the costs of a medical examination of the drinker in proceedings taken against the supplier. I have discussed this matter with the Hon. Mr. Bevan and have suggested that subsection (4) would cover the position.

The Hon. S. C. BEVAN—After consulting the Chief Secretary and on further consideration of the amendment, which may be ineffective, I ask leave to withdraw it.

Leave granted; amendment withdrawn.

The Hon. C. R. STORY—I move—

In new subsection (4) after ''penalty'' to strike out ''Ten pounds'' and insert ''For a first offence twenty pounds, for a second or subsequent offence fifty pounds or imprisonment for three months''.

In my second reading speech I said that the Bill was a desirable one, but that it needed a few teeth in it. I hope the Government and the Committee will accept this amendment because it gives the Bill some teeth with which to bite parasites who sponge upon people's frailties. These people, who sell methylated spirits to those who are unable through a disability to protect themselves, are parasites. The amendment will bring the Act more in line with the Licensing Act, which has severe penalties for those who sly grog. If this Bill is passed in its present form people who at present sly grog will discontinue the practice and sell methylated spirits instead, because however many times they are convicted, they only pay a fine of £10.

The Hon. Sir LYELL McEWIN—The Hon. Mr. Story has two proposed amendments on the file and although I do not favour the second one, I have learned that there are people who make a handsome profit by sly grogging methylated spirits at high prices. I have heard that the price is as high as £3 a bottle, in which case not many bottles would have to be sold for the seller to be able to meet a fine of only

£10 each time he is convicted. There is merit in the amendment and I am not opposing it.

Amendment carried.

The Hon. C. R. STORY—As this amendment has been passed it is unnecessary for me to move the other one I have on the file.

The Hon. Sir LYELL McEWIN—I move—

In new subsection (6) to strike out "ethyl" second occurring and insert "methyl".

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

HIRE-PURCHASE AGREEMENTS BILL.

In Committee.

(Continued from November 15. Page 1791.)

Amendment No. 28.

The Hon. Sir LYELL McEWIN (Chief Secretary)—The House of Assembly has disagreed to this amendment of the Legislative Council which deleted Part VII of the Bill as introduced in this place. Part VII provided for a minimum deposit of 10 per cent on all hire-purchase transactions. In moving disagreement with the Council's amendment, the Premier referred to the frequency of glaring advertisements announcing "no deposit", a form of promotion of pressure salesmanship which he described as being often misleading. He also stated that he intended to have the question of deposits investigated and therefore felt that provision for a minimum deposit should not be excluded. I think that the suggestion merits our acceptance and I therefore move that the Council do not insist on its amendment.

The Hon. Sir ARTHUR RYMILL—I gave various reasons for moving that the Council should not agree with the clause relating to deposits. As has been previously stated, it was not in the original Bill when introduced in the House of Assembly, but was included by amendment. The first thing discussed here was that this was not presented as an economic measure, but as a Bill to regulate the detail of hire-purchase—not for the purpose of either encouraging or discouraging the flow of funds into hire-purchase. Since the Bill was first presented some months ago, economic conditions appear to have changed somewhat. I believe it would be wrong to submit it as an economic measure, when it was not part of the uniform Bill agreed upon, although I believe one other State has also included this provision. I do not think that South Australia should be at a disadvantage in relation to the other States in connection with hire-purchase. If there is to be any attempt at the economic curbing of hire-purchase funds, it should be done by all States by agreement and not by only one State.

One of the doubts expressed by various honourable members, including myself, was that 10 per cent was not a proper amount for a deposit in all cases. Some of us thought that 10 per cent could be proper in certain cases, but in others it could be as high as 30 per cent or more. It was also stated that companies, in the main, should be capable of conducting their own affairs, although there are black sheep in every fold. Some honourable members thought that this was an unwarranted interference with the business of companies. I believe that most members felt the same about deposits—that 10 per cent is by no means an ideal deposit for all classes of hire-purchase transactions. When a similar Bill was talked out in a previous session I expressed the view that if we were to have a deposit, 10 per cent was not enough. The minimum could well become the maximum, which I think most of us feel is undesirable. However, the suggestion is now being put to us as an interim measure, pending a thorough investigation of the whole question of deposits, which is a different kettle of fish. I was advised that one could shoot holes through this provision, whereby disreputable traders could still get away with no deposits by using certain methods of approach, despite the fact that this provision was intended to cover that. Reputable traders would of course stick to the letter of the law. I thought that it would mean that reputable traders would be put at a disadvantage compared with those who were not so reputable. In the meantime, the President of the South Australian Hire Purchase Conference (Mr. Ridings) has announced that his conference does not oppose the question of deposits, which rather cuts away the force of the argument. In view of the reasons I have given, I do not propose to urge the Committee to insist on its amendment.

Motion carried.

EMERGENCY MEDICAL TREATMENT OF CHILDREN BILL.

Consideration in Committee of the House of Assembly's amendments:

No. 1. Page 2, line 1 (clause 3)—Leave out "has had previous experience in" and insert in lieu thereof "is reasonably capable of".

No. 2. Page 2 (clause 3)—After paragraph (*d*) of subsection (1) add the following proviso:—Provided that compliance with the provisions of paragraph (*c*) of this subsection shall not be necessary in any case where, having

regard to all the circumstances of the case, it appears to the practitioner that the child would probably die before the opinion of any other practitioner could be obtained, if in such case the practitioner, before commencing the operation, diagnoses the condition from which the child is suffering and satisfies himself that the operation is a reasonable and proper one to be performed for such condition and that such operation is essential and urgent in order to save the life of the child.

Amendment No. 1.

The Hon. Sir LYELL McEWIN (Minister of Health)—The effect of this amendment is that a practitioner may, by virtue of his own ability to perform a life-saving operation, perform it if the other conditions of subsection (1) are satisfied, even though he has not, in fact, performed the same kind of operation before. In support of the amendment it was argued that even the most eminent of surgeons, who must be presumed to be reasonably capable of performing any operation, may not, in fact, have previously performed the particular operation, and the provision in its original form could have precluded him from performing the operation without the necessary consent. Earlier in the debate on the Bill I referred to people who conscientiously objected to blood transfusion operations, but I think it is necessary that protection should be provided wherever there is a possibility of saving a child's life.

The Hon. Sir FRANK PERRY—Even if a practitioner has not performed the operation previously and he is reasonably capable of performing it I think the position will be met, and I therefore support the amendment.

Amendment agreed to.

Amendment No. 2.

The Hon. Sir LYELL McEWIN—This amendment was accepted by the Government in another place. It may appear a large and clumsy proviso, but it is an attempt to see that the law is not too rigid to prevent a humane act from being performed in circumstances that do not come within the limitation of the law. Its effect is that if it appears to the practitioner that, having regard to all the circumstances, the child would probably die before the second medical opinion required by paragraph (*c*) could be obtained the second opinion can be dispensed with if the practitioner, before commencing the operation, diagnoses the child's condition and satisfies himself that the operation is a reasonable and proper one to be performed for such condition, and that the operation is essential and urgent in order to safe the child's life. In support of the proviso it was argued that in a case where it is not possible or practicable to obtain a second opinion in time to save the child's life a practitioner, even though capable of performing the operation, would not be able to do so in the absence of the second opinion. South Australia covers a vast area and some people depend on the services of the flying doctor, so it could easily happen that cases would occur in remote areas where there would not be time to satisfy the provisions of the Act. I think the amendment provides all the protection necessary. As I have said earlier, we have tried to satisfy the people who are opposed to blood transfusion operations. The amendment provides that where the particular condition exists the practitioner shall not have to say, "I am sorry but the law does not permit me to undertake the operation without getting a second opinion."

The Hon. Sir FRANK PERRY—It seems to me that this amendment undermines to some extent the purport of the Bill. It was agreed that there should be no operation without a second opinion being obtained, but this amendment provides that under certain circumstances a second opinion need not be obtained. The opinion of the only doctor available is to be accepted. He then performs the operation and accepts all the responsibility. I hope the new provision will not be used to any extent, but I think we can rely on the views of the medical men who perform these necessary operations.

Amendment agreed to.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2).

Adjourned debate on second reading.

(Continued from November 15. Page 1816.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—This Bill was prepared by Sir Edgar Bean who was for many years Parliamentary Draftsman. During the last war he did meritorious service in connection with the many and varied regulations brought in by the Commonwealth Government, and assisted the State Government by giving legal advice in regard to them. It should be placed on record that prior to his retirement from the Public Service Sir Edgar Bean offered to revise the Road Traffic Act for the Government without fee or reward in order that it might be on a proper working basis. The Government accepted the offer and the Bill before us is one of the good works that have come from his pen. Later we shall have other Bills dealing

with road traffic matters. We owe a debt of gratitude to him for his work on this legislation. I wonder what is to be the future of the State Traffic Committee, which is not a statutory authority and which cannot make firm recommendations to the Government. Will it be permitted to continue as at present, or will it be given statutory authority, or shall we have, as all Opposition members want, all traffic matters under the control of the Police Department?

Opposition members agree with the purport of the Bill but one matter needing an explanation from the Minister concerns the power of the Registrar to order a person holding a licence to have a driving test when he reaches 70 years of age. A man may report that, in his opinion, his neighbour did not drive very well on one night. Will he be regarded as an authority? It will be illuminating for members to know upon what grounds the Registrar will act in this matter.

The main provision in the Bill is for two classes of driving licence and it also increases the minimum age for getting a licence from 16 to 17 years. I believe the age limit should be raised to 18, for a review of accident reports will show that they state that the younger age group is responsible for more accidents because of speed and carelessness than are the older people. However, no opposition is taken to the age limit of 17 years. I hope the Minister will explain on whose authority the Registrar will act to determine whether a person shall resubmit himself for the purpose of receiving a renewal of his licence because the Bill provides that a person may have to resubmit himself before his licence has expired. I support the second reading of the Bill.

The Hon. G. O'H. GILES (Southern)—I support the second reading of this Bill if for no other reason than that before a person may obtain a driving licence he must be able to drive a vehicle. That is the most important aspect of the Bill, but how it will help or hinder behaviour on roads remains to be seen. I believe that it may improve road manners in this State. Proper testing of a person's ability to drive will also be beneficial because it should aid the flow of traffic in the dense traffic areas.

There are three ways in which the Bill will help in the organization and control of traffic in the State, but beyond that we cannot expect much. It is quite obvious that we cannot expect any great impact at all on the accident rate merely by having driving tests. I would not expect to see the statistics relating to accidents, injuries and fatalities affected greatly by their introduction. If that argument is carried further it may rightly be pointed out that under our old system of having a written examination before a licence was issued the public were assured that a person driving a vehicle knew the rules of the road and the conditions under which he was able to drive. The same principle applies under this Bill, although the method of testing is different. In this case a practical demonstration is required of the rules and regulations of traffic on the road. Members should bear that in mind; in fact there is no basic difference in the two methods.

The Bill provides for the repeal of section 72 of the principal Act and provides that there may be two classes of driving licence. Everybody who now has a licence will have continuity of that right to drive and the Government has had to give all such authorized drivers an A class licence. Clause 4 (4) states "Every motor vehicle licence in force immediately before this section comes into operation shall be deemed to be a licence of class A". Any youth who obtained a driving licence, perhaps only last week, and who might still be 16 years of age when this Bill comes into force, will be able to drive a semi-trailer through the middle of Adelaide and, in fact, will be licensed to drive any vehicle at all. That position is no different from the existing position. When driving tests are commenced I hope that the Government will consider the young people who have driving licences and it may be able to insist that they be categorized into either A or B class licence holders.

