LEGISLATIVE COUNCIL.

Tuesday, October 20, 1964.

The PRESIDENT (Hon. L. H. Densley) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS.

POTATO PRICES.

The Hon. H. K. KEMP: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. H. K. KEMP: On October 15 the following appeared in the *Advertiser*:

Potato prices were expected to remain high until a full supply was available, probably in mid-November, the secretary of the South Australian Potato Board (Mr. J. J. McCullagh) said yesterday.

On Monday, October 19, the price to the grower was reduced from £96 to £64 a ton. Rumour in the market is that a heavy shipment of Western Australian potatoes has arrived but the principal grower associations in the market can establish no fact in this matter, although the board representatives have repeatedly stated that no import from Western Australia is made except by agreement with the Western Australian Potato Board. It is important to stop the rumours now current. To reassure the market, can the Minister of Agriculture, through the Chief Secretary, produce to this Council the proceedings of the board that authorized this statement and the price drop immediately thereafter? Can he also determine who imported the Western Australian potatoes and the price at which they were purchased?

The Hon. Sir LYELL McEWIN: I will refer the honourable member's question to the Minister of Agriculture and obtain a reply.

COURT PROCEDURE.

The Hon. R. R. WILSON: Has the Attorney-General a reply to my question of September 30 last about traffic offences dealt with in the Juvenile Court?

The Hon. C. D. ROWE: I took up this matter with the Juvenile Court magistrate, with the magistrate who was previously in that court and with the magistrate who is at present in charge of the Police Court. They have each given me full and detailed reports but they vary in the views they have expressed in this matter. Some think it advisable to allow juveniles the opportunity to plead guilty by Form 4a and obviate the necessity of attending court, while one thinks it is a good thing for juveniles to be required to attend at court. In the circumstances, I consider that before I can make a firm recommendation on the matter I must carry out further investigations. I intend to do that as soon as the Council rises and to submit the matter to Cabinet for a decision.

BERRI FERRY.

The Hon. M. B. DAWKINS: Has the Minister of Roads a reply to a question I asked on October 14 about the opening date of operations of the second ferry at Berri?

The Hon. N. L. JUDE: I have obtained the following report from the Commissioner of Highways:

It is not possible to indicate a definite date for the commencement of operations of the second Berri ferry, as the department is in the hands of the contractor. Latest indications are that it will be possible to install the second ferry early in November.

MURRAY RIVER LEVEL.

The Hon. C. R. STORY: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. C. R. STORY: On October 13 I asked the Minister representing the Minister of Works a question about Murray River flood levels, but I was unable to get a reply during the period from October 13 to October 15. However, a reply to a question very much along the same lines as the question I asked appeared in the *Advertiser*. Has the Minister of Roads a reply to the question I asked last week?

The Hon. N. L. JUDE: Yes. As a matter of fact, I observed in the daily press the statement mentioned by the honourable member, and I assure him that it was coincidental. The question had been asked, and it was thought desirable to inform the public. The Minister of Works has made available the following report by the Engineer for Irrigation and Drainage, in which the Engineer-in-Chief concurs:

It is still too early to make an accurate assessment of the likely height of the river due to the rains which have fallen in the catchment areas over the last three weeks. However, a preliminary estimate is that there will be approximately 45,000 cusecs in the flood, which should peak at Renmark in early December. This quantity of water is less than one-third of the magnitude of the 1956 flood and is slightly greater than the flood of 1951, but is less than the floods of 1952 and 1955. It is anticipated that the peak will reach 23ft. 9in. on the Renmark gauge, 24ft. on the Morgan gauge, and 18ft. on the Blanchetown gauge. This river will probably cut the Berri-Loxton road and the Kingston road.

LARGS NORTH SEWERAGE.

The Hon. A. F. KNEEBONE: Has the Minister of Roads obtained a reply from the Minister of Works to a question I asked on September 16 about sewerage at Largs North?

The Hon. N. L. JUDE: My colleague, the Minister of Works, has made available the following report by the Engineer for Sewerage, in which the Engineer-in-Chief concurs:

Katoomba Terrace, Galway Terrace, Strathfield Terrace, Nikola Road, Critten Avenue and Gelven Terrace, Largs North, are all included in the sewerage scheme for LeFevre Peninsula, which includes Largs North, Draper, Taperoo, and Ottoway. This scheme, which is estimated to cost £770,300, was approved last year and to date sewers have been laid in portions of Osborne, Taperoo, Draper, and that part of Largs North south of the Outer Harbour railway line. Sewerage construction has been in hand for the last 12 months, but the sewers laid serve mostly new dwellings of the South Australian Housing Trust. It is expected that when the Housing Trust commitments are overtaken the construction of sewers will proceed in the localities and streets wherein there are private homes which are already served with septic tanks. It is unlikely that the streets mentioned in Largs North will be sewered before about the middle of 1965.

LAND SETTLEMENT COMMITTEE REPORT.

The PRESIDENT laid on the table the report by the Parliamentary Committee on Land Settlement on South-Eastern Drainage and Development (Eastern Division).

PUBLIC WORKS COMMITTEE REPORTS.

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Cambrai to Sedan Railway Line,

Reconstruction of Smelters Wharf, Port Pirie (final report),

Urrbrae Agricultural High School Additions,

Women's Rehabilitation Centre, Northfield.

NURSES REGISTRATION ACT AMENDMENT BILL (AGES).

The Hon. Sir LYELL McEWIN (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Nurses Registration Act, 1920-1963. Read a first time.

The Hon. Sir LYELL McEWIN: I move:

That this Bill be now read a second time.

The purpose of this short Bill is to reduce the age at which a person may be registered as a nurse, psychiatric nurse or mental deficiency nurse from 21 years to 20 years. This will bring South Australia into line with the other States, excepting New South Wales, which is contemplating a similar change. In the case of registration as a midwife the minimum age will still be 21 years and there will be no change in the minimum age of 18 years for mothercraft nurses or for nurses aides.

Clause 4 of the Bill makes the required amendment to section 22 of the principal Act. Clause 3 makes a consequential amendment by repealing subsections (3), (4) and (5) of section 21 of the principal Act relating to the registration of persons trained outside the State. The effect of the repealed provisions was that a girl who had qualified as a nurse outside the State and who was under 21 years could be granted provisional registration here for the purpose of undergoing midwifery training. These provisions will no longer be needed because any such girl who is over 20 years will now be able to register here as a nurse.

The Nurses Registration Board has asked for this amendment. It was reported that some girls were at a disadvantage because of the restriction of the additional 12 months required in South Australia, and this amendment will overcome any disadvantage they may have suffered. The Bill will bring the legislation into line with that of all the other States, except New South Wales, but I am informed that that State is considering an amendment along these lines.

The Hon. A. J. SHARD secured the adjournment of the debate.

POULTRY INDUSTRY (COMMONWEALTH LEVIES) BILL.

Adjourned debate on second reading.

(Continued from October 15. Page 1464.)

The Hon. A. F. KNEEBONE (Central No. 1): I support this Bill. We were told by the Chief Secretary when he explained it that it was to make provision for holding a poll of poultry farmers in order to ascertain whether they were in favour of participating in a scheme commonly known as the C.E.M.A. plan. This scheme has been recommended by the Council of Egg Marketing Authorities of Australia. Briefly, the plan is that poultry farmers with 20 or more hens will be levied annually for each hen. These levies will go into a fund to be used for compensating State egg boards and, through them, poultry farmers, for any losses incurred by them on the export market.

I also assume that the costs of the scheme will be met from the fund. I am told that most big poultry farmers who rely upon the industry for their livelihood are in favour of the scheme. However, there are many more people who could be called part-time poultry farmers and who use the industry to supplement a livelihood which they obtain from other sources. I am also told that in order to obtain a return sufficient to maintain a reasonable standard of living from poultry farming alone, it is necessary to have between 1,500 and 2,000 hens. Of 13,000 people who have supplied eggs to the Egg Board, I am told that only about 600 have 250 hens or more and, as it is not compulsory to send eggs to the board, others could have sent them elsewhere. The Minister of Agriculture has estimated that there are as many as 20,000 to 30,000 people in the State who have 20 hens or more. At that part of the season in South Australia when the vast majority of hens are laying, people with as few as 20 hens have more eggs than an average family can use, and I find that everybody with that number of hens or more at that time of the year is looking for some means of disposing of them.

With the local market suffering from this glut and other States in a similar situation, the larger poultry farmers are forced on to the unprofitable export market to get rid of their surplus eggs. Because of the border hopping indulged in by all States and the many people interested in the industry as part-time poultry keepers, it has been exceedingly difficult over the years to arrive at any degree of orderly marketing. The C.E.M.A. scheme is thought to be at least a workable plan, which will bring some degree of stability to the industry, but, as with most orderly marketing schemes, if it is to be successful any action taken must be Commonwealth-wide. Most States have accepted the scheme on the 20-hen levy basis, but the Commonwealth has stipulated that unless all States accept the scheme it will not introduce legislation authorizing the implementation of the scheme.

Clause 4 provides for a ballot to be taken amongst poultry keepers with 50 hens or more. The Minister has said that he does not favour a scheme where the levy is made on persons with 20 hens. He indicated that he had approached C.E.M.A. in an endeavour to have the figure made 100, or even 50, but had not been successful.

