HOUSE OF ASSEMBLY.

Thursday, August 16, 1962.

The SPEAKER (Hon. T. C. Stott) took the Chair at 2 p.m. and read prayers.

ADDRESS IN REPLY.

The SPEAKER: I have to inform the House that His Excellency the Governor will be pleased to receive members for the presentation of the Address in Reply at 2.10 p.m. today, and I ask the mover and the seconder of the motion and other members to accompany me to Government House for that purpose.

At 2.04 p.m. the Speaker and members proceeded to Government House. They returned at 2.21 p.m.

The SPEAKER: I have to inform the House that, accompanied by the mover and the seconder of the motion for the adoption of the Address in Reply to the Governor's Opening Speech and by other members, I proceeded to Government House and there presented to His Excellency the Address adopted by this House on August 14, to which His Excellency has been pleased to make the following reply:

I thank you for your Address in Reply to the Speech with which I opened the first session of the Thirty-seventh Parliament.

I join with you in your reaffirmation of allegiance to the Throne and person of Her Majesty the Queen and look forward with great pleasure to the forthcoming visit of Her Majesty the Queen and His Royal Highness the Duke of Edinburgh.

I am confident that you will give your best attention to all matters placed before you.

I pray for God's blessing upon the proceedings of the session.

QUESTIONS.

DAY LABOUR.

Mr. FRANK WALSH: The Premier replied during the Address in Reply debate to various questions raised by honourable members. I consider that I had placed before this House an important matter associated with the building industry. I believe the Government's policy has resulted in the loss of trained personnel in the industry. I mentioned this matter in the Address in Reply debate in addition to mentioning other matters. With a view to offering some inducement for the training of personnel, particularly in the building industry, will the Government insist that its contractors engage employees under the day-labour system and pay not less than the appropriate award rates prescribed by the Industrial Court? Will the Government also insist on the training of apprentices in lieu of the piecework and labour-only systems in operation?

The Hon. Sir THOMAS PLAYFORD: I will examine this matter in some detail and let the honourable member have a reply next week.

SPRINGTON AND EDEN VALLEY WATER SUPPLY.

The Hon. B. H. TEUSNER: Can the Minister of Works say what stage has been reached in the Springton and Eden Valley water reticulation scheme, and whether the reticulated water will be available to the residents of those towns before next summer?

The Hon. G. G. PEARSON: I have asked for information on this matter and am advised that the work is close to completion. An extension was sought last year, which was approved and is now under way. I think two tanks are to be completed and, as soon as they are completed, pumping can commence. It is expected that the scheme will be in operation next month.

NEWSPAPER PHOTOGRAPH.

Mr. LAWN: My question refers to a humorous portrayal of politics in South Australia in today's *Advertiser*. Briefly, I should like to remind honourable members that, as a result of the last State elections, the two Independents became indispensable to the Government. Last week the member for Burra (Mr. Quirke) changed his Independent seat to a Government back bench directly behind the Master. On Tuesday of this week the Premier gave you, Mr. Speaker, an assurance that the Government would not oppose you at the next State elections. Has the Premier seen page three of this morning's *Advertiser*, on which the three events are portrayed as follows: first, there is an article stating that the Ridley district committee of the Liberal and Country League will meet to discuss the Premier's pledge to you, Mr. Speaker. That is headed, "Talks on Premier's Pledge to Speaker." Secondly, directly under that article is a photograph of a lost dog that had returned, with this caption, "'Indispensable Bill' back with Master." Has the Premier seen it?

The SPEAKER: Does the Premier desire to reply to that question?

The Hon. Sir THOMAS PLAYFORD: If the honourable member will put it on the Notice Paper I will reply to it.

Mr. Lawn: I will paste it on the Notice Paper; it looks good!

The SPEAKER: Order!

MILLBROOK PRIMARY SCHOOL.

Mr. LAUCKE: Can the Minister of Education tell me what stage the plans for the development of an oval at the Millbrook Primary School have reached?

The Hon. Sir BADEN PATTINSON: Investigations by the Public Buildings Department and the Education Department into this proposal have now been completed and the school committee will be asked to submit firm quotations for the reticulation and grassing so that the whole matter can be considered and a decision reached.

BIRKENHEAD BRIDGE.