Clause 4 (3) states, "A licence of class B shall authorize the holder thereof to drive motor vehicles of any kind the weight of which inclusive of the weight of any trailer . . .". This provision has been inserted to protect the interests of certain people whose wives and families are unavoidably, by virtue of their occupation, called upon to help in farming operations. Five-ton trucks, and vehicles below that weight, are sold today with a tare weight below three tons. The subclause proceeds ". . . attached thereto does not exceed three tons exclusive of the weight of such additional equipment as may be fitted . . .". In the northern areas, where certain equipment is a necessary complement to a farm truck to carry out bulk wheat transport and all sorts of other agricultural enterprises, the equipment fitted to the truck may bring the weight to above three tons. I suppose the wording of the subclause

is to limit the tare weight of the truck to three tons, and the weight of the trailer is exclusive. That is helpful from the viewpoint of the man on the land because it is possible that five-ton trucks and others below that may have a tare weight of less than three tons.

Clause 4 (5) deals with motor cycle licences. For the purposes of this Bill they shall be deemed to be class B licences and I believe that is a correct state of affairs. Clause 11 deals with practical driving tests and is an amendment of section 79 of the prinicpal Act. This is the heart of the Bill, but one aspect is that the police are authorized to conduct driving tests. That is a correct procedure, but there is an insinuation that applicants should be partially taught during this period of testing. I request some information from the Minister on this point. If the applicants are not to be taught what benefit will be derived from the scheme? If this is to be a practical test what is the difference in being taught by friends, parents or a driving school and then being subjected to the test? I do not see how the police can possibly waste time teaching people to drive, but if that is not to happen there does not appear to me much value in continuing tests without instruction.

The Hon. N. L. Jude—That is the reason for the reasonable period.

The Hon. G. O'H. GILES—I agree with the Minister on that point, but I suggest that the Government should seriously consider the provision of a service under which youths may be taught to drive under the learner's permit clause. Such bodies as the National Safety Council, which provide areas of land on which to teach driving, could be brought into this matter. I was pleased to see that the following words were included:—

Provided that if an applicant satisfies the Registrar that he has passed a driving test conducted by some other public authority and the Registrar is satisfied with the standard of that test, he may issue a licence to the applicant.

I am not satisfied with the definition of "public authority" and I believe that voluntary bodies should be helped to teach youths how to drive because that is a method by which a responsible attitude may be inculcated in youths and it would encourage a more sensible attitude that might reduce the accident rate on our roads. We have two alternatives: one is the National Safety Council and the other is the various clubs, such as sporting car clubs, which could be encouraged to produce worthwhile results by teaching correct driving. I hope that the Government can help such bodies because they take this matter seriously. That would ensure that youths could drive properly before being tested by the police force. I consider that there are several anomalies in the Bill. Firstly, all persons with current licences, except motor cyclists, will have an A class licence, but that is unavoidable. Although a person may have no experience of driving semi-trailers he will be able to drive one where and when he likes.

The Hon. S. C. Bevan—What do you suggest?

The Hon. G. O'H. GILES—I am not suggesting anything. I am just pointing out what I consider are anomalies. Secondly, how will people be tested? Will the Government expect people who want a licence to drive a semi-trailer to be tested at a country police station, and does the Government expect every country police station will have a semi-trailer on hand, or will the applicant have to use his own form of transport or rely on the goodwill of someone else to drive his vehicle to the station? Thirdly, this legislation should improve road manners and traffic flow but I do not think it will reduce the accident and injury rate or the number of fatalities. The fourth point is that potential drivers will be tested but not necessarily taught to drive. The next anomaly is that a young 16-year-old driver who will qualify for an A class licence will be able to drive a semi-trailer anywhere.

The Hon. A. J. Shard—He will have to be tested under the Act.

The Hon. G. O'H. GILES—But he has an A class licence.

The Hon. A. J. Shard—There is a provision for the Registrar to subject him to a test.

The Hon. G. O'H. GILES—These are anomalies as I see them, but I shall not move any amendments. The Government is rightly looking at the Bill in a less rigid way than some people think should be done, but time and experience are necessary before this legislation becomes clear cut. I would expect amendments to this legislation in several years' time, but in the meantime I support it and give the Government credit for introducing it.

The Hon. A. C. HOOKINGS (Southern)—I feel that this Bill will meet with no opposition in this Chamber and I congratulate those responsible for it, particularly as regards driving tests. Those of us who have been out of this State know that South Australia has received a lot of criticism in the past for the way in which driving licences are issued. In South Australia it costs a considerable amount of money and long hours of arduous training

before a licence to fly an aeroplane is obtained, yet that person may eventually kill only himself. To obtain a driving licence and be a potential danger on the road to many people one has only to answer a few questions on the road traffic code. This Bill is a progressive measure which we all support. One experience I had in the past was with a person from England who had an unendorsed licence, that is, without a blemish after 20 years' driving, but he was unable to answer the questions and could not obtain a licence in this State. This Bill will make it easier in the future for people in that category who come to live in this State to obtain their licences.

The Government may consider next year the adoption of the type of licence used today in the United Kingdom. The driving licence issued in South Australia is a sheet of paper but that used in Great Britain is like a small notebook, and if one is convicted of a road traffic offence the licence is endorsed and the endorsement is there for all time. It would be an advantage if we had that type of licence in South Australia so that if one is continually offending against the traffic regulations the endorsement would be easily noticed by a police officer.

The Hon. S. C. Bevan—What is the system of renewal?

The Hon. A. C. HOOKINGS—There are plenty of pages in that booklet to enable the licence to be renewed. I support the Bill.

The Hon. N. L. JUDE (Minister of Roads)—There is no indication of any amendments by honourable members, but I will reply to some of the points raised. The honourable Mr. Bardolph questioned the right of the Registrar to order tests for any specific person and on what ground should he have that authority. The basis of the authority is in the Act because someone has to have the authority, but there is a right of appeal as in other Acts. One specific case would be that of a person with an unusual physical disability which may not have resulted in disqualifying him in the test but which may, as a result of an accident for example, lead the Registrar to suspect his ability to drive. The Registrar may order him to be tested, which would be reasonable.

There is one further case the Government had in mind, and that was of the person who is accident-prone. It is well-known that certain people are accident-prone. They may be slow and conscientious drivers, but seem to have accidents possibly due to their nervous condition and it is something that is not noticed when they fill in a licence application or pass a test. It could be possible for the police or an insurance company to draw the attention of the Registrar to the fact that a licensee is unduly accident-prone, and the Registrar may consider it desirable that the person should be tested. I feel that honourable members will agree that that is perfectly fair and desirable in the interests of other members of the community.

The honourable Mr. Giles mentioned the matter of semi-trailer learner drivers. The Registrar has the power to grant or refuse a learner's permit and there is a right to appeal against his declaration. It is not reasonable to expect the Government to teach people and particularly semi-trailer drivers to drive just because they intend to apply for a licence. I am unaware of anything in the Statutes requiring the Government to teach a person to enable him to obtain his licence as a plumber, for instance.

The Hon. G. O'H. Giles—How would the driver of a semi-trailer be tested?

The Hon. N. L. JUDE—It is not suggested that the local constable will test a person's ability to drive such a vehicle. That was the very reason I indicated during my speech on the second reading that driving tests would be introduced gradually. It is obvious that we could not teach thousands of drivers in the State. It is also obvious that in order to test the drivers of heavy vehicles it will be necessary to have an adequate number of testing officials. It could be provided that applicants for a licence to drive a semi-trailer could be tested on a specified day of the month. The Government would not make any constable responsible for teaching a person to drive a semi-trailer when he was unable to drive one himself. Proper tests will be given at reasonable times. If the Registrar of Motor Vehicles is dissatisfied with a licence holder he may order him to undergo a test. The fact that a man holds a class A licence does not preclude him from being tested. The suggestion of the honourable Mr. Hookings is an excellent one. I do not believe this matter has been considered officially yet. When I was overseas I appreciated the advantage of having permits in ticket form in a small folder instead of having to carry something measuring 10in. x 8in. His suggestion will be considered.

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

POLICE OFFENCES ACT AMENDMENT BILL (No. 3).

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 object of this Bill is to confer on drivers and conductors of omnibuses a statutory power to remove objectionable persons from omnibuses, and incidentally, to vest members of the police force with the same power. Representations have been received from the Metropolitan Omnibus Operators' Association seeking the enactment of legislation empowering persons in charge of private omnibuses to remove passengers whose behaviour is objectionable. A number of cases have occurred where the aid of a police officer had been necessary in order to deal with a difficult situation. The association has been advised that the driver or owner of an omnibus in attempting to eject a person from his vehicle may be technically guilty of assault and runs the risk of becoming liable for damages in consequence of his action. The members of the Country Road Passenger Service Operators' Association are similarly placed. They operate country passenger omnibus services under licence from the Transport Control Board and are without any statutory power to remove objectionable passengers from their vehicles.

By-laws made under the Municipal Tramways Trust Act govern the conduct of persons travelling on its vehicles, but those by-laws do not extend to private omnibuses operating under licence from the trust, and it is felt that an enactment with general application in this regard would be desirable. The amendment adds to the principal Act a new section 58a. The new section makes it an offence for a person referred to in subsection (1) thereof to fail to leave an omnibus when requested by the driver or conductor or by a member of the police force to do so. The maximum penalty for such failure is £20 or three months' imprisonment. Subsection (3) empowers the driver, conductor or member of the force to remove such person from the omnibus with the assistance of any other person. Subsection (4) provides for a maximum fine of £20 if such person fails to give his correct name and address when required by the driver, conductor or member of the force. Subsection (5) provides that if the driver, conductor or member of the force has reasonable cause to suspect that the name or address given by the person is incorrect or false, the person shall, if required, produce evidence of the correctness of the name or address so given. A fine of £20 is provided for non-compliance. Subsection (6) provides for a penalty of £20 or imprisonment for three months if such person produces false evidence with respect to his name or address. Subsections (4), (5) and (6) of the new section contain provisions similar to those contained in section 75 (2) and (3) of the principal Act.

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

NATIONAL PLEASURE RESORTS 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 object of this short Bill is to increase the penalties for offences against the principal Act and regulations. Section 17 of the principal Act sets out a general penalty of between £1 and £5 for a first offence and between £2 and £20 for a subsequent offence. In keeping with the general provisions of section 17, section 21 of the Act empowers the Minister to make by-laws fixing penalties of up to £20 for offences against the by-laws. These penalties have been in the Act since 1914 and are clearly out of line with present day monetary values. It is accordingly proposed to set the maximum penalty for an offence against the Act or under the by-laws at £50. This would of course be a maximum and it would be a matter for the court to decide under the circumstances of each case what the appropriate penalty should be. It will be seen that the offences set out in section 14 of the Act cover various acts of vandalism. I should perhaps point out that while the Bill will make a maximum penalty for a breach of the Act £50, so far as by-laws are concerned the Bill does no more than authorize by-laws fixing penalties of up to that amount.

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

LICENSING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 15. Page 1795.)