Clause 5 provides that particulars of the scheme shall be set out in the ballot paper. However, particulars of the scheme seem to be rather vague; no mention has been made of the likely levy. Although C.E.M.A. seems determined that the levy shall apply to persons with 20 hens or more, the Minister has insisted that the poll shall be conducted among persons with 50 hens or more. If the poll is restricted to people whose livelihood is gained substantially from the industry it is more likely to be carried, but it would take many more than 50 hens to enable a person to maintain anything like a living standard. As the poll is restricted to persons with 50 hens, and the scheme provides that people with 20 hens or more will be levied, I am at a loss to follow the Minister's reasoning. I cannot understand what action he proposes to take, whatever the result of the ballot. However, as I believe it is necessary to introduce some sort of orderly marketing into the industry, and as the holding of a ballot seems to keep the matter alive, I support the Bill.

The Hon. L. R. HART (Midland): I support this Bill. In effect, it is to give the poultry producers in this State an opportunity to decide whether they support a marketing scheme based on a Federal levy. I refer to the C.E.M.A. scheme. To date every State, except South Australia, has signified its intention to support the scheme. It is intended to hold a ballot among poultry producers in South Australia as to whether or not they desire the scheme, but no ballot has been held in any other State. The Ministers of Agriculture in those States have taken it upon themselves to accept the responsibility of saying that the poultry industry in their respective States is prepared to accept the scheme. This is not entirely clear, because some producers favour the scheme and others are very much against it. The pattern does not run entirely true, as some of the biggest producers and some of the smaller producers oppose it. To get a clear picture in South Australia the Minister of Agriculture has decided that a poll shall be held, but there is criticism as to who should be entitled to vote at the poll. At present producers with 50 hens or more will be entitled to vote, but the Minister favours the number being 100. Suggestions have been made that it be 20.

I would be prepared to accept the Minister's recommendation that the persons entitled to vote should be those with 100 fowls or more. These people are true producers of eggs. They do not produce eggs in great quantities, but the eggs produced contribute in some degree to their income. The person with 50 hens gets

a small contribution to his income from the eggs produced, but the person with 20 hens merely provides a few eggs for household purposes. In any case he would possibly buy eggs at some stage in the year. The same would apply to the person with 50 hens. Many persons with that number of hens would not at some stage of the year be supplying their own needs. To have the poll decided by persons regarded as true poultry producers, 50 fowls is rather a low number. Under the C.E.M.A. plan, which we do not know much about at present, the persons who will be levied will be those with 20 hens or more. The amount of the levy will depend upon the quantity of eggs that are exported.

The poultry industry usually loses money on the export market. The more eggs we export on this unremunerative market the higher will be the levy. It is expected that by increasing the levy the poultry industry will be made less attractive. Whether this will work out in practice I do not know. The poultry industry is one of easy entry. When it is a remunerative industry people flock to it, but when it goes through a series of hard times people quickly go out of it. By this process we get quite a fluctuation from year to year in the number of eggs produced. In one year we find people have gone out of the industry because of its being unremunerative, but in the following year fewer people produce eggs and a high market price for eggs is the result.

Whether the C.E.M.A. plan will stabilize the industry or not has yet to be proved, but it appears to be about the only scheme by which this industry can be stabilized to any extent. One of the greatest problems at present is the evasion of the levies of the State egg marketing boards. It is reliably estimated that in South Australia 40 to 50 per cent of the production of eggs finds its way to the interstate markets, and on these eggs no levy is paid to the State Board. The Victorian Egg Board retaliates by sending Victorian eggs to South Australia, often smaller eggs that do not conform to a specified weight and are able to be sold at a lower price than are South Australian eggs—often 3d. a dozen under the local price. The South Australian Egg Board exports eggs to New South Wales, which is possibly the biggest egg-producing State in Australia. Therefore, New South Wales through the influx of eggs from Victoria and South Australia is forced to sell its surplus eggs on the export market, which is unremunerative.

So far, New South Wales has been prepared to sell its eggs for export, but we may reach the stage where New South Wales will, and can easily, flood the South Australian market with its eggs. If that happens we may well have a glut in South Australia. It has been suggested that the method of voting should be a proportional system. In some respects that has something to commend it but in no other marketing scheme does such a system of voting obtain. Having the higher figure of 50 hens rather than 20 gives a reasonable amount of proportion to the voting method. If it were raised to 100 hens, it would be better still.

There are on the file amendments to be moved by the Chief Secretary, representing the Minister of Agriculture. As the Bill now reads, in order to be qualified to vote in the poll they must be those persons who can satisfy the Minister that on June 30, 1964, they were the owners of not less than 50 hens. By the amendment, the words "the thirtieth day of June, one thousand nine hundred and sixty-four" will be struck out and in their place will be inserted "such date as shall be specified by the Minister in a notice published in the *Gazette*". This amendment will improve the Bill because on June 30 of each year there will be some producers whose flocks may be at their lowest number for the year. It may well be that some producers at that stage will have no birds at all. It is the custom for some poultry producers to sell their birds at a certain age and to re-stock with chickens and, as a hen has to be six months of age or more to be regarded as a hen, the stage may be reached where some producers at that time of the year will have no birds at all. So this amendment will improve the Bill. However, we must give the poultry producers of this State an opportunity to say whether they support this C.E.M.A. scheme or not, and the holding of a poll will give them that opportunity. I have much pleasure in supporting the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Persons qualified to vote at poll."

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

In subclause (1) to strike out "the thirtieth day of June, one thousand nine hundred and sixty-four" and insert in lieu thereof "such date as shall be specified by the Minister in a notice published in the *Gazette*".

This clause as amended in another place provides that the persons qualified to vote at

the poll shall be persons who satisfy the Minister that on June 30, 1964, they were the owners of not less than 50 hens. It is not possible at this stage to forecast when a poll will be held as the Government hopes that the Commonwealth and the other States will, after further negotiations, agree to a modification of the C.E.M.A. plan. It is therefore possible that some time will elapse before a poll can be held and by that time it will be impossible for the Minister to verify whether any person claiming to be qualified to vote is in fact so qualified on June 30, 1964. The purpose of this amendment is to allow the Minister some latitude to appoint a suitable and more practical and realistic date in relation to which a person's qualification to vote can be determined.

The Hon. A. F. KNEEBONE: I support the amendment moved in another place by one of my colleagues. However, it was tied up with other things, and we do not propose to press the point.

Amendment carried.

The Hon. Sir LYELL McEWIN: I move:

In subclause (2) to strike out "thirtieth day of June, one thousand nine hundred and sixty-four" and insert in lieu thereof "date referred to in subsection (1) of this section".

This is consequential on the amendment just carried.

Amendment carried.

The Hon. Sir LYELL McEWIN: I now move:

In subclause (2) to strike out "be" second occurring and insert in lieu thereof "have been".

This is a grammatical correction.

Amendment carried; clause as amended passed.

Clauses 5 to 7 passed.

Clause 8—"Minister may give directions."

The Hon. Sir LYELL McEWIN: I move:

In subclause (2) after "section 3" to insert "or section 4".

This is a consequential amendment.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

ROAD TRAFFIC ACT AMENDMENT BILL (GENERAL).

Returned from the House of Assembly with the following amendment:

Page 4, line 17 (clause 17)—leave out paragraph (*b*).

Consideration in Committee.

The Hon. N. L. JUDE (Minister of Roads): I ask that the amendment be agreed to.

The Hon. C. R. STORY: I rise on a point of order, Mr. Chairman. I am not able to keep up with what we are doing. Which clause is this, Sir?

The CHAIRMAN: It is clause 17, paragraph (*b*). The Bill number is 19A.

The Hon. N. L. JUDE: An amendment was moved to this clause in another place. The clause deals with a person allowing any portion of his body or limbs to protrude through the window of any car, and the other place saw fit to delete paragraph (*b*).

The Hon. C. R. STORY: I remember clearly that when this matter was being discussed by this Committee previously several members thought paragraph (*b*) was not a good provision, but it was pointed out strongly that it was important to conform to the traffic code of Australia. I think that that altered the vote of several members. I am not arguing the merits of the amendment, but I think it is a pity that the Government should have taken the stand it took when honourable members of this Chamber wished to delete the clause yet it now accepts the amendment of another place to the same effect.

The Hon. Sir ARTHUR RYMILL: As I understand it, if the amendment of another place is accepted it will leave the clause to provide that a person shall not permit any portion of his body or limbs to extend or protrude beyond or hang over a side, the front, or the rear or any other external portion of a vehicle. In effect, the driver will be able to rest his elbow on the window but he will not be allowed to have it protrude through the window. I think the amendment is reasonable if it means what I think it does.

The Hon. N. L. JUDE: The honourable member's interpretation is the way the Government sees the amendment.

The Hon. C. R. STORY: I take it that we are asked to agree to the deletion of paragraph (*b*), which provides that a driver shall not permit any portion of his body or limbs to protrude through an external door or window or other opening of the vehicle. Paragraph (*c*), which still remains, provides that a driver shall not permit any portion of his body or limbs to extend or protrude beyond or hang over a side, the front, or the rear or any other external portion of a vehicle.

The Hon. S. C. BEVAN: If a person had his elbow out the window, it would be protruding beyond the side of the car, wouldn't it?

The Hon. C. R. STORY: Paragraph (*b*) says that a person who is travelling in a motor vehicle shall not permit any portion of his body or limbs to protrude through an external door, window or other opening of the vehicle.

The Hon. N. L. Jude: That has been removed by the other place.

The Hon. C. R. STORY: Yes, and the other place is asking us to accept the amendment. Paragraph (*c*) makes it an offence:

To extend or protrude beyond or hang over a side, the front or the rear or any other external portion of the vehicle.