Mr. TAPPING: I have for some years brought before this House the difficulties arising from the frequent openings of the Birkenhead bridge. The position has worsened in the last two years since so much traffic was diverted from the Jervois bridge, under a restricted loading practice, to the Birkenhead bridge. I emphasize, too, that it is essential that all buses that cross to Semaphore, Largs Bay and Largs North, including the Glenelg private bus, must of necessity use the Birkenhead bridge. Further, I emphasize that the confusion, because of the bridge being used to its full capacity, results in buses being held up and employees late for work, which is causing embarrassment to both employer and employee. Some years ago the Minister of Roads appealed to owners of small boats to have the masts made in such a way that they could be adjusted and dropped rather than have the bridge opened and closed so frequently. Will the Minister of Marine confer with the Minister of Roads to see if something can be done to minimize these too frequent openings of the bridge?

The Hon. G. G. PEARSON: I do not know whether it is a matter for the Highways Department or the Harbors Board. I think it could be a matter for both departments to look at and see whether the frequent openings of the bridge can be avoided. There is an obvious necessity for ships to pass. Whether small ships are going through it more frequently than is really necessary I would not know, but these matters can be considered, and I will bring them before the notice of my colleague, the Minister of Roads, and the Harbors Board.

RIGHT TO GOVERN.

Mr. SHANNON: Following on the result of the last State election in March the Leader of the Opposition made a number of approaches to His Excellency the Governor in regard to the advice he should take on the formation of a Government. Did the Leader have certain firm offers that if his Party were entrusted with the responsibility of office he would have, for instance, the same Speaker in the Chair as we have today, and, if not, on what basis did he approach His Excellency for the right to govern in this Chamber?

Mr. FRANK WALSH (Leader of the Opposition): As regards the second portion of the question concerning any approach I may have made to His Excellency the Governor, I have to state that I received a certain reply, which indicated that it was private and confidential. Until such time as any alteration to that approach is made I shall not be in a position to give any information to the member for Onkaparinga, or any other member, and I am not prepared to break a confidence until such matters are made known. Regarding the question of the Speaker, as I understand it the policy of the Australian Labor Party (which I represent, and of which I am the leader in this section of Parliament) provides that after an election is held the filling of any office by the Party is decided by an exhaustive ballot. The result of the ballot is then made known and at the appropriate time Parliament is informed of what may concern it.

WHITE ANTS.

Mr. LOVEDAY: Has the Premier obtained a reply to my recent question about white-ant treatment of Housing Trust houses, and salesmanship pressure in connection therewith?

The Hon. Sir THOMAS PLAYFORD: I have received the following report from Mr. Cartledge, Chairman of the Housing Trust:

Timber frame houses built by the Housing Trust have at the top of all supports in contact with the ground galvanized iron termite shields, which will last the lifetime of the building. These shields have been the accepted barrier against termites for as long as timber frame houses have been built in this country, even for areas of extreme attack, such as the Northern Territory. Instances of attack over these shields are very rare. Below the shields the supports are of known termite-resisting timbers treated with tars and creosote to protect them from termites and decay. Timber houses are also slightly elevated and allow light and air to penetrate below them. This is also a deterrent to termites.

Spray treatment of poisons under timber houses, which must of necessity be non-toxic and non-marking, is considered superfluous and is known to have only limited periods of effectiveness. The incidence of attack on any of the trust's timber houses is so little that the trust feels able to provide free of cost any

future treatment considered necessary. In solid houses the trust uses a proven poison treatment of all timber floors, which has been in use by Government departments for 50 years and by the trust for 25 years. It is considered that no useful purpose is served by additional treatment.

HACKNEY BRIDGE.

Mr. COUMBE: On September 6, 1961, the Minister of Works, in reply to my question regarding the widening of the Hackney bridge and its approaches because of the danger caused by the increasing flow of traffic, said:

My colleague, the Minister of Roads, informs me that . . . a survey of the bridge and approaches has recently been completed, and an investigation into its widening and/or realignment will shortly be commenced.

Will the Minister ask his colleague whether this investigation has been completed and whether recommendations have been made to widen this bridge and make it safer for traffic?

The Hon. G. G. PEARSON: Yes, I shall certainly do that.

GERIATRIC WARD.

Mr. RICHES: Has the Premier yet received a report from the Minister of Health in reply to the question I asked last week concerning the establishment of a geriatric ward at the Port Augusta Hospital?