The Hon. L. H. DENSLEY (Southern)—Today people are looking for facilities and privileges they did not enjoy previously. Possibly that is due to the fact that we are

more prosperous because of the receipt of higher wages and salaries. I support the Bill. So long as the legislation is subjected to proper supervision we cannot very well interfere with the personal habits of people. One amendment deals with the supply and consumption of liquor at a northern pleasure resort. I could not visit it recently, but I believe that it is preferable for liquor to be supplied and consumed there rather than have visitors take it with them and perhaps stop on the way and consume some of the liquor to become a menace to other people. I regard it as good policy to have liquor available at the pleasure resort. There has been a desire amongst many people to permit liquor to be supplied at functions held for charitable purposes and the Bill contains a desirable amendment in this regard.

There is also a provision dealing with wine tasting functions. Recently dissatisfaction was expressed about one such function in Adelaide. South Australia produces a tremendous quantity of wine. It is nearly four-fifths of the Australian total, and consequently South Australians are most interested in the sale of our production. Wine tasting facilities are necessary processes in popularizing our wines. Therefore, this is a desirable amendment. Mr. Condon said that it was time that we had a complete revision of the licensing legislation, and all members will agree with that remark. From time to time we have amended the Act, and in several matters people would not want the position altered. For instance, it would be undesirable to allow liquor to be available outside dance halls. As far as I can see, the difficulty in connection with this legislation is the supervision, but the position will be satisfactory if there is that proper supervision of places where liquor can be obtained after hours.

Some members of this place have been circularized about the desirability of taking action in the interests of registered clubs. We have about 23 of them in South Australia and the association of the clubs thinks that more should be registered, thereby making more clubs come under proper supervision. A case set out by the association says that it is felt that as the existing registered clubs are paying substantial registration fees it is most unfair that they should have to suffer competition from many unregistered clubs, especially as these unregistered clubs represent relatively unimportant groups and do not qualify for registration as clubs. For about 12 to 14 years I made the Commercial Travellers Club in Adelaide a temporary home. I was there regularly two or three nights a week and as far as I could see during the whole of that time the conduct of the club was beyond reproach. I think we could encourage the existence of more of these clubs and action should be taken along the lines suggested by the association of registered clubs.

South Australia has lagged behind the other States in the matter of clubs. For instance, in 1939 in New South Wales there were 85 clubs. By 1957 the number had increased to 1,022, an increase of 1,102 per cent. Victoria had 122 clubs in 1939 and 191 in 1957, an increase of 56 per cent. Queensland in 1939 had 35, and 97 in 1957, an increase of 177 per cent. South Australia's total in 1939 was 20. It was 23 in 1957, an increase of 15 per cent. Western Australia had 109 in 1939 and 179 in 1957, an increase of 64 per cent. Evidently our legislation does not contain facilities to encourage the setting up of clubs. The liquor supplied in the registered clubs is subject to internal management by boards elected by club members from year to year. I think the management can be relied upon to see that the clubs are conducted satisfactorily and function effectively under strict supervision. The Government should early consider meeting some of the requests of the association of the clubs. More clubs should be available so that the people who join them can enjoy the facilities under proper supervision. I am pleased to support the measure because it does not contain one provision to which exception can be taken. It cleans up one or two unfortunate matters and as a whole will be of benefit to South Australia.

The Hon. F. J. POTTER (Central No. 2)—I do not oppose the Bill. As Mr. Densley said, there is little in it to which exception can be taken. There is much merit in Mr. Condon's suggestion that the time has come for a complete investigation into our licensing legislation. It seems that the Bill has been introduced because similar legislation was passed in Victoria early this year. Probably Victorian ideas about the consumption of liquor are similar to South Australian ideas. There has not been any serious difference between the licensing laws in the two States.

The Hon. N. L. Jude—You want to live near the Victorian border.

The Hon. F. J. POTTER—I am talking about the general attitude of the people. A few years ago Victoria voted in favour of 6 o'clock closing for hotels, and overall South Australians want to retain that closing hour. It is interesting to note what has been done in Victoria in regard to licensing legislation.

I will not list all the things that have been done but will mention a few of them. Victoria extended the hours for the consumption of liquor at meals in public places, and gave 15 minutes grace after closing time for the consumption of liquor purchased in public bars before 6 p.m. It also set out to eliminate the wine saloons within a period of two years and to provide a system of supper licences whereby liquor could be served with supper in hotels. It also altered the law applicable to liquor consumed and served in restaurants within the hours provided by the Act with the exception of beer, porter and ale. It is interesting to compare the Victorian amendments with the amendments contained in this Bill. The Government has seen fit to extend hours for liquor with meals, with the extra time of grace, although it has not seen fit to extend the time of grace in bars. This is the sort of thing the Hon. Mr. Condon had in mind when he suggested that a general overhaul of the whole Licensing Act would not be out of place. We have to face up to the fact that there has been no investigation of our licensing laws since the war.

The Hon. A. J. Shard—A long while before the war.

The Hon. F. J. POTTER—Honourable members would agree that since the war there have been great changes in the attitude of many people to the supply and consumption of liquor with meals under proper supervision and, coupled with this change of attitude, there has been a great change in our eating habits generally brought about largely by the changed population. We have had an infusion of migrants who have brought their own ideas on cooking and the serving of meals that have been largely accepted to our benefit. We have changed our eating habits since the war and the change has been largely to the better in the variety and type of food and the method of cooking.

Some recognition of these facts would be useful and an examination of the Act may disclose some strange anomalies. There are anomalies, albeit minor ones, in this Bill. It is proposed that any type of liquor may be served at the Wilpena Chalet on any day.

The Hon. F. J. Condon—Could it be supplied on Good Friday?

The Hon. F. J. POTTER—I am not sure about that, but the Bill states that a permit may be granted to the Wilpena national pleasure resort for the supply of liquor on the premises on any day between the hours of 12 o'clock noon and two in the afternoon and between six o'clock and 10 o'clock in the evening. Hotels are permitted to supply liquor on Good Friday and Christmas Day, but the restaurants are not permitted to serve it on either of those two days. I am not here to advocate that they should be able to do that, but that is the sort of anomaly that exists. If hotels can serve liquor with a Christmas meal there is a case for restaurants to be allowed to serve liquor with Christmas dinner during the same hours. These are small matters and possibly many restaurants may not want to put on a Christmas dinner. However, one or two of the better class ones may be interested in providing Christmas dinner under those conditions for their patrons.

While on the subject of anomalies I note that the Government has not seen fit on this occasion to allow restaurants to serve any type of liquor with meals within the hours prescribed. This is something that Victoria did and that is bound to apply here sooner or later. Restaurants are restricted, in the types of wine that they are allowed to supply with meals, to dry wines of a certain alcoholic content manufactured in Australia. I do not quarrel with the fact that the wines should be manufactured in Australia but there is a demand for the type of wine that is other than dry wine. There are various classes of restaurants. Some do not provide a very good service to the public, but, on the other hand, there are at least a dozen in South Australia that provide an exclusive service to their patrons. I do not frequent these places, but it is common knowledge that visiting guests and celebrities find that the service provided by some of the high class restaurants is good indeed. I point out that there is no hotel in South Australia where one can go at any time up to midnight and have an *a la carte* meal of his own choice provided with the best possible service. There is no doubt that the restaurants are providing that service in South Australia and some consideration should be given to allowing them to do what the hotels are now allowed to do, that is, serve a variety of sweet and dry wines—I won't quarrel about the fact that they should be manufactured in the Commonwealth because now is not the time to look for the more expensive imported wines and liqueurs. Something is to be said for the hours allowed by Parliament in those places. I would not like to see an amendment introduced whereby all restaurants would have this privilege, but procedure should exist for application to a licensing court magistrate in

particular instances for such an extended privilege.

If that is good enough for Victoria it is good enough to be thought of here and I would like to see it done in this way for individual restaurants that can satisfy a licensing court magistrate and the licensing authorities that their premises were efficient and properly run and providing a high-class standard of food and service. They should be able to have a licence to supply wines other than the dry wines permitted under section 197a. This is something that should be borne in mind in any future amendments to this Act. The honourable Mr. Densley spoke of club licences and that is another matter worth considering in view of the arguments and submissions put forward in the circular that members received.

All in all, I support the second reading of the Bill, and I do not intend to move an amendment. The onus should be on the Government in the first instance to institute changes in the Licensing Act. This is not the sort of legislation where honourable members should carry on their own personal crusade to support particular interests. It is clearly a matter in which the Government should make the policy and bring down alterations on which honourable members may express their views. I join with other speakers and think that the Government should have another close look at the Licensing Act in the near future with a view to seeing if there are any other necessary and desirable amendments that could be brought before the Council.

The Hon. A. C. HOOKINGS (Southern)—This Bill has caused much thought in the minds of every honourable member in this Chamber and in another place. I wish to add a few sentiments that have occurred to me recently and over the years. I am sure honourable members will agree that the world, although no smaller in area than it was, is often referred to as being comparatively smaller because it is easier to fly around the world today. Executives and tourists make trips from one country to another in greater numbers than ever before. I believe that it was with the purpose of promoting tourism that the Government introduced the measure we have before us. Those of us who have seen the customs of other countries—I spent six months in the United Kingdom—think about these matters seriously when we return to our own country, particularly our own State, and compare our customs and thoughts. In the rural parts of England the pubs, as they are called, open on an average at 11 o'clock in the morning and close at 2 p.m. except on market days. They are open again at 6 p.m. and close at 10 p.m. There is a pleasant atmosphere in these places and one cannot help comparing them with those in this country. The pubs in England are open mainly during mealtime periods. In Australia, a land of vast distances and with many arid parts, hotels have been until recent years closing at 6 o'clock except in one or two States where they remain open until later.

The Hon. F. J. Condon—Four States out of six today.

The Hon. A. C. HOOKINGS—Two States recently extended their hours. I wholeheartedly support this Bill, especially the provision dealing with the consumption of alcoholic beverages with meals, because the added hour will assist the tourist industry in this State, and also the people accustomed to dining out during the evening and who, as a result of the Bill, will not have the glass or bottle whisked away from them at 9 o'clock. They will be able to order liquor up to 10 o'clock and then have half an hour's grace in which to consume it. The legislation will help not only the tourist trade but will help to build the prestige of South Australia and please many people. Perhaps next year the Government may consider introducing further amendments.

The Hon. A. J. Shard—It won't be next year.

The Hon. A. C. HOOKINGS—I have faith in the Government and would be surprised if amendments were not made next year. With regard to club licences, it is extremely difficult in this State for any club to get a licence satisfactory to club members to allow them to consume alcoholic beverages on the premises during the evening. There are a few clubs in South Australia, but there are many clubs in other States and other countries, and honourable members who have had experience of them will agree that they serve a useful purpose in the community. Some clubs in this State are working under great difficulties because of the licensing laws, and I hope something will be done next year to help them. I have much pleasure in supporting the Bill.

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

BOTANIC GARDEN ACT AMENDMENT 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.