People are able to stand up in and wave vigorously from cars that have slide-back roofs. I do not think we are getting to the crux of what the other place seeks. Honourable members of this Council had definite ideas about elbow resting but I am not sure that paragraph (*b*) can be taken out without also taking out other sections that might be very important. After all, if this uniform code was so important when it was brought before us, why has it suddenly become so unimportant that this paragraph can be removed? It is not only a question of a person's elbow protruding from the window, but also of part of the body protruding beyond any external portion of the vehicle. I do not think that enough consideration has been given to the question of removing paragraph (*b*). After all, if we remove it, why not also delete paragraph (*c*)?

The Hon. S. C. BEVAN: I support the amendment to strike out paragraph (*b*). It will remove what will otherwise be a common offence, and a person travelling in a vehicle will be lawfully able to rest his arm on the inside of the door or in the vicinity of the hood. Motor cars are usually fitted in the back seat with hand grips which are attached to the upper side of the interior. If a vehicle is making a sharp turn, passengers are able to hold on to these grips. This amendment does not make it lawful for a person to have his elbow protruding outside the vehicle when he is driving.

The Hon. N. L. Jude: Or to hold the roof down.

The Hon. S. C. BEVAN: Exactly. I think that the whole purpose is covered by paragraph (*c*), which says that a person who is driving or travelling in a motor vehicle shall not permit any portion of his body or limbs to extend or protrude beyond or hang over the side, the front, or the rear of any other external portion of the vehicle. If a person's elbow was protruding over the limits of the car itself, he would still be in breach of this measure. Paragraph (*b*) merely allows a person to do what he likes with his hands inside the car. If a person's arm was resting on a door and his elbow was outside, the elbow would be beyond the side of the car and, therefore, he would be committing an offence.

In the second reading debate, I opposed clause 17 of this Bill. I cited myself as an example and said that on occasions I have found that I have had my arm resting on the door and, therefore, would be liable to prosecution.

The Hon. F. J. Potter: On your interpretation, you are still liable even if the amendment is agreed to.

The Hon. S. C. BEVAN: Yes. I would still be liable under paragraph (*c*), because my elbow was protruding beyond the side of the car. I opposed clause 17 and, if my memory serves me right, the Hon. Mr. Story opposed it and was instrumental in moving an amendment providing for an educational period before effect was given to the clause. I do not think the effect of the clause is altered by the deletion of paragraph (*b*).

The Hon. L. R. Hart: Why not support the amendment?

The Hon. S. C. BEVAN: Because it does not mean a thing.

The Hon. C. R. STORY: This is a composite clause. We cannot take out paragraph (*b*) without affecting the whole clause. Mr. Bevan pointed out that I was not very happy about this clause. That is so and I would have voted against it, were it not for the acceptance of the amendment regarding the educational period. That will give people an opportunity to learn how to keep their arms inside vehicles.

Mr. Bevan says that "to protrude through" as mentioned in paragraph (*b*) is different from "to extend or protrude beyond or hang over the side of or the front or rear of any external portion of the vehicle". On that point, I imagine that this Bill is designed to catch each group of people offending in their various protrusions, as it were. First, it is provided that it is an offence to protrude through an external door, window or other opening of the vehicle and to protrude any portion of the body or limbs. Then, in paragraph (*c*) it is an offence to extend or protrude beyond or hang over the side, the front or rear of any external portion of the vehicle. I think they all run together. To interfere with one part would mean dividing the clause. If anyone wants

to amend the clause, he ought to cut out the whole thing.

I can think of many dangerous circumstances that could be brought about by a person standing up in a vehicle and protruding the upper half of his body through an opening. Take, for example, a blitz buggy cabin. On that vehicle, the top can be lifted over and a person can stand up on the seat. In the Army, drivers were directed to hold their steering column while they were in this position. Another instance is that of the Humber Hawk model of 1954 that had a sliding roof. People were able to stand up with half their body protruding and shoot from the vehicle, if they so desired. Paragraph (*b*) is an essential part of the clause. I am not sure why the member in another place wanted the reference to go out, but I want an explanation from the Minister because earlier we had many thoughts about this matter. We were told then that this reference should stay in. We inserted the words "an educational period" to get over the difficulty. It was an important matter three weeks ago, so why has it suddenly become less important?

The Hon. R. C. DeGARIS: I am inclined to agree with the Hon. Mr. Story on this question. As he said, earlier we gave much thought to the matter and many members said they did not altogether agree with the clause. The exclusion of paragraph (*b*) would mean that no longer would it be an offence to protrude an elbow through an external door or window. No police officer would be game to lay a charge under this provision because it would be easy to create a doubt as to whether the elbow was protruding beyond the external portion of the vehicle. With the modern car the bottom part of a vehicle is some distance from the window and the elbow would have to protrude a long way to be beyond the external portion of the vehicle.

The Hon. S. C. Bevan: You are talking about a car with a running board.

The Hon. R. C. DeGARIS: No, I am not. An inspection of a modern car would show that my comment is correct. Earlier many of us had doubts about this matter, but we were swayed by the Minister because of his reference to the Australia-wide code. We realized that to rest an elbow on a window would not always be an offence because it would be difficult to decide the point where the elbow protruded beyond the vehicle. That is why we agreed to retain this provision. The exclusion of paragraph (*b*) would allow a person to drive a vehicle with an elbow extending from the vehicle, but it would be difficult to prove that the elbow was outside the external line of the vehicle.

The Hon. M. B. DAWKINS: The acceptance of this amendment would mean that a person would be able to put an elbow on the door but not protrude it, because of the provisions of paragraph (*c*). We discussed this matter three or four weeks ago and now that paragraph (*b*) has been struck out by another place we should not have a donnybrook about it. I believe we should agree to the amendment and delete paragraph (*b*) without going into detail.

The Hon. C. R. STORY: Perhaps the Minister would agree to a slight amendment. If the provision stopped at the word "window" it would suit me, but if he insists on the provision being struck out there should be an amendment elsewhere, because I do not consider that the matter is covered by paragraph (*c*). Obviously members will agree to the amendment from another place, but paragraph (*c*) is obviously included to deal with people who put their hands on the outside of vehicles and those who sit on the outside of vehicles. It includes also those people who put their legs out of a window.

The Hon. N. L. Jude: That is an offence already.

The Hon. C. R. STORY: It is an offence to be on a roof or bonnet of a vehicle, as set out in paragraph (*a*), but the position under paragraph (*c*) is different. It seems strange that the Minister in charge of the drafting of the clause allowed these three paragraphs to be included in the first place if they are considered unnecessary. Obviously, they are necessary and to strike out one would take the teeth out of the clause.

The Hon. N. L. Jude: Isn't the roof an external portion of a vehicle?

The Hon. C. R. STORY: No; there may not be a roof.

Amendment agreed to.

The Hon. N. L. JUDE: A consequential amendment was overlooked, and I move:

In new section 94a (3) to strike out "Paragraphs (*b*) and" and to insert "Paragraph".

Amendment carried.

BULK HANDLING OF GRAIN ACT AMENDMENT BILL.

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

FAUNA CONSERVATION BILL.

Adjourned debate on second reading.

(Continued from October 15. Page 1469.)

The Hon. R. R. WILSON (Northern): I support the second reading. Every honourable member is conscious of the need to preserve reserves that are suitable for fauna and wild life. Many of our valuable birds have disappeared with the clearing of land for agricultural purposes. The wild turkey and the mallee fowl were often seen when we were clearing virgin country on Yorke Peninsula about 60 years ago. The mallee fowl were particularly interesting in their nesting habits. They would form a circle of earth and small stones several tons in weight. They would first gather green leaves or grass and deposit that in the centre on the surface of the ground before they put the earth and small stones on top, the purpose being to provide a nesting place and to build up warmth with the leaves and grass for the set purpose of hatching the eggs. We called it their egg chamber. They would lay only one egg a week, and up to 40 eggs. Usually only one or two mallee fowls were found in a square mile. After the scrub was cleared, they completely disappeared.

Yesterday, the Land Settlement Committee visited Warrnambool in Victoria and were met by the officials of the Fisheries and Wild Life Department and the Victorian Field and Game Council. The purpose of the visit was to gain information with regard to Bool Lagoon, near Naracoorte, which is vital to the future of bird life in that part of the State. We were addressed by the Director, Mr. Butcher, who visited us a few weeks ago. After his lecture yesterday we inspected Tower Hill, which is now a national park reserve. Tower Hill is a monument to a great volcanic eruption that occurred many years ago creating a large basin in which there are lakes and islands. The area of the reserve is 1,600 acres; it has a 70-inch average rainfall, and it has sometimes been known for eight inches to fall in a day. It had been used until 1892 for grazing purposes. It was then placed in the care of the local council. Fresh water fish and bird life are being established and protected, and it is intended to restore Tower Hill to its original condition as far as possible by planting gum trees over most of it; also, to build a museum near the centre of the reserve. It is obvious that Victoria is far ahead of this State in the conservation of fauna.

Several amendments are to be introduced when the Bill is in Committee. They will, of course, be explained in detail. Under clause 14, an inspector may enter a private house without a warrant if he is suspicious that protected animals, birds or fish are within the house, under refrigeration or kept by some other means. This provision gives inspectors wide powers and interferes with private ownership. While a policeman may search a person's house with a warrant in his possession, I should not like to see similar powers given to inspectors, as this Act provides for. I discussed this matter yesterday with Mr. O'Brien, the Chief Inspector of the Fisheries and Wild Life Department in Victoria. He told me that they have not the powers that this Bill will confer, nor do they desire them to enter a house without a warrant. They, of course, have the right to apply for a warrant if it becomes necessary to search a house, if they suspect that an owner is hiding protected animals, birds or fish. Even so, he says, he has had to do it on only two occasions. He approaches the owner and informs him that he has in his possession a warrant to search his house because he suspects him of hiding protected birds, animals or fish in his house. He then gives the owner of the house the option of bringing out any such birds or animals or of allowing him to exercise the powers of the warrant and to search the house. Mr. O'Brien said that on each occasion they willingly brought the birds outside rather than allow him to search the house. I shall be interested in the amendment to this clause when it is introduced and debated. Unless the clause is amended in some way, I shall vote against it.