The Hon. Sir THOMAS PLAYFORD: The Director-General of Medical Services (Dr. Rollison) reports:

The question asked by Mr. Riches on the desirability of establishing a ward for geriatric patients at Port Augusta Hospital has been discussed with the Medical Officer, Port Augusta Hospital (Dr. J. R. Thompson) who has advised as follows:

> The Port Augusta Hospital already takes as in-patients all geriatric patients who are considered to require hospital treatment and therefore generally has up to six female and 12 male geriatric patients. These patients are not grouped in specific geriatric wards but are integrated with other patients. However, there are probably families living in the district and caring for elderly relatives who would like to be able to place these in a geriatric ward of a hospital even though they are not ill and could be placed in an old folk's home if such were available. Difficulty is continually experienced in obtaining and keeping nursing staff in the country hospitals. If each ward contains a few interesting surgical cases this, to some extent, helps to retain nursing staff. If, however, a whole ward were devoted to geriatric cases only, then it is considered that the retention of sufficient nursing staff would be difficult.

SLUM CLEARANCE.

Mr. HUTCHENS: Recently, at the request of the Hindmarsh Corporation, I asked the Premier a question regarding slum clearance in that district. Has the Premier any further information on this matter?

The Hon. Sir THOMAS PLAYFORD: The Chairman of the Housing Trust reports:

As regards the first part of the suggestion of the Hindmarsh Corporation, namely, that slum houses are being let at exorbitant rentals, power is given by the Housing Improvement Act to the Housing Trust to control rents of substandard houses. This power is constantly being exercised by the trust and, if the corporation supplies to the trust some particulars of unduly high rentals with respect to this type of house the trust will, in any appropriate case, take the necessary steps to control the rent.

As regards the demolition of houses which are unfit for habitation, a council already possesses ample powers under the Housing Improvement Act and the Health Act to bring about their demolition. Here again, it may be advisable for the Hindmarsh Corporation to consult with the trust if the corporation desires to exercise these powers in proper cases.

It is generally found that land in the city of Adelaide and the nearer suburbs now used for substandard housing has a high land value because of its suitability for industrial or commercial purposes. The houses themselves have little or no value but the land is potentially of high value. Cases frequently occur where land occupied by substandard houses is purchased for industrial purposes resulting in the demolition of the houses and the subsequent use of the land for industrial purposes.

Most substandard houses in the older parts of the metropolitan area are built upon allotments much smaller than the minimum allotment sizes provided by the Building Act. It follows that, if a substandard area were cleared with a view to using the area as an ordinary housing site, this fact would also increase the cost of the land per housing unit. The alternative to ordinary cottages is what is termed "high density housing", that is, flats of many storeys. This method has decided limitations, particularly in the case of an area such as Hindmarsh where the substandard housing occurs in what is largely an industrial district.

Quite apart from land costs, flat construction is, speaking generally, more expensive for a given area of room space than ordinary cottage construction. If high blocks of flats were built requiring lifts and special provision for such things as laundry accommodation, garbage disposal and the like, the cost both of construction and of maintenance would far exceed the cost of ordinary cottage construction. Thus, the inescapable conclusion is that, if congested slum areas are to be replaced by high density housing consisting of high blocks of flats, this housing must either be subsidized or the flats must be let at high rentals. And if the high density housing is to be let at rents within the means of the former inhabitants of the area cleared, the economic loss is still greater.

The experience in Melbourne is that the former inhabitants of cleared areas must be housed elsewhere in the normal housing estates. The flats subsequently built are let to other types of people. The trust itself has had considerable experience with flats and has built nearly 1,200 flats which are let at rents of up to about £6 a week. These flats provide high density housing but they are not considered by the trust to be a substitute for ordinary cottages and are not let to families with young children who, the trust considers, are better housed in ordinary houses with their own blocks of land.

Flats of the kind built by the trust are not suitable for heavily industrialized areas but if the Hindmarsh Corporation can suggest to the trust any area now occupied by substandard houses which would be suitable for use for housing purposes of one kind or another and which can be acquired at a reasonable price, the trust would give any such suggestion earnest consideration.

DRUG SALES.

Mr. JENKINS: Has the Premier a reply to my question of August 8, regarding the control of the drug phenacetin?

The Hon. Sir THOMAS PLAYFORD: Dr. Woodruff (Director-General of Public Health) has supplied me with the following report:

Uniform regulations controlling the sale of drugs and poisons are under consideration in all States. They have been adopted in one State and preparation of the necessary draft has been completed in South Australia. It is desirable that action on any individual drug should be uniform throughout Australia. Decisions are almost always based on recommendations of the National Health and Medical Research Council on which all States and the Commonwealth and the various medical schools and colleges are represented.