The Board of Governors of the Botanic Garden are very concerned with the frequent acts of vandalism that are being committed in the Botanic Garden and Botanic Park, which are under its management and control, and the objects of this Bill are to prescribe an adequate and deterrent penalty for such acts and to raise the maximum penalty prescribed for a breach of any by-law made by the board. Under section 13 (1) of the principal Act the board may make by-laws, *inter alia,* for the safety and preservation of the public property in the garden as defined by section 3; and section 17 provides that a person who commits an offence against a by-law shall be liable to a fine not exceeding £10 and to imprisonment for a term not exceeding three months. He is also liable to pay the amount of damage done by him, and in default of payment of the amount, to be imprisoned for a period not exceeding three months, unless the amount is paid sooner. These penalties have been unaltered since 1860 and the Government considers that the maximum fine should now be increased from £10 to £25.

It is felt, however, that a maximum fine of £25 is not adequate and will not serve as a deterrent for acts of vandalism, for which a higher penalty would be more appropriate. Clause 3 accordingly inserts in the principal Act a new section which provides that a person who wilfully and without the authority of the board destroys or damages any property belonging to or under the care, management or control of the board shall be liable to a maximum penalty of £50 or three months' imprisonment. The section goes on to provide that the convicted person may be ordered to pay to the board such sum as the court considers just by way of compensation for the destruction or damage or to be imprisoned in default of such payment (as is provided in section 17) for a period not exceeding two months.

Clause 4 increases the maximum fine for a breach of a by-law from £10 to £25. The Bill is primarily designed to deal with and check the wanton acts of vandalism that are committed all too frequently within the Botanic Garden and Botanic Park by irresponsible persons who have no respect or regard for public property. I am confident that it will receive the support of every honourable member.

The Hon. K. E. J. BARDOLPH (Central No. 1)—As one of the governors of the Botanic Garden Board I favour the suggested increases in penalties. It is heartbreaking to the Director of the Botanic Garden, the Curator and the employees who go to so much trouble to plant flowers and trees to provide a cultural attraction to the public to find that their efforts have been nullified by the actions of vandals. Because the cost would be excessive, the gardens cannot be patrolled. Instances have been brought before the board of young trees having been removed and plants destroyed. This takes place far too frequently. Although this legislation may not cure the evil, it should have a retarding effect upon those who desecrate our public gardens.

The Hon. C. R. STORY (Midland)—One would be inhuman if one did not support this legislation. The Hon. Sir Arthur Rymill, like the Hon. Mr. Bardolph, is a great admirer of aesthetic beauty. Our parks and gardens are widely and favourably known and those who desecrate them are to be pitied more than blamed. It is proposed that those who are found responsible for damage should have to pay the cost of replacement. In addition, I should favour the ordering of a whipping. We all agree that the Botanic Garden Board is doing a very good job and we should do everything in our power to support it. Therefore, I have much pleasure in supporting the measure.

The Hon. Sir ARTHUR RYMILL (Central No. 2).—In supporting the Bill, I agree with the remarks of previous speakers. It is strange that it has never been necessary to have this particular provision in the Act before. Although the practice of vandalism has continued for years, I have observed in the press that it has been on the increase. That this provision has not been necessary before speaks well for the general behaviour of the people of Adelaide. Although there are occasional acts of vandalism in the parks and gardens under the control of the Adelaide City Council, they are not widespread and I imagine the same applies to the Botanic Garden, especially as it is locked up at night. The officials have found that such a provision is now necessary and in the circumstances it has my wholehearted support.

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

NATIONAL PARK AND WILD LIFE RESERVES ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

The Hon. F. J. CONDON (Leader of the Opposition)—Might I suggest to the Minister that we first get rid of some of the more contentious Bills on the Notice Paper and then deal with some of the less important matters after dinner?

The Hon. C. D. ROWE—It is a very short second reading and if I present it now it will give honourable members more time to consider it. Until I present it, they will not know whether it is contentious or not. The objects of the Bill are—

(*a*) to bring up to date the designations of certain persons who, by virtue of the offices they hold, are commissioners as provided by section 2 of the principal Act;

(*b*) to increase the maximum penalties that could be fixed under the by-laws from £5 to £100;

(*c*) to empower the Commissioners to demand and accept a payment not exceeding £1 by way of expiation for a prescribed minor offence from persons guilty of such offence; and

(*d*) requiring extracts or summaries of by-laws relating to wild life reserves to be exhibited for the purpose of inviting public attention to such by-laws.

Clauses 3 and 4 give effect to the first two objects referred to. Clause 5 adds a new section 7a to the principal Act whereby the Governor may make regulations fixing an amount not exceeding £1 as an expiatory payment for any specified offence. The amendment has been specially sought by the Commissioners, who recommend that such regulations be made to apply to such minor offences as driving vehicles on ovals, lighting fires at places other than the prescribed places, remaining in the park after closing time, picking flowers, etc. Such regulations will, under the Acts Interpretation Act, be laid before Parliament and be subject to disallowance.

Section 8 of the principal Act requires copies of the by-laws prescribing any penalty for an offence relating to the park to be exhibited at the principal entrance gates of the park. The section does not apply to by-laws relating to wild life reserves which, the Commissioners point out, have no principal entrances. It is also unnecessary and unduly expensive to exhibit all the by-laws at all the entrances to a reserve. The Government feels that a summary or extract of relevant by-laws, printed in large characters and displayed at prominent places on the boundaries of a reserve, would better serve to invite public attention than a comprehensive display of all the by-laws in small print at the principal entrances, if any. Clause 6 adds a new subsection (2) to section 8 of the principal Act, making provision accordingly.

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

NURSES REGISTRATION ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

SALARIES ADJUSTMENT (PUBLIC SERVICE AND TEACHERS) BILL.

Adjourned debate on second reading.

(Continued from November 15. Page 1798.)

The Hon. A. J. SHARD (Central No. 1)—I can support this Bill almost entirely, but there is one clause which I think should be amended, and I hope the Minister will give me an explanation regarding it. This is a good measure because it provides for officers and teachers who leave the service, or who die in what is regarded as the interim period, that is, between the commencement of the retrospective period and the making of a new award or determination. The Government has been wise in making the legislation apply automatically each time there is an adjustment in salaries of the officers and teachers. We all agree with the purpose of the Bill, except for one matter. In 1956 there was some difficulty because some officers and teachers did not receive the money to which they were entitled. Then, by some heroic deed, the Government paid the money due without having any authority to do so. The officers and teachers receiving it were asked to return it. Some readily did so, but others did not. This Bill covers the position for all time and there will be no need to introduce other legislation dealing with the matter.

I am concerned about subclause (2) of clause 3, which says that the section shall not apply to or in respect of any officer or teacher who resigns during the interim period. This is against all the principles of industrial awards and determinations. Under the Bill the retrospective period begins on March 6, 1960. At the moment there is no authority to pay any amount earned during the interim period. An

officer or a teacher may retire for a legitimate reason after having worked in March, April, May, June and July. I cannot see why that person should not be entitled to be paid the increased amount as from March 6 to the date of his retirement. Unless the Minister can give me a satisfactory explanation regarding the matter I shall move in Committee to delete "not" from subclause (2) of clause 3. An officer or a teacher may have rendered good service for many years but because of the illness of a member of his family, and there being the need to move to another district, he may resign from his position. It would not be fair for that person to be denied the salary the court said he was entitled to whilst occupying the position.

The Hon. S. C. Bevan—It could happen to a female teacher.

The Hon. A. J. SHARD—Yes. She might have married during the interim period and she should not be denied any of the retrospective payment. The principle has been laid down in the courts that an employee is paid on dismissal for a misdemeanour the amount he would have earned up to the time of his dismissal. He would not lose annual leave earned, only the current annual leave that would be due to him. Anything earned or granted up to the time of the dismissal could not be touched. I hope the Minister will give me an explanation on the matter I have raised.

The Hon. L. H. DENSLEY (Southern)—The Bill improves the present position and favours officers and teachers who have retired during the period of retrospectivity. If a person retires and an award is made retrospective to a date prior to his retirement it is only fair and reasonable that he should be paid the money due to him. I think the Bill benefits officers and teachers and I support it.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Adjustment of salaries of officers and teachers."

The Hon. A. J. SHARD—I move—

To delete "not" from subclause (2).

I believe that a person who resigns from the service is entitled to the payment of any increased salary made retrospective to a date prior to his retirement. Will the Minister explain the matter I have raised?

The Hon. Sir LYELL McEWIN (Chief Secretary)—The Bill was drafted to deal with people who reached the retiring age, but the honourable member wants to make it apply to people who retire voluntarily. I do not think the measure deals with that type of person. If a person were compulsorily retired for a misdemeanour, and it would be in exceptional circumstances that that would happen, I do not know that it would be a deserving case when compared with the case of the person who retired on reaching the retiring age.

The Hon. S. C. BEVAN—I support the amendment. The clause does not deal with any member of the service who resigns. Clause 3 (1) (*a*) states:—

> If any such officer or teacher has retired during the period between the date to which the classification return or award is made retrospective and the date on which it comes into operation (which period is hereinafter referred to as the "interim period") he shall be entitled to be paid such increase of salary notwithstanding his retirement.

An officer is paid any increase if he retires, and if he should unfortunately die in the interim period his widow or family get the money. Subclause (2) states:—

> This section shall not apply to or in respect of any officer or teacher who resigns during the interim period.

That is unjust and against the principles of the trade union movement, the Industrial Court and the Arbitration Court, because, if an award is made restrospective there is provision for back pay. If an employee leaves his employment during the interim period he must be paid the relevant award wage for the period he was employed. The officer who resigns should not have to forfeit that amount. If a person cannot follow his occupation or leaves it to better himself he should still receive retrospective payment for the period he was employed in the interim period.

The CHAIRMAN—Mr. Shard asked for some advice about the amendment. I point out that it is a money amendment. Therefore, it would have to be a suggestion to the House of Assembly.

The Hon. A. J. SHARD—I am prepared to do that. My concern is to clear up the point that the person who resigns should receive the wage he would normally have received for the time he was working.

The Hon. Sir LYELL McEWIN—The only persons it does not apply to are those who voluntarily resign—those who leave the service to better themselves. This Bill is for the protection of those compulsorily retired because of age. An award may be made which raises their salaries and it may be retrospective four or six weeks. They are not leaving to go

to another job but have retired and their superannuation is at stake. In that regard the position is different from that of a person who voluntarily retires to better himself. In that case it is only a small amount that is involved. The whole idea is to keep people in the Public Service and to encourage them not to go elsewhere.

The Hon. A. J. SHARD—I appreciate the Chief Secretary's remarks and I support what he said, but this clause is against all industrial principles.

The Hon. F. J. Potter—What would be the position if subclause (2) were not there at all?

The Hon. A. J. SHARD—Those people would not be covered. In every case where retrospectivity has been made under an award or determination and someone has left his employment he can collect the difference between the wage received and the wage he would have received if the award had been in operation when he was in the employment. There may be some cases where an employee left the service to better himself, but probably there were more cases of hardship where the employee had to leave through family reasons. In that case he would be denied what the court said he should be paid. In effect the Government says, "You have left the department; we are not interested in you any longer and you are not going to be paid an increase." The Government will not get the Bill through with my vote. It is intolerable that the Government should say it will not respect retrospectivity for persons who have left the service. If members are not happy the Minister should ask leave to report progress. The Government should not penalize officers or teachers who have given good service and have decided in the interim period to leave the department. They are justly entitled to receive the wages they should have received while in the department.