Particular reference has been made to the Australian magpie. It is considered dangerous. From my experience of that bird, I know that it is a little dangerous at nesting time but, on the other hand, it is in my opinion our best bird for destroying insects and grubs. It should be protected as any other bird is. There is an amendment to give inspectors the right to destroy magpies where they are causing damage. I shall be interested to see what comes of that foreshadowed amendment.

The greatest co-operation exists in Victoria between the Fisheries and Wild Life Department, the Field and Game Council and, apparently, the public. It is producing good results. They believe that better results can be achieved by co-operating with the public and educating them than by searching people's houses and doing other things provided for in this Bill.

Finally, I congratulate the Hon. Mr. DeGaris on his speech on this Bill. He must have put in days and days, if not nights, of hard studying of our bird and animal life. We are indebted to him for his contribution to the debate. I support the second reading.

The Hon. Sir LYELL McEWIN (Chief Secretary): The interest in this Bill is amply indicated by the number of honourable members who have taken part in the debate. I suppose more honourable members have addressed themselves to this measure than to any other during this session. We seem to start off in an atmosphere suggesting that, while everybody supports the idea of protecting our fauna and flora, there is a suspicion that this Bill is rather a retrograde step and is more restrictive in its application than previous similar legislation, particularly in respect of powers of search. Early in the debate the Hon. Mrs. Cooper addressed herself in that atmosphere to the Bill and, whilst apparently giving it her blessing, she proceeded to say everything against it: she appeared to set out to rubbish the Bill. She raised many objections to it and criticized many of its provisions. Therefore, I may be excused for directing my remarks along similar lines.

Many amendments have been filed and, to my astonishment, they make the Bill go much further than was intended when it was originally introduced. I pay a tribute to the ex-Parliamentary Draftsman, Sir Edgar Bean, who in drafting the Bill carried out certain negotiations. Negotiation has always been the pattern this Government has followed, and in this case it has achieved a Bill that does the job without going to extremes. In drafting the measure, Sir Edgar has had both feet on the ground.

Although I do not wish to give all the credit to the Hon. Mrs. Cooper for mentioning penalties, she is one who mentioned the £50 penalty imposed by one clause of the Bill. I do not know whether the honourable member has any bush lawyer constituents who have convinced her that this penalty will apply if a dog slips a leash and chases seagulls. I point out to her that seagulls are smart birds and it will take a smart dog to catch them. If all the Acts of the State were examined on the assumption that courts inflicted maximum penalties without exercising some common sense, I think we would be in difficulty with all legislation coming before us. Obviously the penalty prescribed is the maximum penalty, and it would not be applied to a minor offence. The Government does not wish to force owners of small boats to register them and display number plates. This would indeed be bureaucracy. I do not see how a registration number would make a boat safer to travel in, but I do think there is every reason why larger professional fishing boats should be regimented. However, that is a different matter from that with which we are now dealing.

The Bill sets out the powers of inspectors, and its provisions are considerably modified compared with the present law, which has been in force for many years. Half a century under more stringent conditions has not to my knowledge brought one complaint about the invasion of a person's home, and, if we are honest with ourselves, we must admit that another half century under the modified provisions of the Bill will similarly cause no troubles. Possibly honourable members do not realize that more stringent conditions already prevail. This appeared likely from some of the remarks made during the second reading debate.

If the power to search a building were taken away, although an inspector would be able to follow a man whom he suspected on reasonable grounds of having committed an offence to his river or Coorong shack, he would not be able to search the shack for evidence of illegal shooting. He would be able to do so only after getting a warrant from a justice, and, incidentally, this would give the person time to dispose of the evidence. This provision is vital for the preservation of fauna. The overwhelming opinion of the people of this State is that the State's wild life must be protected, and if we hinder the protection we shall be taking a heavy responsibility. One of the rarest birds in the world is the Cape Barren goose. It was numerous in South Australia only a decade ago but is now hard to find. Of a flock of about 70 in a small area of South Australia last February at least two were shot at the opening of the duck season, several dead birds were sold in a country town, and several were brought to premises in the city. These facts were well established but were discovered too late for the inspectors to take any action. It is believed that some family dinners are still dependent on the Cape Barren goose. The authorities are determined to save our few remaining flocks from destruction and they do not want to be prevented from catching a suspect because this Council insists on providing an escape route.

I turn now to the notices which the honourable members think should be displayed before a person should be required to take notice of

a sanctuary. Little enough reserve land is left in this State, and the provision of new reserves in the last few years has been a feature of Government policy. The erection of signs is an immense and costly task, and the department aims to cover the situation adequately by the end of this year. However, there is nearly 500 miles of boundary of proclaimed sanctuaries, covering about 140,000 acres. These sanctuaries are separate from other large areas of country held as reserves by authorities such as the Tourist Bureau and the Commissioners of National Parks. The provision of directional signs has been increased in the following way: in the 10 years to 1962-63, 200 were erected; in 1962-63, 200 were erected; in 1963-64, 300 were erected; and in 1964-65, 470 were erected by September 30 and 830 will be erected by December 31. This shows how much attention has been given to this matter. "Prohibited area" and "sanctuary" signs, including colour maps, are being erected on painted posts, and small "sanctuary" signs are provided for nailing on trees, including "beginning of sanctuary" and "end of sanctuary" signs. All signs are in baked enamel. One serious disadvantage that can be realized by anyone who travels over our highways is that damage is often caused to signs by indiscriminate shooting, which often causes the risk of danger not only to wild life but to people.

The Hon. Mrs. Cooper described clause 51, which relates to dogs killing, injuring or molesting protected birds, as a ludicrous provision. I do not know if the honourable member has ever witnessed a pack of dogs tearing wallabies to pieces. I point out to her that bird dogs do not attack wallabies; they are trained to protect them.

The question of the necessity to carry permits was also raised. Of course, a hunter has to take his ammunition, overcoat, boots and so on and it is not unreasonable that he should carry his permit with him. It is irrelevant to compare the situation with that of a policeman inspecting driving licences. In that case, the driver would be in the vehicle and there would be some opportunity for identification. This does not exist when someone is in the scrub or sanctuary, as the case may be. If we were to remove all of these requirements, it would be more difficult for the inspectors to protect the fauna of this State.

I think that the points which I have made answer the various remarks of honourable members and the amendments which have been moved. When I study the suggestions that have been made, I find that they tighten the Bill and make for interference with the rights of human beings to a greater extent than was the case with the earlier legislation. I shall deal further with the points raised when we are considering the respective clauses in Committee. I thank honourable members for their consideration of what I think everybody agrees is a very important Bill and one which will take definite steps towards the preservation of our native fauna.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Interpretations."

The Hon. R. C. DeGARIS: I move:

After the definition of "take" to add: "'egg' includes 'eggshell or any part of an eggshell'."

I think I covered this point in the second reading debate. There was some doubt whether an egg includes a blown egg or part of an eggshell. Many collectors remove part of an eggshell to remove the embryo and I move the amendment to make the clauses of the Bill more definitive.

The Hon. S. C. BEVAN: I listened to the honourable member's second reading speech and to his explanation. I am concerned with the phrase "eggshell or part of an eggshell". The honourable member mentioned the blowing of an egg. I appreciate that in a case such as that, there would be an eggshell remaining, not part of an eggshell.

The Hon. Sir Arthur Rymill: Would not the hole make it only part of an eggshell?

The Hon. S. C. BEVAN: The size of the hole would be infinitesimal. However, it is possible for eggs to fall from a nest and perhaps crack or break, leaving half of the eggshell intact on the ground. As the Bill stands, if a person picked up that eggshell, he would be committing an offence. I do not know whether that is the intention but, if it is, I would oppose it, because it could create an offence on the part of a person who was quite innocent. The person would not know that he was committing an offence but, if a warden found the portion of the egg, the person would be liable to prosecution.

The Hon. R. C. DeGARIS: I point out that the matter mentioned by the Hon. Mr. Bevan has been taken care of in clause 43. That clause states in subclause (2):

It shall be a defence to a charge for an offence under subsection (1) of this section to show that the defendant did not know and had no reason to suspect that the animal bird or egg had been unlawfully taken.

The Hon. Sir LYELL McEWIN: I have the draftsman's explanation of this clause. He says:

This amendment inserts a definition in the Bill to provide that shells or other parts of eggs will be treated as eggs within the meaning of the Bill. In the clauses dealing with the taking of eggs, the amendment will make no difference since a permit to take an egg obviously gives the right to take an egg and all its parts. However, by a later amendment the Hon. Mr. DeGaris proposes that a licence will be required for the sale or exchange of eggs of protected birds, and the present amendment will make it clear that a licence will be required although only part of an egg were sold or exchanged. The Government has considered the question of controlling the sale of eggs of protected birds as a means of checking the unlawful taking of such eggs. We are informed that persons unlawfully taking protected eggs are difficult to detect, and as some of the eggs are of considerable value large numbers are taken. We are also informed that control of trading in eggs makes it much easier to detect offenders who have illegally taken them. For this reason, the Government is willing to support the honourable member's amendment.

Amendment carried.

The Hon. R. C. DeGARIS: I move:

In the definition of "skin" after the word "includes" insert the words "plumage and any".