The council considered phenacetin at its last meeting in May but made no recommendation for its tighter control as there was not sufficient evidence to incriminate it. No doubt any further evidence that has come to light will be considered by the council when it meets again in October. In the meantime health authorities in South Australia have advised the public that they would be wise not to take any drug, especially one about which doubts have been raised, except on the advice of their doctor.

ALLENDALE EAST SCHOOL ELECTRICITY.

Mr. CORCORAN: Has the Premier a reply to a question I asked on August 9 about an electricity supply for the Allendale East Area School?

The Hon. Sir THOMAS PLAYFORD: The transmission line from Mount Gambier to Port MacDonnell is a 33,000-volt line that will be used to provide power to the area through which it passes. A survey of electricity requirements has been made and preliminary work has been done to design a distribution system to provide electricity requirements in the area. About 400 square miles of country is involved and, because of the amount of work already in hand, it will be about 18 months before construction can start. The Allendale East Area School will be included and will be given as high a priority as possible, but it is not feasible to provide an independent supply from the transmission line in this individual case.

HEART DISEASES.

Mr. HUGHES: Has the Premier a reply to a question I asked on August 8 about printing a booklet on the various types of heart disease?

The Hon. Sir THOMAS PLAYFORD: Dr. Woodruff reports that about half of one issue of *Good Health* was devoted to the nature and prevention of heart disease in 1959. As this material is still up to date, the department does not intend to publish a further booklet on the subject at present, but articles on various aspects of heart disease will be published in *Good Health* from time to time with the co-operation of the South Australian Division of the National Heart Foundation. The National Heart Foundation has also itself begun to publish similar material on heart disease for the information and guidance of lay persons.

PETERBOROUGH SEWERAGE.

Mr. CASEY: During the Address in Reply debate I mentioned sewerage for Peterborough. Has the Minister of Works an answer to the problem?

The Hon. G. G. PEARSON: I regret that I have not an answer to the problem, but I have some information that I know the honourable member will be glad to have. Several years ago Mr. O'Halloran raised this matter and it was taken up by the Engineering and Water Supply Department, which prepared contour plans of the area as a preliminary to further development of the scheme. Later, further investigations were made, and I believe that officers of the department went to Peterborough for the purpose of deciding such matters as where pumping stations should go. At about that stage the project was set aside because of lack of funds. Subsequently, the Sewerage Advisory Committee, appointed by the Government to advise on priorities for the installation of sewerage in country towns, reported (largely on medical grounds) that the sewerage of Peterborough was not as urgent as that of some other towns, and consequently its priority was not rated highly. In the light of those

circumstances, I cannot give the honourable member any undertaking on when the sewerage of Peterborough may be taken further. I understand that some septic tanks are now being installed, but I do not know whether that practice is general through the town and whether it is on the instructions of the local council. It might be advisable for persons installing septic tanks to consider the advisability of installing them in such a manner that the connections could be used when sewerage becomes practicable in later years.

LOCOMOTIVES.

Mr. FRANK WALSH: I believe that the Premier has a reply to the question I asked yesterday relating to the repairing and reconditioning of diesel-electric locomotives.

The Hon. Sir THOMAS PLAYFORD: My colleague, the Minister of Railways, advises that it is the policy of the Railways Department to undertake the maintenance and repair work associated with diesel locomotives in the railway workshops. There are a few special items which must be obtained from outside because the department lacks the necessary facilities for manufacturing these. However, 99 per cent of all maintenance and repair work on diesel locomotives would be undertaken by the Railways Department.

ALL-AUSTRALIAN BARLEY BOARD.

Mr. QUIRKE: Can the Minister of Agriculture inform the House whether the creation of an all-Australian Barley Board was discussed at the recent Agricultural Council Conference and, if so, with what result?

The Hon. D. N. BROOKMAN: This matter was not on the agenda of the conference. I was not present at the meeting. However, there are basically three major authorities in Australia that deal with the marketing of barley—the Australian Barley Board, the Queensland Barley Board, and the Western Australian authority, which I think is known as the Western Australian Barley Board—and they have been in communication with each other when problems have arisen from time to time. A divergence of opinion on the question of certain export markets was a matter of some moment two years ago, but the problem has receded somewhat since then and the difficulties have not been the same. I believe that these authorities are in close communication with each other. As the Chairman of the Barley Board, Mr. Strickland, was present at the meeting the honourable member referred to, I shall ask him for a report on whether there is any possibility of an all-Australian Barley Board.