The Hon. F. J. CONDON—The Hon. Mr. Shard stated a good case. Private employers would not adopt the attitude the Government has adopted. Before awards are made conferences are held and it is usually agreed that awards shall be made retrospective when it has been found necessary to adjourn the conferences. In many cases awards and agreements have not been arrived at until six or seven months after the first meeting. In the meantime an employee may have died. Why shouldn't his wife or dependents be entitled to the amount agreed on at the conference and that has been made the subject of an award?

The Hon. L. H. Densley—Doesn't the Bill provide for that?

The Hon. F. J. CONDON—No, and I ask the Government to adopt a reasonable view similar to that adopted by private employers. I hope the Government will agree to the amendment.

The Hon. Sir LYELL McEWIN—There seems to be some confusion in interpretation and I move that progress be reported and that the Committee have leave to sit again.

Progress reported; Committee to sit again.

LIQUEFIED PETROLEUM GAS BILL.

Returned from the House of Assembly without amendment.

[*Sitting suspended from* 5.44 *to* 7.45 *p.m.*]

PASTORAL ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 15. Page 1814.)

The Hon. F. J. CONDON (Leader of the Opposition)—Time will not permit me to call a meeting of the pastoralists, but I have consulted my advisers who say there is nothing wrong with the principles of this Bill. I support the second reading, but I shall listen to the experts if they submit any amendment for our consideration. A Royal Commission was appointed 33 years ago to inquire into the pastoral industry and the provisions of the Pastoral Act were enacted 31 years ago. In 1936 the Acts relating to pastoral lands were consolidated. The Pastoral Board has a great responsibility and has rendered good service. Of the occupied areas of the State, 75 per cent are held under the Pastoral Act. The pastoral industry is now on a sound basis, according to the report of the Pastoral Board, and the Act is now due for revision. The Bill places on a firm basis the revaluation of land and rectifies certain weaknesses in the present Act. A new lease can be granted for a 42-year term. Under the old Act the lessee was bound to spend a certain amount on improvements and it is now increased by as much as 150 per cent. The Minister when introducing the Bill gave much valuable information, but the term of leases is the most important provision in the measure. The Bill contains a provision regarding the maintenance of the dog fence. In the past this has not been the responsibility of the lessee of any property inside the dog fence.

There are some large pastoral holdings, but whether that benefits the State is a matter of opinion. Under the principal Act pastoral leases were granted for a term of 42 years, the rent being fixed for the first 21 years, and was then revised and the future rent determined. Clause 3 deals with the revaluation of the rent of future leases. Clause 7 provides that a new lease for 42 years may be granted on the surrender of existing leases within 12 months of the commencement of this legislation. Clause 11 provides for the completion of revaluations referred to in section 55 of the Bill, and we all realize that over a period of years the economic position of the industry has improved. Those concerned are prepared to pay some increase if improvements are made, although not all are prepared to pay a 150 per cent increase. Section 12 repeals section 59 of the principal Act. Clause 15 provides that special covenants may be included with respect to lands outside the dog fence. Clause 16 gives the Minister power to grant an extension of the term of the lease in certain cases. Clause 20 provides that certain parts of the dog fence shall be maintained by a lessee. I am prepared to leave this matter to be debated, if necessary, by those in a better position to express an opinion than I am.

The Hon. Sir Arthur Rymill—Reverting to your first remarks, what is the carrying capacity of the mangrove country in Port Adelaide?

The Hon. F. J. CONDON—My honourable friend represents a certain place and should know that. I am sure I will be able to listen to the Hon. Sir Arthur Rymill who is an authority on everything and I will probably be guided by what he has to say in this debate.

The Hon. G. O'H. GILES (Southern)—I rise to support the second reading of this Bill, but not as an expert on these matters. My area is not the Northern District, but strictly Southern, and my interest, as honourable members may remember, is rather in the opposite direction to that contemplated by the Bill.

The Hon. A. J. Shard—You took a prominent part in the north just recently.

The Hon. G. O'H. GILES—The history of pastoralists in this State over many years indicates there are significant matters for us to consider. In 1890 the position of the pastoral industry was at a low ebb. No doubt, Mr. President, you know far more about that state of affairs than I know from hearsay. I believe many pastoralists were driven from their leases by legislation in those days. That was 70 years ago, and the same conditions do not apply today. It is a great credit to the Government that the pastoral industry in South Australia is probably on a sounder basis than it is in any other State. Compared with New South Wales, the legislation concerning pastoral leases in South Australia is much more favourable. I would be erring if I did not give the Government full credit for this state of affairs.

One point I would like to make is that members of Parliament had the chance over the last few months of seeing something of the electorate of Frome and, speaking as a member from south of Adelaide, this visit was of great interest to me. Places such as Farina, which I might never have seen, will live in my memory for years to come. Members of Parliament learned something about the electorate of Frome and the conditions in the northern part of the State which perhaps they had not considered before, and learned something of the hardships with which people in the northern areas have to contend. It is because of that that I take the attitude I do towards this Bill.

This Bill will be beneficial to the pastoral industry. The Government has rightly decided that the industry can go ahead better, according to world conditions and prices, if security of tenure is given to the holders of certain pastoral leases. That is not to say that the Government may not intend to resume certain lands. I believe that in the river districts there are some holdings of about 1,000 square miles which possibly the Government in its wisdom—and I hope it will in time—will resume for closer settlement, because I believe this will be a necessity. Security of tenure can be given under the Bill, because pastoralists will have the opportunity to take out new leases under new conditions for a period of 42 years. That is right and proper and I have no complaint about that. Security of tenure is a question of economics. Clause 11 (2) (*a*) provides:—

> The annual rent payable by a lessee upon revaluation as provided in this section and section 55 of this Act shall—
>
> (*a*) if the lease was granted prior to the commencement of the Pastoral Act Amendment Act, 1960, be not more than 50 per centum above or below the rent payable during the twenty-first year of the term of the lease, . . .

I have no complaint about that. The clause continues:—

> (*b*) If the lease is granted after the commencement of that Act be not more

than 50 per centum above or below the rent payable during the last year of the period in which the revaluation is made.

Is the 50 per cent to apply on a seven-year basis of revaluation? The question of an increase or decrease every seven years of a 42 year lease, if it is 50 per cent, is not a question of simple interest, but compound interest. It does not mean necessarily an increase of only 300 per cent over the period of revaluation, but it could probably amount to nearer 500 per cent if applied in compound interest. I can see no reason why 30 per cent should not be a sufficient adjustment either upwards or downwards. The lease is not for a period of 21 years as under present lease conditions mentioned above. There is to be a revaluation every seven years and I suggest that a 30 per cent alteration either upwards or downwards would meet the position. Opinions have been invited from many sources either from people holding pastoral leases who tend to live in Adelaide or from people representing pastoral companies. The opinions I have obtained were from the younger people who live on their leases and have not heard the technicalities of the amendments and those who are more interested in having security of tenure on economic grounds.

On the question of the right of appeal, a pastoralist can do several things, but one thing he must decide is whether to conform to the conditions of the Bill. He can decide to carry on as he was before, but that is not much help to the person living on his pastoral property. Depending on the Government in office, these people feel that in the event of refusing to accept the conditions laid down under the Bill they may be unduly penalized. There are instances where land should be resumed for the benefit of the State and no-one questions that, or the fact that rental rates must be increased. All that is being questioned is the number of times a property is to be revalued. I consider that where currency value is subject to alteration, a revaluation every seven years is not too frequent, but if there is an alteration either up or down of 50 per cent, that is not realistic.

The Hon. W. W. Robinson—Fifty per cent is the maximum.

The Hon. G. O'H. GILES—From the point of view of the holder of a pastoral lease, he must of necessity consider the maximum set down by legislation and hope that it will never be applied. I support the Bill and in Committee will move an amendment.

The Hon. W. W. ROBINSON secured the adjournment of the debate.

DAIRY CATTLE IMPROVEMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 15. Page 1816.)

The Hon. F. J. CONDON (Leader of the Opposition)—First, I should like to draw the attention of honourable members to a report that has been prepared by the Dairy Industry Committee of Inquiry, which has recommended that there should be a subsidy to the dairy industry of £13,500,000 a year, the subsidy to be gradually eliminated over the next 10 years. It has been stated that about 3,000 dairy farms throughout Australia have no prospects of ever becoming successful, and need to be eased out of the industry. The object of the Bill is to give concessions to those engaged in dairying. It removes the obligation under the present Act of licensing any bull that is not maintained or kept for any purpose connected with dairying operations. It has been said in this place that the dairymen do not receive much consideration from Parliament, but I want to refute that view. In addition to the subsidy of £13,500,000 a year, the dairymen are helped in other ways. For instance, in one year receipts in the Dairy Cattle Fund came from a Commonwealth grant of £7,344, State Government grant £14,100, bull licences £6,300, and levies £14,500, making a total of £42,314. Some of the payments from the fund were salaries and office expenses £3,925, herd testing expenses £31,128, bull subsidies £4,350, and prize money for the Royal Agricultural and Horticultural Society £150. In that year the balance in the fund was £22,516. The objection to the present law is that beef cattle breeders complain of undue hardship in maintaining herd books and want to be exempt from the payment of licence fees. I point out that section 6 of the principal Act States:—

(1) A licence is hereby required for every bull over the age of six months.

(2) If—

(*a*) after the 31st day of July in any year, any bull over the age of six months on the first day of the said month is unlicensed; or

(*b*) after the 31st day of January in any year, any bull over the age of six months on the first day of the said month is unlicensed,

the owner of such bull shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding £20.

I support the second reading. I think there is justification for the alteration sought in the legislation.

The Hon. G. O'H GILES (Southern)—The Hon. Mr. Condon hit the nail on the head. It is a matter of beef breeders running beef herds themselves having to prove on herd book conditions or in some other way that the animal is bred and used for beef purposes. The Bill covers the position where the beef bull is included in a dairy herd. Mr. Condon quoted some figures from the Auditor-General's report. A section in the principal Act provides that the levy on a bull aged six months on July 1 is 10s., whereas the levy on an older bull is £1. There is an anomaly in that any animal six months old is not a bull, but a calf. To levy a licence fee on a calf six months old whilst pretending that it is a bull is stretching the imagination too far. I hope the Government will see the justice of my case and provide for a flat rate of £1 for each bull aged 12 months or more and leave calves out altogether. I do not pretend that the whole dairy industry is affected in this matter, but the breeders of young bulls for use in the dairy industry are affected. In my area some people are hit to the tune of £15 a year because they breed 15 or 16 bulls for the dairy industry. I support the Bill.

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

SUPREME COURT ACT AMENDMENT BILL (No. 2).

Adjourned debate on second reading.

(Continued from November 15. Page 1796.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the second reading of the Bill, which provides for an increase in the salary of the Chief Justice and the other justices of the Supreme Court of £500, to take effect from July, 1960. Opposition members have the highest regard for our judges and appreciate their work. Under the Bill there is to be a retrospective payment over four months. In his second reading explanation the Minister said that members of Parliament had had a salary increase and he used that as an argument in support of the judges getting an increase. I do not disagree with his statement about members of Parliament getting an increase. The South Australian judiciary has carved a niche in the annals of the Australian legal profession. South Australia has the proud record of having produced many renowned jurists between 1874 and 1960. I instance the late Sir George Murray, the late Mr. Justice Piper, snr., the late Mr. Justice Piper, jnr., the late Sir Charles Abbott, and the present judges on the Supreme Court Bench—Sir Mellis Napier, Sir Herbert Mayo and Sir Geoffrey Reed, and Justices Ross, Brazel and Chamberlain. Some of these eminent jurists have at times been called on by other States to preside over various commissions and committees of inquiry. One was a Royal Commission which dealt with the financial affairs of the nation. The late Mr. Ben Chifley was a member of it. Sir Geoffrey Reed has also presided over a Commonwealth Royal Commission. This shows the impartiality and probity of our judges, and how it is recognized in the other States.