Under the regulations regarding prohibited exports the word "plumage" is used.

The Hon. Sir LYELL McEWIN: The amendment alters the definition of "skin" by including "feathers" within the ambit of that word. Its effect is that every clause of the Bill which applies to the skin of an animal or bird will apply also to feathers whether attached to the skin or not. In some clauses the altered definition would make no significant difference, but it would make a substantial difference to the interpretation of clauses 56, 58 and 59, which, among other things, require licences to be held for selling, keeping, exporting and importing skins. The amendment would mean that licences would also be required for selling, exporting and importing feathers whether separately or attached to skins. Another result would be that unattached feathers would also come within the provision as to royalties in some cases. Therefore, in considering whether this amendment should be accepted members need to decide whether they favour the control, by licensing, of trade in feathers. The object of such a control would no doubt be to make it easier to detect persons who have illegally taken protected birds, and although there would be a fair amount of administrative work involved, the Government is willing to accept the amendment, if members insist on it, and give the matter a trial.

The Hon. C. R. STORY: I welcome the reply given by the Minister, because it shows that the Government is prepared to make the legislation work. The past history of things that have gone on makes me think that the Government is wise in accepting the amendment, because it will put beyond doubt any suspicion of nefarious practices going on.

The Hon. Sir ARTHUR RYMILL: The Minister did not altogether say that the Government would accept the amendment. He threw the onus on members but gave the indication that if we thought the proposal should be tried the Government was prepared to give it a trial. However, inherent in his statement was the suggestion that we should watch our step. In face of that I do not know enough about the amendment to support it.

The Hon. R. C. DeGARIS: The amendment was moved because, looking at the world picture, many birds are now extremely rare. I believe that some have become extinct, purely because fashions change rapidly and trappers suddenly find a lucrative market for the plumage of birds. I will quote two statements that appeared in an American dealers' magazine. One said:

Genuine red ibis quills and skins. There is no bird as rare or hard to get as these. The entire world supply is gathered by us.

The other said:

Putnam's Jay Skins. These are one of the world's rare jays.

At various times, particularly in the years from 1890 to about 1930, the Paris market alone sold 50,000 tons of plumage, and in one market in London in 1917 it was assessed by Mr. Gilbert Pearson, President of the National Audubon Society of America, that the egret plumes on sale meant the death of 30,000 egrets. The trade in plumage has been one of the reasons why these birds are extinct or, if not extinct, extremely rare. It is wise for us to have a system of licensing in trading in order to protect the plumed birds in this State.

Amendment carried.

The CHAIRMAN: In subclause (4) the word "liability" is printed wrongly. I will correct it.

The Hon. R. C. DeGARIS: I move to add the following new subclause:

(2a) Any references in this Act to animals or birds native to Australia should be deemed to include migratory animals or birds which periodically migrate to and live in Australia.

This covers the birds that migrate to Australia and gives them the same protection as native birds in Australia.

The Hon. Sir Arthur Rymill: Would this clause include the common stubble quail?

The Hon. R. C. DeGARIS: To my knowledge the common stubble quail does not migrate to Australia. The bird that I know that does migrate is the snipe. This would protect the snipe. If a shooting season were necessary, an open season could be proclaimed in another portion of the Bill.

The Hon. Sir ARTHUR RYMILL: Again, I think this goes too far because we are getting into realms that cannot be defined. I do not propose to support this amendment.

The Hon. Sir FRANK PERRY: I feel that we need some guidance on how to vote. I have great respect for the Hon. Mr. DeGaris. He is an authority on fauna and flora in South Australia but, when he asks the Committee to accept this amendment, we want to know, before we vote, whether the provision will be reasonable in its application. All I have is the honourable member's word that it is a good amendment, but that may be a wrong reason for my accepting it. I understand the Bill as originally drafted was given much thought. Rather than amend it in this way, we should have a statement on this clause from the Chief Secretary about its likely effect on the habits and activities of many people in the State who will be affected by the operation of this legislation.

The Hon. Sir LYELL McEWIN: I think I have made it clear earlier that the Government considers that this Bill as introduced is all that is required. This amendment imposes further restrictions. The Bill affects the livelihood of many people but this amendment introduces greater compulsion than anything that the Government has seen fit to insert in the Bill. For myself, I should prefer to test what the Government has proposed and see how we get on with it; then, if necessary, we can tighten up some provisions later rather than embrace the whole situation by one bold jump forward. This is the first I have seen of this amendment. I have had but little time to study its details, so I cannot appreciate how far the amendment ties up with other amendments. I believe there are other amendments dealing with migratory birds, even to strike out "native of South Australia" and insert "native of Australia", which indicates that we are going to look out for other people as well as our own.

The Hon. Sir ARTHUR RYMILL: My fear on this clause is that we are covering birds that are normally not regarded as properly to be protected, without knowing what we are protecting. I do know that the stubble quail is migratory. I have seen it in Egypt; it flies over the Mediterranean. I have seen the stubble quail settle on the water and fly off it again, which is an unusual thing for anyone to have seen; but I have seen it. People wonder how it flies as far as it does. I give that as an example. We may be protecting various birds that we do not intend to.

The Hon. R. C. DeGARIS: The reason for this amendment is that there is some doubt whether a migratory bird is or is not a native of South Australia or a native of Australia. It can be said that the snipe, which nests in Siberia and comes to the hinterland of the South-East in the summer period, is not a native of this country as it nests in Siberia, even though it migrates to this country. The inclusion of this subclause makes the position clear. I point out to Sir Arthur that, if any bird covered by this subclause needs to be excluded from the list of protected birds, it can be included in the Second Schedule. All this amendment does is to put perfectly clearly the position of migratory birds as far as South Australia is concerned.

The Hon. A. J. SHARD: I know very little about this clause but I understand the Bill was drafted by an excellent draftsman, and the Government has apparently considered it fully. We may, in our lack of knowledge of these things, be going a little too far. I would suggest (and I think this may be a better course) letting the Bill go through as introduced and then, if it is necessary in the course of time, the Hon. Mr. DeGaris can move an amendment next year rather than that we, in our ignorance, should amend the Bill now, which is unnecessary and may cause hardship to some people that we do not intend.

The Hon. C. R. STORY: This raises an interesting point because the excellent draftsman who has been referred to has often drafted legislation for this Chamber and it has been given great consideration by the Government. It did not stop the honourable member who has just spoken from voting against it when it suited his purpose, when he did not know much more about that legislation than he knows about this. To say that because some of us do not know much about a Bill we should pass it and come back next year and look at it again is, to my mind, not the right way to do it, because in my experience it is hard to get a Statute Book open once it has been closed. If these things are worthy of

consideration, surely honourable members should acquaint themselves with the facts, as they acquaint themselves with the facts about other things. It is not valid to say, "We don't know much about this." It is an admission that we are not doing much homework on it.

The Hon. A. J. Shard: You can do as much homework as you like on it and you still will not know much about it.

The Hon. Sir ARTHUR RYMILL: I do not agree with the Hon. Mr. Story. Although I agree that the Hon. Mr. DeGaris has worked hard and well on this Bill, he still cannot define for me every bird that comes under this clause. Some people possibly want to protect all birds. As I get older, I more and more dislike shooting at birds. If birds such as the snipe are to be protected, they should be in some schedule; they should not be brought in under the dragnet clause, which could include all sorts of things.

The Hon. R. C. DeGARIS: No protected birds are actually stated in this Bill.

The Hon. Sir Arthur Rymill: But they could be. There could be another schedule.

The Hon. R. C. DeGARIS: Quite so. The Second Schedule names the unprotected species. If there is any migratory bird that should be added to it, it can be added. However, there is nothing in this Bill about migratory birds. We do not know whether such birds are native to Australia or not. All this clause defines is what is to be done in relation to migratory birds. A migratory bird is protected until it appears on the Second Schedule, and the Government can do this by proclamation.

The Committee divided on new subclause (2a):

Ayes (9).—The Hons. Jessie Cooper, R. C. DeGaris (teller), G. J. Gilfillan, L. R. Hart, H. K. Kemp, F. J. Potter, W. W. Robinson, C. R. Story, and R. R. Wilson.

Noes (8).—The Hons. S. C. Bevan, M. B. Dawkins, N. L. Jude, A. F. Kneebone, Sir Lyell McEwin, Sir Frank Perry, Sir Arthur Rymill (teller), and A. J. Shard.

Majority of 1 for the Ayes.

New subclause thus inserted; clause as amended passed.

Clauses 6 to 11 passed.

New clause 11a—"Annual report."

The Hon. C. R. STORY: I move to insert the following new clause:

11a. The Minister shall prepare and lay before Parliament an annual report on the administration of this Act which shall include such information as is available on the following matters:

(*a*) the number of permits granted under section 40 of this Act;

(*b*) the number of animals and birds of each species taken pursuant to such permits;

(*c*) the number of licences in force under section 56;

(*d*) the number of animals and birds of each species exported under permits to export; and

(*e*) sales of protected animals and birds.

It is essential that we have the information mentioned in paragraphs (*a*) to (*e*) for the benefit of Parliament and of the Minister. I do not think a report has been made by this section of the Agriculture Department for about five years, although at one time an annual report was available and was tabled in Parliament. This year the director, Mr. Bogg, is submitting the first report for this period. I understand that the Bill is designed to tighten up certain activities, particularly in relation to sections 39 and 40. It would seem that, in the first place, the Minister should have the power to obtain this information and, secondly, Parliament should have the benefit of the information in order to see how the legislation is functioning and whether it is necessary to amend it from time to time, as has been suggested by some other honourable members.

New clause inserted.

Clauses 12 and 13 passed.