PENSIONER FLATS.

Mr. HUTCHENS: I understand that the Premier has a reply to the question I asked on July 17 relating to pensioner flats.

The Hon. Sir THOMAS PLAYFORD: Mr. Cartledge, the Chairman of the Housing Trust, reports:

At present, the South Australian Housing Trust holds 446 applications for cottage flats from married couples, 1,871 from women living alone and 27 from men living alone. So far the trust has built 619 cottage flats in the metropolitan area. The capital cost of these cottage flats is about £1,100,000 and, as they are let at less than economic rents, the annual loss to the trust is about £35,000. The trust has for many years appreciated the housing needs of such as age and invalid pensioners, but it is obvious that the trust cannot continue indefinitely to build accommodation if the annual loss should become too great. Consequently, the trust, in order to assist religious and charitable organizations to build cottage flats, has made available to them the trust's designs and has placed and supervised contracts for their erection. These organizations, of course, qualify for the Commonwealth subsidy and thus avoid the financial burden which the trust must incur with cottage flats. So far, the trust has built 189 cottage flats for these organizations and it is hoped that many more will be built in this manner. In country areas, the Country Housing Act, 1958-1960, has placed the trust in a much better financial position. Under this Act £468,000 has been granted to the trust and 177 cottages have been built in 37 different country towns. As under this Act the trust has no interest or capital repayment obligations the scheme results in an annual surplus which is, in accordance with the Act, used to build further cottages.

Mr. HUTCHENS: I deeply appreciate that reply. Will the Premier state the names of the charitable organizations building these flats?

The Hon. Sir THOMAS PLAYFORD: I assume there will be no difficulty in that and I will see whether it can be done.

CANINE DISTEMPER.

Mr. CASEY: Recently I asked the Minister of Agriculture a question about canine distemper vaccine and whilst I appreciated his reply, it did not meet the objective I set out to achieve initially. In the remote areas of this State it is difficult to arrange for the immunization of dogs because the distance involved in travelling to a veterinary surgeon may range up to 50 or 100 miles, and one cannot get the vaccine except from a veterinary surgeon. Isolated instances of a veterinary surgeon not being available have been reported to me. When remote areas are involved I think that the vaccine could be made available at chemists' shops, particularly in the northern areas of the

State. Will the Minister refer this question to the board to see whether vaccine could not be procured from chemists' shops in the northern areas?

The Hon. D. N. BROOKMAN: As the honourable member is aware, this matter is controlled by the Veterinary Surgeons Board, which was set up specifically to deal with this type of problem. The board has stated clearly that it does not intend to permit private unqualified persons to handle the vaccine, so I do not think there is much point in asking the board to reverse its decision. I suggest that the honourable member advise persons interested in this problem to communicate with the board. If he will give me any particular application I shall be happy to forward it to the board. The board may consider an individual case where hardship is caused, especially if the person concerned is capable of performing the immunization properly. However, I do not think the board intends to release vaccine so that it could be purchased in a chemist's shop and used by anybody. The board set out its reasons for this decision in the reply I gave yesterday, and I think its intentions are clear.

PORT PARHAM WATER SUPPLY.

Mr. HALL: Has the Minister of Works any knowledge of a proposal to reticulate water to the Port Parham township and, if he has not, will he do his utmost to see that water is supplied to this area when the matter is referred to his department?

The Hon. G. G. PEARSON: It would be extremely difficult to determine the department's activities for this year, but I will see whether the department has plans prepared for this work and what the possibilities are.

PORT GAWLER WATER SUPPLY.

Mr. HALL: Within the last year the Mines Department has sunk an experimental bore at the Port Gawler wharf, a few feet from the salt water creek. This was done to test the reliability of the water basin that supplies many market gardens to the east of that locality. Can the Premier, representing the Minister of Mines, say whether this bore, which I understand struck good quality water at about 400ft., will have any effect on future prospects for the use of that basin?

The Hon. Sir THOMAS PLAYFORD: I will obtain a full report from the Director of Mines.

PERSONAL EXPLANATION: FREIGHT RATES.

Mr. LOVEDAY: I ask leave to make a personal explanation.