The Opposition agrees wholeheartedly with the Bill because it realizes that whenever an eminent legal man is elevated to the Supreme Court Bench he loses considerably from a monetary point of view. I have made a review of the position in relation to judges since 1874. Prior to that date the salaries of the judges were fixed by the commission which governed the State, or by the Minister who may have been appointed for the purpose. As from January 1, 1874, the Chief Judge received £2,000 a year and the other judge £1,700. As from October 4, 1922, the Chief Judge received £2,500 and the other judges £2,000. By 1958 the salary of the Chief Judge had increased to £5,750 and that of the other judges to £5,000. By a consolidating Act in 1856 it was enacted that the number of judges on the Supreme Court Bench should remain at two. They were Charles Cooper as the Chief Judge and Benjamin Boothby, who remained in office until 1867.

The judges have played a prominent part and have inscribed their names in South Australian history. An Act to provide for a third judge was assented to on December 24, 1858, and a further Act was assented to on August 28, 1919, providing for a fourth judge. Subsequently on December 9, 1926, a further Act was assented to providing for a fifth judge and a sixth judge was provided for under an Act assented to on October 16, 1952. The judiciary is held in high regard because the men who have been appointed have been of good standing and their impartiality and probity has always been above reproach. They have administered the laws passed by Parliament from time to time. I have said on many occasions that it takes three

ingredients to maintain a democracy: the citizenship that elects the Parliament; from Parliament we have the Executive Government; and the Executive Government elects the judiciary. Every honourable member will agree, irrespective of his politics, that our judiciary is one of which South Australia can feel justly proud.

The figures I have quoted show that the Chief Justice, in 1874, received a salary of £2,000 per annum and the increase proposed will bring his salary to £6,250 per annum. The total increases over the years represent £50 per annum from 1874. I submit if these men had remained in private practice they could have retired at a much earlier age than is prescribed in the Act. They could have been safely ensconced in the atmosphere of their homes and with their families, having accumulated the wealth that their talents merited, but they decided to give their services to the community and to the State. Consequently, the Opposition wholeheartedly agrees with the increases proposed for the judges of South Australia.

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

CROWN LANDS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 15. Page 1797.)

The Hon. S. C. BEVAN (Central No. 1)—This is only a short measure and has been brought about by the change in money values since the Bill was first enacted. Its purpose is to bring land valuations up-to-date and it aims to increase the ceiling from £7,000 to £12,000 on the unimproved value of land. The idea of the Bill in the first instance was to prevent one person from possessing considerable stretches of land and retaining it in an unimproved condition over a period of years. Unless that land were compulsorily acquired for closer settlement it would be held out of production. The value of the land that could be held was placed at £7,000 and one could not obtain further land if he were in possession of land of more than that value. The Bill increases the amount from £7,000 to a maximum of £12,000 but, on the surface, that does not appear much when we consider present-day land values. However, on examining the whole matter I think it is a fair and just reassessment of the position on today's values. As a result of this legislation a person holding land to the unimproved value of £7,000 will be able to add to it to bring it up to £12,000. Take the case of a farmer who desires to put his son on the land. If he holds land to the value of £7,000 he would not be able to buy further land for the purpose of placing any member of his family on it to start out in life. Conversely, a farmer wishing to sell land and having agreed with a prospective buyer to sell may find that the transaction cannot be completed because the buyer has land to the value of £7,000. He would not be able to purchase more land and consequently the seller would have to look around for another buyer who did not have land worth £7,000. The whole purpose of the Bill is to raise the ceiling from £7,000 to £12,000. This is a beneficial piece of legislation and I support the second reading of the Bill.

The Hon. R. R. WILSON (Northern)—The legislation contained in this Bill must ultimately become automatic as far as increases are concerned. It applies to Crown lands only and to unimproved land. In 1929 limitations were fixed at an amount of £7,000, but today prices have increased steeply. I do not refer to it as a value, but call it a price, because land is only worth, so far as agriculture is concerned, what it will produce. The high prices paid in recent years have been paid mostly by adjoining land owners or by sellers buying and selling in the same market. No-one could start from scratch at the prices paid in recent years. The price at which land is sold is used by the Taxation Department in arriving at its valuations and the assessments affect properties that are many miles from a property which has been sold at a certain figure.

Anyone who holds Crown lands to the unimproved value of £7,000 would find today, with the ruling prices of land, that he would need only 300 acres to reach that figure. A producer who has several young sons desiring to go on the land finds it impossible with £7,000 worth of land to buy any other Crown lands that may be available. This legislation will be welcome from that angle and it has been asked for over many years. The new ceiling of £12,000 is not at all generous, but I am sure it will be welcomed by many people. I commend the Government and the Minister for introducing this legislation because it will be of assistance to those desiring more land.

The Hon. A. C. HOOKINGS (Southern)—I wish to add a few words to this debate in relation to the Crown Lands Act Amendment Bill. Like the other honourable members who have spoken I consider this is legislation that is necessary in times such as this when market

values of land have risen steeply. The Government has been wise in limiting the amount of Crown lands that may be held by any particular person because we have quite a big area of country held under the Crown Lands Act which is capable of development, and if one man were able to get possession of a large amount of it that would only limit the production which is possible in South Australia. By limiting the amount some years ago to £7,000 we now find with increasing market values, that the areas that may be acquired are becoming very small indeed. Much has been said in this Chamber about the amount of land that could be taken up for closer settlement, and I agree with other honourable members that we should do everything possible to see that every bit of productive country in South Australia is developed. There are times when that production cannot be increased and the South Australian position in relation to the marketing of certain primary products means it is not possible to go ahead very quickly with closer settlement. I sincerely commend the Bill and trust honourable members will give it favourable consideration.

The Hon. L. H. DENSLEY (Southern)—I welcome the Bill, which aims to increase the amount of land a person may hold under the Act. However, there is an aspect which perhaps takes a little of the polish off the boot because we are continually having to review unimproved land values and it could easily be that almost as soon as the Bill is passed the question will have to be reconsidered. However, I hope the basis will at least be maintained from time to time so that if the unimproved values are increased the Government will not lose any time in bringing down another Bill to meet the altered circumstances. We welcome the increase to £12,000, although we have been hammering for many years to get an increase. Even £12,000 of unimproved value would be entirely inadequate in some cases if unimproved values were to rise to any extent.

The Hon. G. O'H. GILES (Southern)—I support the Bill. It has been said that this is an Act to stop too few people owning too much land, but these amendments will not in any way alter any position which is covered by that phrase. I agree with the Hon. Mr. Densley that this is not an over-generous increase and consider it a matter which should be looked at from time to time. I have said before that we should legislate to stop the alarming tendency in some quarters to have blocks which are too small to provide a decent living for a one-man farmer, and I take the same viewpoint on this Bill. This legislation will first of all allow more unimproved land to be taken up, and may overcome the anomalous position of people trying to sell Crown lands and finding only a limited number of people attending the sale who are prepared to bid. It will improve this position, and under certain circumstances I believe that is right and proper. It will help to overcome the problem of areas that are not of an economic size, and, more important still, will help people who are prepared to go ahead and take the uneconomic step, which it is today, of clearing scrub in areas where scrub remains. This Bill could help people who have the will to clear the scrub and the capital to do so.

I support the Government on this measure, but the matter of closer settlement has also been raised during this debate. If, as the Premier has stated on a previous occasion, the population of Adelaide doubles, it is obvious that we must increase our production. We will not do this by doubling the area of productive land but it may be done by improving the land already cleared, and could be aided by more intensive use of that land. In South Australia, which has so little top grade agricultural land, this is a matter that any Government which takes its responsibilities seriously must look into. I support the second reading.

The Hon. C. R. STORY (Midland)—I support this Bill. In the past when I was young I believed that the fee simple system in this State was a good one, but I realize now the value of Crown lands. In the Murray Mallee a few years ago it was necessary to take over a lot of small blocks and convert them into living areas, but this was accomplished only because they were Crown lands. This applies to many of our irrigation areas today, where small areas are being further divided into peasant farmer areas, and this legislation will preserve the land for posterity. After all, many generations will have to till and look after the land which is for the time being placed in our hands. Legislation such as this does something to preserve the rights of people and assists people who are prepared to develop the land along proper lines, and ensures that they can pass on that land in the same condition as or in an improved condition compared with what it was when they received it. In some of the areas where there are freehold titles and where there is no restriction over the selling of land the position is chaotic. There are five-acre farmlets where we should have 300 or 400 acres controlled properly for the benefit of future generations.

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

LIFTS BILL.

Adjourned debate on second reading.

(Continued from November 15. Page 1809.)

The Hon. Sir ARTHUR RYMILL (Central No. 2)—I support the Bill and thank the Minister for his second reading explanation, which included the statement that the Act was first introduced in 1908, which was in the fairly early days of electric lifts, and that the last amendment was made in 1934. One could compare the lifts of 1934 with those of 1960 in the same manner as one could compare a motor car of 1934 with one of 1960. The development of lifts has been somewhat similar to the development of motor cars, because modern lifts are usually gearless, smooth, fast and quick in acceleration, but not such acceleration as to unnerve the occupants. Some have special gears and most are automatic, whereas others are synchronised, like those in the new *Advertiser* Building, with magic eye doors so that if they are closing when one is about to enter, they re-open.

It is obvious that the time is ripe for a new Act. Mr. Condon referred to the lifts in this building. I do not want to make any further reference to that, because I think the less said about it the better. We can only hope that the lifts inspector will be in a good mood every time he comes down here. It is amazing that so few amendments have been necessary to the legislation, in view of the big changes in lifts since 1934. The safety factor is paramount, and is well covered in this legislation. I suppose that the same kind of principles apply today as they did in 1908 and 1934 and that is the reason the amendments are not as widespread as one would expect. Another feature of modern lifts is that maintenance, as with the motor car, is regarded as a matter of extreme importance. I should say that everyone installing a new lift today would insist upon having a maintenance contract with some reputable firm whereby the safety of the lift is pretty well secured, apart from the inspections required by the legislation. I commend the Government for bringing in the Bill, because it is obvious that it was time the legislation was overhauled.

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

KIDNAPPING BILL.

Adjourned debate on second reading.

(Continued from November 15. Page 1792.)

The Hon. F. J. CONDON (Leader of the Opposition)—This Bill would not have been introduced but for a recent happening in New South Wales, which we all deplore. This is a contentious Bill, but contains only three clauses. In Committee I intend to move that the words "and may be whipped" be deleted from subclause 2 (1). My only other objection to the Bill relates to penalties. Long imprisonment with solitary confinement should be a sufficient deterrent.

The Hon. L. H. Densley—Surely not solitary confinement!