Clause 14—"Powers of inspectors and wardens."

The Hon. A. J. SHARD: I move:

In subclause (1) (*c*) to strike out "building, structure".

The main purpose of the amendment is to take away from the inspectors the right to enter people's houses to see if they have any fauna and game which they should not have. The Chief Secretary said that, under the previous Act, the inspectors did have this right that we are seeking to eliminate. I do not care how long that power has been in the Act. Two wrongs do not make a right and if we insert such a provision today, it will still be wrong. It was an educational and pleasant experience yesterday to speak to an inspector from Victoria. The Victorian legislation on this matter has been brought up to a stage where it is what we have termed a model in relation to game and wild life. In that State inspectors have not the right to enter homes without permission. This Victorian inspector did not feel that inspectors needed to enter a home without a warrant.

The Hon. R. C. DeGaris: Victoria is a fairly concentrated State.

The Hon. A. J. SHARD: This man said it was not necessary and, in his experience, only on two occasions was it necessary to secure a warrant to enter a person's home. One of those was an entry in conjunction with a police officer and the purpose was to search for a fishing net suspected of being stolen. He did not tell me of the circumstances of the other occasion. In his opinion, the best way to handle these situations is to go along without a warrant. If he has a reasonable suspicion that a person has something in his home illegally—such as mutton birds—he would say to the person concerned, "I know you have more birds than you are entitled to have. I have not the right to go in and search, though I can get a warrant, but is it fair to your wife that I should obtain the warrant and go in?" That approach meets with success nine times out of ten.

It was his opinion that inspectors should have the right to enter shacks situated where the actual shooting takes place, and he felt that a definition of "shack" or "dwelling" should be included in the Bill. He thought there should not be any statutory authority to enter a person's usual place of residence without a warrant, and that a shack might be defined as a place in respect of which the owner is not paying council fees. I do not know whether it is practical to define it in that way. He thought the greatest weakness is that although the inspectors have the right to search a motor car, truck or anything else on the road, they have not the right to stop them.

The Hon. C. R. Story: Have we provision for that under our legislation?

The Hon. A. F. Kneebone: It might apply under a proposed amendment on the file.

The Hon. A. J. SHARD: The inspector said that that is the greatest weakness in the Victorian Act.

The Hon. Sir Lyell McEwin: You are hemming yourself in a bit!

The Hon. A. J. SHARD: I want to put the position fairly.

The Hon. Sir Lyell McEwin: There might be another view on that matter.

The Hon. A. J. SHARD: I have never had the experience of discussing the matter with an inspector before and I think that what this man told me was a fair outline of the position. I do not want to labour this matter because I was told yesterday that the Minister was examining it. My main concern in regard to this particular clause is in connection with a person's usual residence. We do not think that under any circumstances, particularly under this Bill, should inspectors have the right to enter without warrants. I do not know whether some other opinion will be given but I hope other suggestions will be forthcoming and that we overcome what, to me, is a most difficult position.

The Hon. Sir LYELL McEWIN: Mr. Shard's amendments deal with the power of inspectors to enter premises, places, etc., in order to detect offences and ascertain whether the law is being complied with. The proposal is that in some cases entry must not be made unless a warrant has been obtained from a justice of the peace. Whatever the merit of a warrant may be, the proposed amendment has an unsatisfactory feature, namely, that if it is carried it will be uncertain in many cases whether a warrant is necessary or not. In particular a warrant will be necessary in order to enter a place, but not to enter land. Obviously the distinction between land and places is difficult to draw. It is suggested that the warrant of a justice in these cases is little protection to anyone since it must necessarily be granted after a one-sided inquiry. The real protection for the public against abuse of the power of entry and search is that the inspectors are permanent officers of the Government, responsible to a Minister, who is himself responsible legally and politically for their wrongful acts. The warrant does little but delay entry, and thus assists wrong-doers to escape, or hide the evidence. It should be noted that no power of entry is conferred on honorary wardens. The honourable member referred to a weakness in restricting this authority and mentioned shacks. He said he had discussed the matter with someone in another State who said it should apply to such places. I have already discussed this question with the Parliamentary Draftsman, and there is, apparently, difficulty in defining such a building and its construction. People reside in shacks for a period, and I do not know what the legal interpretation would be if we tried to define a shack, or a temporary place of residence, whether or not rates were paid. I see difficulties in this matter and I hope that the amendment will not be carried.

The Hon. C. R. STORY: I cannot go all the way with the Hon. Mr. Shard on this matter, and I offer an amendment as a compromise. I think it would assist materially if we added before "enter" in paragraph (*c*) the words "subject to subsection (3) of this section", and then inserted the following subsection:

(3) Upon demand by the owner, occupier or person in charge of any land, building, structure, vessel, boat, receptacle, place or thing, which an inspector has entered, or is about to enter, or to search, the inspector shall produce and show his identity card to that owner, occupier or person in charge, and if he does not do so he shall not be entitled to exercise further any power of entry or search in relation to that land, building, structure, vessel, boat, receptacle, place or thing.

Under the Act the inspector had the right to enter, but he did not have any right to make a forced entry. He had the right to search, even though he did not have the right to make a forced entry.

The Hon. F. J. Potter: Has he any right under this proposal?

The Hon. C. R. STORY: No. He did not have any power to break into a drawer, refrigerator or anything that was locked; he merely made a search. The Police Offences Act deals with warrants. The policeman has much wider powers under the Commissioner's warrant. Of course, such a warrant is issued only to people who are considered worthy of it. It is issued only to a member of the Police Force holding a rank not less than that of a sergeant, or to a constable so ordered. The warrant is issued only to people of responsibility. I do not think the position would be much different from the present position, because it would not be just anybody who would have a warrant to search a house. I offer my proposal as a compromise.

The CHAIRMAN: It will be necessary for the Hon. Mr. Shard to temporarily withdraw his amendment to enable the amendment suggested by Mr. Story to be considered.

The Hon. A. J. SHARD: I do not like that, as it places me in an embarrassing position. I want my amendment carried, but if I vote against Mr. Story's amendment I have not got the right to come back to my amendment. I ask for guidance in this matter. While I might be prepared to support Mr. Story's amendment if mine is defeated, I cannot at this stage support it, because if I do, where do I stand with my amendment?

The Hon. Sir Lyell McEwin: You could ask to have the clause recommitted.

The Hon. A. J. SHARD: I am prepared to go to the limit and have a division on my amendment. I do not want to be deprived of that. It seems to me that things are being done the wrong way round. If my amendment were defeated I would be prepared to support Mr. Story's amendment, but I cannot follow the reasoning at the moment.

The Hon Sir LYELL McEWIN: The matter appears to be simple. I take it that both honourable members desire their amendments to be considered. The clause is in the Bill and, once a vote is taken on one amendment, that is the end of it; but the Bill can be recommitted to another Committee and the other amendment can then be moved. If honourable members desire these amendments to be considered now, it may as well be done now. I have already indicated my attitude to the first amendment: I shall not support it, but I see some merit in the alternative amendment. That seems to me the simple way to do it. The Bill remains open for recommittal to another Committee.

The Hon. A. J. SHARD: It seems to me that we are doing it the wrong way round. I think the amendments should be considered in a different order. I cannot understand the procedure.

The CHAIRMAN: The Standing Order requires that the Hon. Mr. Shard temporarily withdraw his amendment.

The Hon. Sir Lyell McEwin: Which Standing Order is that?

The CHAIRMAN: No. 137.

The Hon. F. J. POTTER: I rise on a point of order, Mr. Chairman, although I have looked at Standing Order 137. The Hon. Mr. Shard has moved an amendment to paragraph (*c*) of subclause (1), whereas the Hon. Mr. Story has foreshadowed an amendment introducing a new subsection (3). Without having consulted the relevant Standing Orders, I think the position is that the Hon. Mr. Story should move his amendment and, when that is either defeated or carried, he should then deal with the new subsection (3), which quite clearly comes separately and is related only tenuously to the amendment moved by the Hon. Mr. Shard.

The Hon. C. R. Story: Both amendments are to paragraph (*c*).

The Hon. A. J. SHARD: If it were only the first amendment of the Hon. Mr. Story to be moved, I should be happy to withdraw mine, but his second amendment should not take precedence of mine.

The Hon. Sir Lyell McEwin: You want to withdraw it?

The Hon. A. J. SHARD: The amendment before "enter" to insert the words "subject to subsection (3)" should come before mine, but not the new clause. It seems back to front to me.

The CHAIRMAN: Do you temporarily withdraw your amendment?

The Hon. A. J. SHARD: Yes, I am quite happy to do that. I seek leave to withdraw my amendment temporarily.

Leave granted; amendment withdrawn.

The Hon C. R. STORY moved:

In paragraph (*c*) before "enter" to insert "subject to subsection (3) of this section".

Amendment carried.

The Hon. A. J. SHARD: I now propose to move:

In paragraph (*c*) to strike out the words inserted by the Hon. Mr. Story, and to strike out "building, structure" and "place".

That is necessary to make any sense of my amendment.

The CHAIRMAN: The honourable member cannot move to delete those words that have just been inserted.

The Hon. A. J. SHARD: The Hon. Mr. Story has just inserted certain words at the beginning of paragraph (*c*). Assuming that my amendment is carried, those words mean nothing. If my amendment is carried, the Hon. Mr. Story's amendment makes no sense.

The Hon. Sir Lyell McEwin: You should have worked that out before.

The Hon. A. J. SHARD: I tried to. I cannot understand this procedure. I move:

In paragraph (*c*) to delete "building, structure".