Leave granted.

Mr. LOVEDAY: On August 8, in speaking in the Address in Reply debate, I inadvertently misquoted certain freight rates from Australia to Singapore and from Singapore to Great Britain, and from Australia to Indonesia and from Great Britain to Indonesia. Because of a printer's error in the information I received on this matter, I quoted them in pounds instead of shillings a ton, whereas they should be in shillings. I wish to correct the error and thank the members for Victoria (Mr. Harding) and Albert (Mr. Nankivell) for drawing my attention to this error.

LEAVE OF ABSENCE: MR. RALSTON.

Mr. LAWN moved:

That one month's leave of absence be granted to the honourable member for Mount Gambier (Mr. R. F. Ralston) on account of ill health.

Motion carried.

HOUSING LOANS REDEMPTION FUND BILL.

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of £50,000 from the Home Purchase Guarantee Fund and the appropriation of such amounts of the general revenue of the State as were required for the purposes of the Bill.

Second reading.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): I move:

That this Bill be now read a second time.

This Bill is unique in Australia and, therefore, to that extent breaks new ground. Since the scheme was announced the Government has received many inquiries and I am certain that it is going to be largely availed of. I hope that will prove to be the case because, over a period of years, it should make a significant contribution to the well-being of the community. The Bill is simple and I will now explain the purpose behind it.

It provides for a scheme by which a young married couple who borrow from approved institutions to provide for a house may also provide at low cost for redemption of the loan in case of death of the breadwinner. A fund, which will be held at the Treasury and credited with the periodical contributions by the eligible borrowers desiring to take advantage of the scheme, will be subject to Govern-

ment guarantee and will be given an immediate advance of £50,000 against its early liabilities. Any person obtaining an advance from an approved authority (and I anticipate that these will include the State Bank, the Savings Bank of South Australia, the Housing Trust and the South Australian Superannuation Fund) will be eligible to participate provided he is under 36 years of age, is in good health, and the borrowed moneys are repayable over a period expiring before the borrower would reach the age of 66. In order to keep the rates of contribution to a reasonable minimum it is necessary, of course, to ensure that the contributors are in good health.

Any significant proportion of "bad risks" would mean a higher rate of contribution on those in good health, and make the scheme too costly to meet the needs of many borrowers who will already have heavily committed their incomes on the purchase and setting up of a house. In the first place it was contemplated that the scheme should apply only to young married people, say up to 25 years or 30 years of age at the most. The risk of death and therefore necessary rate of contribution increases rapidly with increasing age. However, further examination has indicated that it is possible, without unreasonably great increases in contribution rates, to accept contributors in good health up to the age of 35, and therefore to make eligible practically all people setting up a house for the first time. Beyond the age of 35 the rate of contribution would be considered too heavy to have any appeal, and it is obviously impracticable to require much heavier contributions from younger people to subsidize the older ones. It is necessary, too, for the same reason to restrict the scheme to persons taking loans which will be repaid by the time they are 65. Beyond this age the death risk very rapidly increases, calling for much heavier contributions. At the same time most people over the age of 65 are retiring and have a much reduced ability to meet the financial obligations involved.

Participation is provided for, also, when the house loan is secured jointly, which is often the case with husband and wife. In such a case the contribution will be based on the age and health of the breadwinner, and the loan redeemed on his death and not on the death of the wife. It will be expected generally that a borrower will contribute in respect of the whole of his housing advance. However, the scheme is not compulsory and he may be allowed to contribute in respect of only a proportion of the advance if he considers that he does not want or cannot afford full cover. Then, of course, if he should die, his widow would receive the benefit of only the appropriate proportion of loan covered.

I would stress that an essential feature of the scheme is the exercise of the utmost economy in administration costs. The rates of contribution are set very considerably below those which are ordinarily offered by insurance companies and this is only possible because of the elimination of many of the administrative costs and detail falling upon insurance companies. The administration will be arranged almost entirely by the approved lending authorities under simplified procedures. The collections of contributions will be made at the same time as the interest and other commitments on the loan. Duplication of records between the approved lending authority and the Treasury will be reduced to a minimum. In fact the records kept by the authorities will be simple and, as they will be subject to audit in the ordinary course, they will be accepted as the Treasury's record for these purposes. The small extra costs falling upon the lending authorities, all of which will be governmental instrumentalities, could, I think, be reasonably met by them without recoup or commission, as a small contribution to the community. The lending authorities will, of course, get some minor benefit by the increased security for repayment of advances. I have endeavoured to outline in rather brief terms the general object and purpose of the Bill. I now deal with the clauses of the Bill in detail.