The Hon. F. J. CONDON—I believe in Christian principles as I was brought up in a Christian atmosphere. To me, there is nothing more hideous than a whipping. My feeling is strong against kidnappers, but I must not let my feelings get away with me and do something that I would be sorry for afterwards. The crime of kidnapping is foreign to Australia. Public opinion was considerably stirred because of what happened in New South Wales. One clause is directed to the question of the kidnapping of children. Women have been known to kidnap children who have been legally placed in the custody of the husband. This is the outcome of domestic trouble and is not so serious as the type of crime that recently occurred in New South Wales.

We all agree that a person guilty of kidnapping should be severely dealt with. In New South Wales no person can be hanged and this applies in certain other States, but a guilty person can be imprisoned for life. It must be remembered that there are many inmates in gaols who will probably never be released. Honourable members will later have the opportunity of expressing their opinions on the amendment I propose to move. I support the second reading.

The Hon. JESSIE COOPER (Central No. 2)—I thoroughly approve of the Bill in principle and believe that kidnapping in its worst form should be a capital offence, but apparently that is not the Government's wish. This Bill was produced at a time when all Australia was stunned by the most dastardly of crimes and shows, in its framing, the result of the variety of panics to which we were all being subjected to then, but we must remind ourselves that panic does not make good law.

It was stated, I understand, in another place that the Government requires this Bill to be framed in the widest possible way so that there shall be no loopholes. Invariably when that sort of Bill is framed a number of injustices are likely to creep in. Anybody can make a law to cover everything. Instead of including a reasonably simple definition of the word "kidnapping", which word has after all been

understood in meaning in the English langauge for centuries, the Bill seems to be drafted to cover every imaginable variation and permutation of the theme. The result is that we are being asked to produce a net which may encompass cases not intended by Parliament to be so encompassed. For example in clause 2, subclause (2), if a girl under the age of 18, say, between 16 and 18, should elope with a young man of, say, 21 or 22, or even of her own age, the man becomes guilty of a felony and liable to imprisonment for life and may be whipped. I consider this a ridiculous incongruity in the Bill and would not be prepared to support it. Honourable members are also aware of various difficulties in matters of custody.

Clause 3 makes provision for punishing people who make demands or threats. Again this clause is worded too broadly. It happens that it covers anyone who threatens anyone else. To give anyone common enough examples, if a man threatens to strike another man for stealing his fruit or paying too much attention to his daughter he apparently becomes guilty of a felony and may be imprisoned for life and may be whipped. In any case, I am under the impression that threats and extortions are already covered by older laws. The Criminal Law Consolidation Act, section 195, provides for written demands for money with menaces. Section 160 likewise provides for demanding money with menaces if there is an intention to steal. Again there are provisions relating to written threats to burn and destroy. The Government's intention is to incorporate this sort of thing in the Kidnapping Bill, but relate the threats to oral threatening as well as written. Why not amend the Criminal Law Consolidation Act accordingly? I would respectfully suggest that this is a neater and safer way.

Speaking generally, the legislation appears to me to be one of those which is drawn to cover all imaginable sets of circumstances, perhaps resulting in considerable injustice to some who may fall under its shadow. It will be said that however wide the powers of punishment might be they will always be administered with reason and commonsense. I do not agree with this excuse. We cannot be certain that logic and fair mindedness will always rule. Our job surely is to make simple laws, simple to interpret and simple to administer. I am prepared to support the Bill down to the end of clause 2, subclause (1), but I am not prepared to support subclause (2) or clause 3.

The Hon. Sir ARTHUR RYMILL (Central No. 2)—I support the Bill with one reservation, but before I deal with that matter I want to say that in common with other members I could not be more wholeheartedly in support of any Bill in general than this one. As far as I can ascertain, the need for legislation of this type has not arisen in South Australia, and we all pray that it never will. It is, however, a good thing to have the legislation on the Statute Book in case this terrible thing happens in our State. We should have the legislation to act as a deterrent. Mrs. Cooper said that she would like to see kidnapping made a capital offence, but there is good reason why that should not be so. It is that if we have the ultimate penalty for the act of kidnapping itself, and no further penalty if the kidnapped person is murdered, and the person who did the kidnaping seemed to be in danger of being captured he could murder the kidnapped person without there being any further penalty, and that is why I agree with the provision in the Bill. I think it is quite clear why the penalty should be stipulated as it is in the Bill.

The Hon. S. C. Bevan—A murderer is up for capital punishment.

The Hon. Sir ARTHUR RYMILL—Yes, but he should not be for the kidnapping itself. We should have a deterrent to prevent the crime of murder. My reservation to the Bill came as a reaction immediately the Bill was introduced in another place, and it has remained with me ever since. I think it has to do with the same difficulty that troubles Mrs. Cooper, except that I propose to deal with it in a slightly different way. The reaction was that the draftsman has made the provision so wide that it could embrace things that are really not kidnapping at all. I refer in particular to the human matrimonial offences, which I shall mention again later. The draftsman has made the Bill extremely wide, obviously under instructions. He thought of everything that could constitute the crime of kidnapping and provided that "any person who for ransom, reward or service unlawfully decoys" and so on, and then added "or for any other purpose whatsoever". That was good draftmanship in relation to wide drafting. As a man who has had to be a draftsman over the years I know that it is a satisfactory method because no human being can think of every set of circumstances that can arise, and he therefore provides a dragnet to embrace every fish in the ocean. That is how the Bill has been drawn, obviously under instructions from

the Government. It is good in many ways. If we become emotional about kidnapping, and no doubt all of us do to some extent, we support the wide phrase in the Bill. What about the human cases of matrimonial estrangements where the child becomes the object of competition between the parents? We all know, especially those who have practised at the law, and I came in contact with many cases when I was in legal practice, how people feel about their children, and how parents will go to any extent to get custody of a child, even to the extent of disobeying a court order. Lawyers have told me that from time to time they have told their clients to disobey court orders. Whether I have done that I am not prepared to say now because memory is a fleeting thing and I practised long ago. Undoubtedly the circumstances I mentioned do exist.

To paraphrase the matter, clause 2 says that there may be a life penalty and whipping for any person who for any purpose whatsoever unlawfully carries off any person to the intent that such person is prevented from returning to his normal place of abode. That is what the clause means in relation to a parent seizing a child against the court order favouring the other parent. Such a procedure happens almost every day. It has never been the intention of any member of Parliament that such a case should be dealt with by this Bill, or that this very extreme penalty of life imprisonment and whipping should be the maximum penalty for an offence of that nature. That is the position under the clause. I am of opinion that there is a danger in passing the clause as it stands, so I have drafted an amendment which narrows down the clause, but only slightly. It narrows it down so that instead of its being "for any other purpose whatsoever" it becomes "any similar purpose". That embraces everything that the draftsman thought of, plus everything in that same category.

The Hon. F. J. CONDON—Mr. President, is the honourable member in order in referring to an amendment he has on the file?

The ACTING PRESIDENT (Hon. L. H. Densley)—I think it is usual for a member to mention a proposed amendment. I rule that the honourable member is in order.

The Hon. Sir ARTHUR RYMILL—I thank you, Mr. Acting President, for the ruling, with which I heartily agree.

The Hon. F. J. Condon—If I tried to do that I would not be allowed to do it.

The Hon. Sir ARTHUR RYMILL—If we cannot in the second reading debate refer to amendments on the file the whole working of this Chamber must be unduly restricted. I do not intend to deal in detail with the proposed amendment. I feel confident that if it is accepted it will not destroy one iota the real direction in which the Bill is pointed. On the other hand, it will see that persons, particularly in the category I have mentioned who have no evil intent as set out in this legislation, will not come within the ambit of the Act. I propose to support the second reading of the Bill and I shall move an amendment in the Committee stages.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Kidnapping".

The Hon. Sir ARTHUR RYMILL—I move—

In subclause (1) to delete "other purpose whatsoever" and to insert "similar purpose". "Similar purpose" would include modified slavery, for instance. The draftsman has covered everything he could think of and the amendment provides for everything of a similar category that he could not think of but it does not include anything else. It does not destroy or damage the Bill one iota and I hope the Government will see its way clear to accept the amendment.

The Hon. C. D. ROWE (Attorney-General)—I have examined the amendment and in all the circumstances it is one that the Government can accept. We are creating a new offence in law and in doing so I think it is the wish of all honourable members that we should make certain that everybody who is guilty of this offence is brought to justice and that anybody not guilty is not brought within the ambit of this Bill. It seems to me that the amendment will perhaps help us further along the road towards getting where we want to go, at the same time making sure nobody is caught within the net which this Bill provides who should not be caught. It is for that reason I am prepared to accept the amendment moved by the honourable Sir Arthur Rymill.

Amendment carried.

The Hon. F. J. CONDON—I move—

In subclause (1) to delete "and may be whipped".

Nobody abhors kidnapping more than I do, but I consider life imprisonment is a sufficient penalty. Whipping is heinous.

The Hon. C. D. ROWE—We are all agreed on some things. We are agreed that this is a very hideous crime, that the offender should

be brought to justice and that portion of an appropriate penalty would be life imprisonment. Apparently where we do not agree is that there should also be a possibility of a whipping. The first point I make is that the clause does not say that the person who has been found guilty of kidnapping must be imprisoned for life and must be whipped. The clause says he may be whipped, so the matter is entirely in the discretion of the judge. There could be cases where whipping would be some deterrent to a person contemplating committing this crime. People are of varying mental standards and have varying mental outlooks, and respond differently to different kinds of action.

The Hon. K. E. J. Bardolph—Could whipping be ordered instead of life imprisonment?

The Hon. C. D. ROWE—I do not think it could be ordered instead of a life sentence. We do not say that the person shall be whipped automatically as part of the penalty, but we are leaving it in the hands of the judge, who can decide, after hearing all the evidence and having the opportunity of watching the demeanour of the accused person, whether any good purpose would be served by imposing a whipping. It is a discretion that we can properly leave in the hands of the judge. There may be some people who do not believe, in this modern age and with our modern approach, that whipping is a proper penalty. There may be other people who believe that whipping has no preventive effect and that a person liable to be whipped will not be prevented thereby from committing a crime. I do not share that view, but believe that the threat of a whipping is something which a person would weigh in his mind when considering whether he will commit this offence or not. The offence of kidnapping is not an offence that is committed on the spur of the moment from any pique of excitement. It is a crime which can only be brought about as a result of long and serious consideration following on a long period of making arrangements for it. I imagine the person working out how he will commit this crime would conjure up in his mind how he will execute it and would realize what the penalty was, and the fact that he might be whipped would have a deterrent effect.

I understand the views of and sympathize with members opposite who take a different view from me, but I do not accept the view that because I regard whipping as proper in this case I am somewhat backward in my moral approach to these matters. I claim the same rights that all members claim, particularly on this matter, and I did not approach it lightly nor did I reach my conclusion without much thought and consideration. The consideration which is uppermost in my mind is the fact that whatever else we do by this legislation we must try to prevent this dastardly crime from occurring. In my opinion the fact that whipping may be part of the penalty is something which will act as a deterrent and I hold that view very strongly, whether or not other members agree with me.

It is because I hold that view and secondly, because whipping is not necessarily made part of the penalty and because it is left in the hands of the judge to look into the character, condition, approach and demeanour of the accused person before he decides whether it is necessary that I am happy to leave it in the hands of the judge. For many other offences of a less serious nature we impose life imprisonment and when we come to this more serious crime something additional is necessary, and I think whipping is appropriate.