The Committee divided on the amendment:

Ayes (5).—The Hons. S. C. Bevan, Jessie Cooper, G. J. Gilfillan, A. F. Kneebone, and A. J. Shard (teller).

Noes (12).—The Hons. M. B. Dawkins, R. C. DeGaris, L. R. Hart, H. K. Kemp, Sir Lyell McEwin (teller), Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Majority of 7 for the Noes.

Amendment thus negatived.

The CHAIRMAN: Does the Hon. Mr. Shard intend to go on with his other amendment?

The Hon. A. J. SHARD: No, Sir.

The Hon. R. C. DeGARIS: I move:

In paragraph (*c*) after "skin" to insert "eggs".

"Or thing" mentioned in this paragraph may include eggs, but I am not sure of that; the amendment clears up the matter.

Amendment carried.

The Hon. R. C. DeGARIS: I move to insert the following new paragraph:

(*ci*) stop any vehicle for the purpose of making a search or examination under this section;

This was dealt with by the Hon. Mr. Shard when dealing with a previous amendment. Victorian inspectors say that one of the difficulties they have experienced has been caused because they have no right to stop vehicles to make a search or examination. This amendment will give inspectors that right.

The Hon. Sir LYELL McEWIN: This amendment proposes to give power to inspectors to stop vehicles to enable them to search for evidence of offences. This power is usually given only to police officers, and the Government did not ask that this power be given to inspectors who on the whole are not trained or equipped to stop or pursue vehicles if drivers disobey the signal to stop. Moreover, they are in plain clothes, and drivers may not be inclined to recognize their signals. I suggest that it is not appropriate to give these powers to inspectors.

The Hon. S. C. Bevan: Inspectors are given plenty of power under a previous clause.

The Hon. Sir LYELL McEWIN: That may be so, but I do not like this provision.

The Hon. R. C. DeGARIS: Will the Chief Secretary indicate the position in relation to fruit fly inspections?

The Hon. Sir LYELL McEWIN: There are road blocks at which people can be stopped, but (I am sorry that I have to admit this) if drivers choose not to stop the inspectors cannot stop the vehicles.

The Hon. R. C. DeGARIS: When I spoke to the Parliamentary Draftsman about this matter, he realized that there would be some difficulty because inspectors would not be in uniform and drivers would not know whether they were civilians or not.

The Hon. Sir Lyell McEwin: People do not like plain clothes policemen stopping them.

The Hon. R. C. DeGARIS: That is so. No penalty is provided if a person does not stop, but this new paragraph provides that the inspector has the right to stop a vehicle to search it. I can see a difficulty arising because inspectors are in plain clothes, but if inspectors are given uniforms in future it will be necessary to have this clause so that they can be empowered to stop vehicles for the purpose of searching them.

Amendment negatived.

The Hon. R. C. DeGARIS moved:

In paragraphs (*d*) and (*e*) after "skin" to insert "eggs".

Amendment carried.

The Hon. C. R. STORY moved to add the following new subsection:

(3) Upon demand by the owner, occupier or person in charge of any land, building, structure, vessel, boat, receptacle, place or thing which an inspector has entered, or is about to

enter or to search, the inspector shall produce and show his identity card to that owner, occupier or person in charge, and if he does not do so he shall not be entitled to exercise further any power of entry or search in relation to that land, building, structure, vessel, boat, receptacle, place or thing.

New subsection inserted; clause as amended passed.

Clause 15—"Seizure of animals, birds, etc., illegally taken."

The Hon. R. C. DeGARIS: I move:

In subclause (1) after "taken" to insert "or imported into the State".

Clause 58, in Part IV of the Bill, says:

A person shall not—

(*b*) import a protected animal or bird or the carcass, skin or eggs of a protected animal or bird into the State from a place outside the State except pursuant to a permit to import granted under this Act.

Clause 15 (1) says:

An inspector may seize any animal, bird or eggs taken in contravention of this Act, . . .

A protected animal in this State may have been imported illegally from another State but the inspector would have no right to seizure of that animal or bird so imported.

The Hon. L. R. HART: I am wondering whether the words "or imported into the State" should be in brackets. Otherwise, the clause would not read correctly.

The CHAIRMAN: I think it reads correctly without those words being in brackets.

Amendment carried; clause as amended passed.

Clauses 16 to 19 passed.

Clause 20—"Duty to produce licence or permit."

The Hon. JESSIE COOPER: I move:

In paragraph (*b*) to delete "show" and insert "shows".

There is a mistake in the printing, in that the word "show" should be "shows" because it refers back to its nominative, which is "inspector or warden", in the singular number.

Amendment carried.

The Hon. JESSIE COOPER: I move:

To strike out "twenty-four" and insert "forty-eight".

This is merely to give a little more latitude to the person who has left his licence at home. I appreciate what the Chief Secretary said today but I still feel that if a person left his licence at home, perhaps miles away, and had to return within 24 hours, that would not give a great deal of time. A period of 48 hours would give a reasonable time.

The Hon. Sir LYELL McEWIN: I do not object to the extension of time but I have to be convinced about the amendment.

The Hon. Sir ARTHUR RYMILL: I support the amendment. I think it is reasonable, particularly as people may be some distance from home. I imagine that, for the purpose of this legislation, 48 hours would be just as good.

Amendment carried.

The Hon. JESSIE COOPER: I move:

To strike out "or office indicated by the inspector or warden".

The licence would have to be produced at an office indicated by the inspector or warden and unnecessary hardship could result. It could happen when a person forgot his licence and was asked to bring it to a place in that district. To do that he would have to return. Surely it would be reasonable to have the same procedure as applies to a driving licence, where on request a person must produce the licence at a police station of his nomination. In view of that I do not think there is any need to include the words "or office".

The Hon. Sir LYELL McEWIN: The honourable member should realize that this provision meets the convenience of the public. It was inserted for that reason and not necessarily for the convenience of the department. I think that the honourable member has the wrong interpretation of the matter. I do not think it will act against the public, and certainly it is of no advantage to the department.

The Hon. Sir ARTHUR RYMILL: I ask the Minister to enlarge upon the matter, because I have been interpreting the words in the same way as the Hon. Mrs. Cooper. They say that a person shall produce the licence or permit withtin 24 hours at a police station or office indicated by the inspector or warden. I think the words "police station", as well as "office", are qualified by the words "indicated by the inspector or warden." A person caught at Meningie might have to produce his licence at Meningie, and if he lived in Adelaide he would have to return to Meningie at a later stage. The amendment will ensure that it could be produced at any police station and I consider that to be reasonable. Doesn't the Chief Secretary agree with me that the words "police station" are qualified by the words "indicated by the inspector or warden."?

The Hon. Sir LYELL McEWIN: I have referred this matter to the Parliamentary Draftsman and he repeats that the arrangement does not mean that a person would be directed by the warden or officer who wants to see the licence. It could be anybody, and it does not say the nearest police station, or which

station. The same thing applies to an office. It would be whichever was the most convenient. The Parliamentary Draftsman insists it is something to assist the public.

The Hon. JESSIE COOPER: I do not think that I have misinterpreted this matter. I see that the intention is to help the public, but the only way to be sure of this is for the choice to be that of the public. If the Government can get over that by some other means than by my amendment I shall be happy. I appreciate the desire of the Government, but that is not what the provision says. It seems to me that a person could, as Sir Arthur Rymill indicated, be caught and have to return to the place of origin, as it were. If there is any other way out of the difficulty I shall be happy, but that is my view and I stand by it.

The Hon. Sir LYELL McEWIN: If it is suggested that the public can do as it likes, it will be difficult to administer the matter. There is no mention of which police station.

The Hon. Jessie Cooper: At any police station.

The Hon. Sir LYELL McEWIN: I still prefer the version of the Parliamentary Draftsman, because it is more adaptable for the convenience of the public than the the honourable member's amendment.

The Hon. JESSIE COOPER: My proposal is consistent with the position in regard to driving licences. A person has a choice in the matter of producing a licence at a police station, and that is what my amendment proposes. The words "at any police station" do not mean that the public is free to do as it likes; the licence must be produced within 48 hours at the police station nominated by the person concerned. This would be much more convenient.

The Hon. C. R. STORY: I wonder whether I am interpreting this matter wrongly? I think that if "a" were altered to "any" it would be all right. Then, as the Minister says, it would be somewhat easier for the public, because the words "or office indicated by the inspector or warden" could mean the office of the Agriculture Department in an area where this legislation was being administered by the Minister of Agriculture. It should be easier for a person to produce the licence at the office of the Minister or the Agriculture Department. If it read:

that person shall either produce his licence or permit to the warden or inspector forthwith or produce it within forty-eight hours at any police station or office indicated by the inspector or warden,

it would make sense. If "any" were substituted for "a" before "police station", the provision would be acceptable and would make better sense, because "office" would then have some real meaning.

The Hon. JESSIE COOPER: I thank the Hon. Mr. Story for his suggestion but, if that were done, we should have to insert "at an" before "office". If honourable members think this would be a better amendment, I am prepared to withdraw my amendment to allow this to be done. I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. JESSIE COOPER: I move:

To strike out "a" last occurring and to insert in lieu thereof "any"; and before "office" to insert "at an".

So the amended clause would read:

within forty-eight hours at any police station or at an office indicated by the inspector or warden.

That expresses the intention of the Government that the public should be protected.

The Hon. Sir ARTHUR RYMILL: I am not clear on the interpretation of this amendment, which has raised an entirely new aspect. While I was happy about the amendment now withdrawn, I am afraid I do not know that this new wording achieves what is required. If the amendment is made, the clause will read "at any police station or at an office indicated by the inspector or warden". It still suggests to me in this context that, if the inspector or warden indicates an office, the "or" may be working in his favour: he may be able to indicate any office to the exclusion of a police station.