Clause 3 deals with interpretation. It will be seen that a borrower is defined as a person obtaining an advance from an approved authority for the purpose of buying or building a house for himself and his dependants. Only borrowers in this sense can become contributors to the scheme, which is designed to enable young people to set themselves up in a house with some measure of security, and not to assist buyers of houses not intended as family homes for themselves. The other point that I mention in connection with clause 3 is that the scheme is designed to cover not only money borrowed on mortgage but also purchase money for a house under an agreement for sale and purchase where the balance of the purchase money is equated to an advance for the purposes of the Bill. This provision is made so as to include particularly houses provided on such a basis by the Housing Trust under the plan recently announced and being implemented this financial year.

Clause 4 establishes the Housing Loans Redemption Fund to which is immediately appropriated an advance of £50,000 to come from the Home Purchase Guarantee Fund. In addition to this sum and any other moneys that Parliament may provide from time to time, the fund of course receives all contributions received by approved authorities. Clauses 5 and 6 deal with the conditions under which borrowers may participate in the scheme. In the case of a sole borrower, he must be less than 36 years of age and satisfy the Treasurer and the lending authority of his good health, and the advance must be repayable in full by periodical instalments ending before he would reach 66. There is a proviso that in no case must the term of the loan exceed 40 years. Joint borrowers are dealt with by clause 6, where the conditions are the same except that the conditions as to age and health apply only to that borrower who is designated and accepted as the family breadwinner. In the case of both single and joint borrowers the Treasurer or the lending authority has an absolute discretion to refuse participation in cases they consider inappropriate, though of course this discretion will not be used without good reason.

Clause 7 provides for contributions. Subclause (1) refers to the rates set out in the schedule, which may however be varied by regulation. Contributions are generally to be paid to the lending authority which in turn pays them to the Treasurer. (Clause 11 (2).) The object of this last provision is to enable contributions and instalments of purchase money to be paid at the same time and to the same authority, thereby making for greater convenience to the contributor and economy in the administration. An important provision of clause 7 is contained in subclause (2) which enables a contributor at any time to elect to reduce the amount of the advance for which he wishes to contribute. The consent of the lending authority is required except where the borrower reduces his outstanding liability by payment of a sum of money over and above his ordinary periodical instalments. A person may, for example, after a few years, wish to pay off an amount of, say, £500, over and above his normal instalments. In such a case he can reduce his contributions proportionately without the consent of the lending authority, with the proviso of course that the reduction is not insubstantial: a proportion of one-tenth is set out in the Bill.

Clause 7 (4) provides that, if contributions are in arrear for six months, the person concerned ceases to be a contributor and thus forfeits all his rights, with the proviso that the Treasurer can recover the contributions as a debt. This is proper, for the contributor will have been kept insured for the six months even though in arrears and, had he died during that period, the fund would have repaid his advance. Contributors in arrears for more than six months can be reinstated with the consent of the Treasurer and the lending authority. Furthermore, the lending authority may at its discretion pay any arrears of contributions from time to time within the period of six months. This last provision is not obligatory but may facilitate greater simplicity and economy in the lending authorities' administration of the scheme.

Clause 7 (5) enables contributors to withdraw from the scheme at any time on giving three months' notice. This provision is, however, not to affect the contractual relations between the borrower and the lending authority. For example, if a borrower has obtained an advance on the condition that he will participate in the scheme and continue to do so until the amount is repaid in full, he is not obliged by this Act in such a case to continue contributing, but it could well be that by withdrawing from the scheme he would be in default with the lending authority, which might then be entitled to call up the whole of the principal moneys at once because of that default. Subclause (6) provides that, if an advance is paid off in full before the due date, the contributor immediately ceases to be a contributor; otherwise, a person could pay off his loan early and thus obtain an ordinary life insurance at very low rates. Similarly, if the borrower ceases to have any interest in the house—for example, if he sells it to someone else—he ceases to participate in the scheme.