The Hon. S. C. Bevan—Life imprisonment is not mandatory?

The Hon. C. D. ROWE—An offender shall be liable to life imprisonment. I hope our courts will never be called upon to adjudicate upon a case such as that. That is the wish of all honourable members but we have to consider how best we can prevent that happening, and I firmly believe that the possibility of a whipping is a deterrent that is likely to stop people from committing this crime. It is for that reason that I ask honourable members to vote against the amendment, though I have the highest respect for the feelings and opinions of the Hon. Mr. Condon, a respect which I hope he reciprocates for the views I hold on the matter.

The Hon. F. J. CONDON—I do not agree with what the Attorney-General said, but I give him credit for expressing an honest opinion as he always does. He wants to give our courts power to inflict certain penalties but how often have our judges said, "Parliament looks upon this as a serious matter and therefore we inflict a very heavy penalty." My amendment means that a judge will not have the power to order any person to be whipped for kidnapping. This legislation would never have been introduced in South Australia if it had not been for the New South Wales incident. If the Government takes the view it has taken tonight why didn't it introduce legislation like this many years ago? It is because there has been no necessity for it. I join with the Attorney-General in

hoping that there will never be any necessity for the judges to deal with such cases. I am as sincere as my honourable friend when I say kidnapping is a hideous crime, but with all my strength I oppose the penalty of whipping.

The Hon. K. E. J. BARDOLPH—I support the Leader of the Opposition in his objection to the inclusion of whipping as a possible penalty. However, I agree with the Attorney-General's statement that all members regard kidnapping as a most heinous offence. We have travelled a long way since the establishment of representative Government in Australia. In the early days of this country, convict ships transported people from Great Britain.

The Hon. Sir Arthur Rymill—Not to South Australia.

The Hon. K. E. J. BARDOLPH—No, but to Australia. I did not say South Australia. Representative Government had its birth in New South Wales. There has been a constant urge right down the ages for the removal of the brutal penalties that may have been imposed, and whilst kidnapping is a most heinous offence there is provision in this measure for life imprisonment. None of the Opposition members desires that any person found guilty of such an offence shall escape the laws of this State but, if we go back to the dark ages, then we have wasted the money that has been spent on our various university institutions and on our professors of law who set themselves up as experts in criminology and write theses and give lectures to various organizations abhorring the imposition of brutal punishment on criminals. No member on this side of the House has any sympathy for those who break the law. We think the right of people to live peacefully should remain sacrosanct, and the amendment is moved with a desire not to get back to that atmosphere of brutality that prevailed in New South Wales in the early days of the settlement of Australia when many people were herded into hulks and sent out here like animals. I say with respect that some of today's leading society people in Australia had their genesis in those unfortunate people who were transported to Australia for some trivial or minor offence.

The Hon. C. R. STORY—I cannot agree with my honourable friends opposite. I would suggest to them that they put themselves in Gilligan's shoes.

The Hon. K. E. J. Bardolph—We always do.

The Hon. C. R. STORY—Unfortunately the honourable members opposite have not done so this evening.

The Hon. F. J. Condon—You are putting yourself up as a judge.

The Hon. C. R. STORY—The honourable members are too impatient. I ask them to put themselves in Gilligan's shoes and consider how people would react in a kidnapping case where a child, perhaps one of theirs, was abducted and taken from its normal family circumstances and murdered for money. I cannot account for the thought and actions of a kidnapper. I have heard people who support the policy of the honourable members opposite say in cases of murder, "I would believe that that man should be hanged if I believed in it".

The Hon. K. E. J. Bardolph—You are getting involved, aren't you?

The Hon. C. R. STORY—That is the position we find ourselves in today. I cannot honestly believe that anyone with any human feelings would feel that adequate punishment should not be inflicted for kidnapping. I cannot agree that we have slipped back into the dark ages because a judge has the power to inflict corporal punishment on a person who abducts a child for money, the most mercenary and horrible crime one can visualize in our modern civilization. I ask members to oppose the amendment because in the first place I believe that persons who commit this crime are not fit to live, and if the deterrent of a whipping is in the Bill I think it may have some effect upon those who plan to murder for money.

The Committee divided on the amendent:

Ayes (4).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon (teller), and A. J. Shard.

Noes (10).—The Hons. Jessie Cooper, L. H. Densley, G. O'H. Giles, A. C. Hookings, N. L. Jude, W. W. Robinson, C. D. Rowe (teller), Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Majority of 6 for the Noes.

Amendment thus negatived; clause as previously amended passed.

Clause 3 and title passed.

Bill reported with an amendment and Committee's report adopted.

EARLY CLOSING ACT AMENDMENT BILL.

Returned from the House of Assembly with amendments.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT 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 objects are, firstly, to increase the maximum pension for which members may contribute by fifty per cent; secondly, to enable members now contributing at the lowest and medium rates to elect to contribute at £100 per annum and members now contributing at the maximum to contribute at the new maximum of £150 per annum, with corresponding increases in benefit; thirdly, to reduce the minimum qualifying period from 12 to 10 years; fourthly, to provide certain benefits for members less than 50 years old at retirement or resignation; and, lastly, to increase current pensions by 12½ per centum.

Clause 3 accordingly amends section 9 of the principal Act relating to contributions by providing for four rates, viz., £58 10s., £72, £100 (as at present), and £150 a year. New members may contribute at any of the rates except the lowest and if they do not elect will contribute at the maximum rate. Present members contributing at £58 10s. or £72 are given a new option to change to £100 a year and those contributing at £100 a year may elect to take the maximum, contributing at £150 a year. Any such election will operate as from December 1, 1960. Present members who do not elect will continue at the present rates.

Clause 4 amends section 11 by reducing the basic qualifying period to 10 years and removing the requirement as to age. But in order to retain the provision now in force that a member over 50 is eligible after 18 years service, a consequential amendment is made in subsection (1) of section 11. Clause 5 makes consequential amendments to section 13 of the Act. The last paragraph provides for the pension appropriate to the new maximum contribution—£585 after 10 years, £630 after 11 years, £675 after 12 years and an additional £45 a year for each year over 12, with a maximum of £945. The new maximum is, as will be seen, 50 per cent higher than at present. The other paragraphs of clause 5, while not reducing pensions now payable make the amounts of pension payable after 10 and 11 years' service proportionately lower than those payable after 12 years and, in fact, confer benefits where none now exist, since no pension is now payable for less than 12 years' service.

Clause 6 does two things. Subclause (*b*) makes it clear that the provision that a member with 18 years' service need not show good reasons for resigning or retiring does not apply is limited to members over 50 years of age. This is a consequential amendment. The more important amendment is made by subclause (*a*). This will entitle a member under 50 years of age to a pension after 20 years of service. I should point out that no qualifying period for enjoyment of the new benefits is laid down so that a member who elects to contribute at a higher rate becomes immediately entitled to the benefits applicable to that rate. The reduction of the basic qualifying period of 12 years to 10 will benefit some members and widows of any who should die before completing a fourth term. Lastly, the Bill liberalizes the present provision in regard to members under 50 years of age. Clauses 7 and 8 are consequential only.

To make the position quite clear, perhaps I should set out in more detail what the foregoing amendments mean to members. While a member over 50 years of age, with 11 years' service, is not eligible for any pension now, but must serve for 12 years, he will, after passage of the Bill, qualify after 10 years subject to compliance with section 14—that is, if he retires, he must show that there were good and sufficient reasons for his retirement or that he was defeated in an election. If he has had 18 years service he can, as at present, resign or retire without complying with section 14.

As regards members ceasing to hold office and under 50 years of age, who at present do not qualify at all, the Bill will entitle them to a pension after 10 years of service if they retire for sufficient reasons—for example, invalidity—or after 20 years if they have been defeated at an election. It is considered that some provision should be made in respect of younger members, and the Government believes that the present proposals are fair and reasonable. The last amendment, effected by clause 9, explains itself. Recently this Parliament approved of an increase in existing police pensions of 12½ per cent and it is considered that a similar increase in Parliamentary pensions is justified.

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

SEWERAGE 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.

Sewerage rates in country drainage areas are at present fixed by the Minister pursuant to subsection (1) of section 74a of the Sewerage Act. Subsection (2) of that section fixes the minimum amounts payable in a country drainage area as £4 per annum in the case of land,

or land and premises drained by sewers, and £1 per annum in the case of other land or other land and premises. These minimum amounts were fixed by legislation passed in 1955 on the recomendation of a committee appointed by the Government of the day to consider country sewerage charges. When making that recommendation the committee unanimously resolved, *inter alia*, that it was "satisfied that the economics of country sewerage must be placed on a more realistic basis by deriving increased revenue either by way of an increased rate or increased assessment".

Members are aware of the substantial economic changes that have occurred within the State since that recommendation was made, and the Government now considers that the minimum amounts fixed by the 1955 legislation are unrealistic today and should be capable of revision from time to time to enable them to be brought up to date in relation to current values and costs. Under the Waterworks Act, the Minister has power to fix a minimum water rate payable in respect of any land or land and premises comprised in any assessment and under the Sewerage Act as at present in force the Minister has power to fix a minimum sewerage rate within the Adelaide drainage area while the minimum sewerage rates for country drainage areas are fixed by the Act.

The object of this Bill is to amend the Sewerage Act so as to bring it into line with the Waterworks Act and the other provisions of the Sewerage Act so far as the fixing of minimum sewerage rates in country drainage areas is concerned. The Government feels that, as the Minister has under the principal Act an unfettered discretion in fixing ordinary and minimum sewerage rates within the Adelaide drainage area and has under the Waterworks Act a similar discretion in fixing ordinary and minimum water rates, it is reasonable that he should also have power to fix the minimum sewerage rates for country drainage areas at such amounts as are appropriate.

Section 74a (1) of the principal Act provides that, subject to subsection (2) of that section, the sewerage rate in a country drainage area shall be an amount not exceeding two shillings and sixpence in the pound fixed by the Minister by notice published annually in the *Gazette*. Subsection (2) of that section, as I have mentioned before, fixes the minimum amounts payable in a country drainage area as £4 per annum in the case of land, or land and premises, drained by sewers, and £1 per annum in the case of other land or other land and premises. Clause 3 repeals subsection (2) of that section and makes a consequential amendment to subsection (1). The clause has the effect of removing the statutory amounts fixed by the section as the minimum sewerage rates payable in country drainage areas.

Section 75 (1) of the principal Act provides that, subject to subsection (3) of that section the Minister may fix a minimum sewerage rate payable in respect of vacant lands and lands and premises (other than vacant lands) comprised in any assessment. Subsection (3) of that section precludes the Minister from fixing, under subsection (1), a minimum sewerage rate payable in country drainage areas, that rate having been fixed by section 74a (2). Clause 4 accordingly repeals subsection (3) of section 75 and makes a consequential amendment to subsection (1) of that section. As the Government thinks it desirable to have new minimum rates fixed for country drainage areas with effect from the commencement of the current financial year, a new subsection (3) is inserted by clause 4 into section 75 of the principal Act in place of the one repealed. Under that new subsection express power is conferred on the Minister, with respect to those areas, to fix a minimum sewerage rate payable in respect of the current and the succeeding financial years.

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

ADJOURNMENT.

At 9.58 p.m. the Council adjourned until Thursday, November 17, at 2.15 p.m.