The Hon. A. F. KNEEBONE: In this circumstance the person required to produce the permit would have two choices. That is what the amendment would mean.

The Hon. Sir Arthur Rymill: That is what is intended, but it doesn't say that.

The Hon. A. F. KNEEBONE: The wording would be "at any police station or at an office indicated by" somebody else. So I think the person required to produce a permit has two choices under the amendment. If that is the case I propose to support it.

The Hon. Sir LYELL McEWIN: The amendment is quite clear. It means "at any police station" or, if one prefers to go to an office, the inspector will say, "All right; we have an office if you do not want to go to the police station."

The Hon. L. R. HART: I rise to add more confusion to the debate. I favour the sentence being twisted around so that it will read:

that person shall either produce his licence or permit to the warden or inspector forthwith or produce it within twenty-four hours at an office indicated by the inspector or warden or any police station.

By doing it in this way, the inspector or the warden could indicate an office to assist the apprehended person; or, if he did not do it, it would be that person's privilege then to present the permit at any police station. If we adopt the Hon. Mrs. Cooper's suggested phraseology "at any police station or at an office indicated by the inspector or warden", the person in question can indicate any police station and he can also indicate any office. I do not see that "any" instead of "a" gives the person in question any advantage but, if we twist the sentence around as I suggest, I believe it will.

The Hon. JESSIE COOPER: I prefer to leave it as I had it. I am taking a risk with my knowledge of English that that is how it should be.

Amendment carried; clause as amended passed.

Clauses 21 to 33 passed.

Clause 34—"Protected animals and birds."

The Hon. R. C. DeGARIS: I move:

To strike out "South".

I intend to move a similar amendment to the Second Schedule. If the amendment is carried, all animals and birds native to Australia will be protected. Now, once animals and birds are brought to South Australia from other States they are not protected, even though they are protected in other States. In the second reading debate I mentioned an advertisement by a person seeking rare birds of other States, particularly the golden shouldered parrots of Cape York. These birds are sought as cage birds all over the world, and they live in a restricted area. It is difficult to control illegal trapping; it is easier to attempt to control the commercial end of this trade. If it is found desirable not to protect certain birds of other States, their addition to the Second Schedule will overcome the problem. This amendment is designed to protect birds and animals indigenous to other States but not existent in South Australia. The United States of America protects animals and birds that are protected in their country of origin. Such animals and birds cannot be brought into the country without a permit. Japan, South Africa, and recently Great Britain have provided this protection. As this is done in other countries, I think we should attempt to do it in relation to Australian fauna.

The Hon. Sir LYELL McEWIN: Although the Government is advised that this amendment can be accepted without any difficulty and that it may be of value, animals or birds native to other States that come into South Australia could remain wholly protected or be put in the "unprotected" schedule. If protected, they could be taken only under permit or by proclamation. I am advised, however, that it appears desirable to amplify the meaning of "native to Australia". Some species of animals and birds it is desired to protect will not be native in the sense that they were born in Australia; they will be migratory species that regularly come here. If the amendment is carried, the Government recommends that a subclause be inserted in clause 5 setting out what are animals and birds native to Australia.

The Hon. R. C. DeGARIS: That has already been done in clause 5.

The Hon. Sir ARTHUR RYMILL: Will this have the effect of protecting the kangaroo?

The Hon. Sir LYELL McEWIN: The kangaroo does not migrate over the border.

The Hon. Sir ARTHUR RYMILL: I meant my inquiry to relate to the clause as drafted or as amended by this amendment. If mentioned in the Second Schedule, the kangaroo would be included.

The Hon. Sir LYELL McEWIN: The kangaroo would certainly be a native of Australia.

The Hon. R. C. DeGARIS: All kangaroos in Australia are protected. They are not included in the Second Schedule.

Amendment carried; clause as amended passed.

Clauses 35 to 39 passed.

Clause 40—"Reports by grantees of certain permits."

The Hon. R. C. DeGARIS: I move:

To strike out paragraphs (*a*), (*b*), and (*c*).

Clause 40 begins "A person to whom a permit to take animals, birds or eggs has been granted" and then follow paragraphs (*a*), (*b*), and (*c*). They are in the same terms as paragraphs (*a*), (*b*) and (*c*) of clause 39 (1). I feel that a report should be made to the Director in relation to permits given for taking rare animals or birds, or their eggs.

The Hon. Sir Lyell McEwin: What would the report under paragraph (*d*) require to state?

The Hon. R. C. DeGARIS: The report would have to state the number of birds taken and the species. The regulations would set out the nature of the report. I point out that a report is required in relation to paragraphs (*a*), (*b*) and (*c*) of clause 39 (1). Reports of the department up to 1959 did not include the species. They covered, for example, all types of cockatoo without giving the species to which they belonged. I think a report should be made giving that information.

The Hon. C. R. STORY: I moved for the insertion of a new clause 11 (*a*) and the Council inserted that new clause.

The CHAIRMAN: I do not think we can deal with that at the moment.

The Hon. C. R. STORY: What I am pointing out is that the Committee accepted that new clause 11 (*a*) be inserted in the Bill. That dealt with the number of permits granted under clause 40 and subclause (*b*) of that new clause made reference to the number of animals and birds of each species. The Chief Secretary, by way of interjection, asked what would be required in the report. I take it that what is required would be information dealt with by clause 11 (*a*), having reference to clause 40.

The Hon. Sir LYELL McEWIN: I made that interjection because there is a special purpose for having the provisions as they stand in clause 40. The honourable member correctly pointed out that in paragraphs (*a*), (*b*), (*c*) and (*d*) in clause 39 provision is made for the issue of permits, whereas only paragraphs (*a*), (*b*) and (*c*) in clause 40 require reports to be furnished. The reason for that is that before a permit is issued in pursuance of clause 39 (1) (*d*), it is necessary to specify the number of birds and animals taken and the royalty on the birds and animals would be paid at the time. In these circumstances, it would be unnecessary to burden the administration with the extra work involved in insisting on the furnishing of this information in another report from which little or no benefit could be derived.

The Hon. Sir ARTHUR RYMILL: I agree entirely with the Chief Secretary in relation to the Bill as originally drawn, but now that the Committee has accepted the Hon. Mr. Story's amendment inserting a new clause 11 (*a*), it seems to me that it will be necessary to accept the amendment moved by the Hon. Mr. DeGaris so that the person making the report will have the information to include in it.

The Hon. Sir Lyell McEwin: He would already have it.

The Hon. Sir ARTHUR RYMILL: No, because clause 39 provides that a permit may be granted, *inter alia*, "for any other purpose which the Minister considers expedient and not inconsistent with the objects of this Act". In order to be able to make the report Mr. Story wants him to make, the person, it seems to me, would have to have more information than this clause, as drawn and submitted, would require him to give.

Progress reported; Committee to sit again.

PORT PIRIE TO COCKBURN RAILWAY DEVIATION 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 Bill is to authorize the South Australian Railways Commissioner, in connection with the conversion of the Port Pirie to Cockburn railway to standard gauge, to make alterations and deviations in the route for obtaining easier gradients or better serving the public convenience. The Bill also authorizes the Commissioner to alter the route of the line between Terowie and Peterborough in connection with its conversion to broad gauge. Honourable members are already aware of the fact that agreement has been reached with the Commonwealth for proceeding with the standardization of the Port Pirie to Cockburn line, and in the course of discussions with Commonwealth authorities it has been decided that certain alterations to the route should be made in the joint and public interest. At the same time the Commonwealth authorities have agreed with the State that it is desirable to convert the Terowie to Peterborough line to broad gauge. This latter conversion will, of course, mean that heavier rolling stock will be used and travelling will be at a higher speed. The present route, although satisfactory for narrow gauge traffic, should, in the Commissioner's opinion, be altered in such a way as to make it more suitable for the heavier traffic on the broad gauge. The Commissioner is unable to alter the route of any railway already in existence without statutory authority, which it is the aim of the Bill to confer.

The Bill follows the usual form in such cases. Clause 3 contains the necessary definitions, the principal one of which is the definition of "the railways". The lines between Port Pirie and Cockburn on the one hand and between Terowie and Peterborough were constructed in various portions under

several Acts of Parliament, all of which are set out in the Schedule to the Bill, and it is necessary to make references to these Acts in the definition. From the definition the Bill excludes that part of the various railways which lie between Peterborough and Pichirichi. Thus, for the purposes of the Bill, the expression "the railway" includes only the line between Port Pirie and Cockburn and the line between Peterborough and Terowie. Clause 4 confers the necessary authority on the Commissioner to make alterations and deviations.

Clause 5 is in the usual form, providing that the lines as altered are to be deemed to be the lines originally authorized. Clause 6 empowers the Commissioner to discontinue the working of such parts of the line as will be taken up and to use and dispose of the materials. Clause 7 is a necessary provision which will confer upon the Commissioner in connection with the alterations all the powers which he would have if the alterations were new lines of railway. Clause 8 is the usual financial provision. The Bill is necessary, as a considerable amount of preliminary work has been done and it is desirable in the public interest that the Commissioner should have a full discretion to make such alterations as he considers expedient from time to time. Some proposed alterations have not yet been decided upon, and it is for this reason that the authority is in general terms.

The Hon. A. J. SHARD secured the adjournment of the debate.

LICENSING ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

COMPANIES ACT AMENDMENT BILL.

Returned from the House of Assembly with amendments.

ADJOURNMENT.

At 5.57 p.m. the Council adjourned until Wednesday, October 21, at 2.15 p.m.