Clause 8 of the Bill provides for the liability of the fund. On the death of a contributor the outstanding balance of his advance (excluding any arrears of instalments but including any amounts that he may have paid off over and above periodical payments and including up to one month's interest) is payable to the lending authority. In the case of joint contributors a similar amount is payable on the death of the nominated contributor—that is, the breadwinner. If the amount paid over from the fund to the lending authority exceeds the amount actually due, the excess is payable to the estate of the deceased contributor or, in the case of joint contributors, to the survivor. This will provide for any excess where part of the loan

has been paid off before the due date. No payment is to be paid from the fund where the borrower or nominated borrower dies by his own hand within one year and 30 days after first becoming a contributor—a provision which is, I understand, in accordance with normal life assurance law and practice. Furthermore, if there has been any misrepresentation in connection with an application to become a contributor (for example, misrepresentation as to age or health) the fund is not liable. If a borrower has ceased to be a contributor, then of course all obligations of the fund automatically cease. Clause 8 (3) provides that any deficiency in the fund shall be met out of general revenue. I would expect the fund to be self-supporting, but this clause is necessary to give contributors complete assurance.

Clause 9 will enable a person who repays the whole or part of an advance before the due date to renew his participation in the fund on the same terms if he obtains a further advance from the same lending authority to the extent of the amount repaid, with the Treasurer's approval. This is to meet the special case occurring occasionally where a borrower is obliged to change his place of living and transfers the security for his financial obligations to the new house.

Clause 10 of the Bill will enable a borrower to participate in the fund with regard to an advance on second mortgage whether he is already a contributor under a first mortgage or not. If the contributor is already a contributor in respect of a first mortgage, he can arrange to become a contributor for a second mortgage from another authority by paying both contributions to the first lending authority. The Housing Trust will be concerned most in this connection as it has in a number of cases provided second mortgage funds where the State Bank or Savings Bank has provided funds on first mortgage.

Clause 11 provides for the approval of institutions, corporations or bodies as "approved authorities" by the Treasurer on such terms and conditions as the Treasurer thinks fit. Clause 12 is in general form enabling the Governor to make any necessary regulations for the purposes of the Bill. I believe that this Bill will do a great deal towards assisting young people to establish themselves in houses upon conditions which will relieve them of the risk of members of their families becoming suddenly faced with a liability in respect of their houses, but without the financial contributions from the principal wage-earner who has died.

As this Bill becomes more general in its acceptance, and I believe that will soon happen, there will be a large number of inquiries. Judging by the number of applications, even before the legislation has been passed, I believe the scheme will be accepted by practically all people coming within its scope as far as age and health are concerned. The small amounts set out in the schedule do not materially increase the weekly liability, and there is provision that if the breadwinner dies the loan, up to the amount insured, is discharged immediately, and there is no further obligation on the widow or family.

Mr. Riches: The greatest increase will be in the maintenance and payment of rates and taxes.

The Hon. Sir THOMAS PLAYFORD: This Bill deals only with people already purchasing houses. It does not apply to rental houses, because there is no liability there. Purchasers of houses already have the obligation of maintenance and payment of rates and taxes, and I point out that that applies also to people who do not own the houses they occupy. Although in the first place the trust may be responsible for maintenance and payment of rates and taxes on its houses the trust adjusts rents sufficiently to cover these charges. Maintenance and payment of rates and taxes are the concern of all householders, either in the payment of rent or in some other way. The Bill gives purchasers of houses a cheap and effective way of ensuring that if by mischance the breadwinner dies before repayment the loan is discharged immediately without further obligation on anyone.

Mr. FRANK WALSH secured the adjournment of the debate.

LOANS TO PRODUCERS ACT AMENDMENT BILL.

Second reading.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): I move:

That this Bill be now read a second time.

It has been the practice to supply from the Loan Fund the whole of the money required by the State Bank of South Australia for advances under the Loans to Producers Act. In order, now, to relieve the Loan Fund, at least in part, from that obligation, it is proposed to give the State Bank authority to borrow for that purpose from ordinary lending institutions. This will enable Government Loan funds to a comparable extent to be diverted to

other necessary works and developmental purposes. This Bill accordingly makes the necessary provision.

Members will be aware that the Australian Loan Council, which consists of the Commonwealth Treasurer and the Premiers of each State, as well as the Prime Minister, from year to year determines the extent and conditions of borrowing by semi-governmental authorities and statutory bodies. This is done under a "gentlemen's agreement", by which the amounts to be so borrowed within each State are determined and the determination implemented through the statutory authority of each State over its own semi-governmental bodies. South Australia has relatively few semi-governmental bodies as compared with other States. The Electricity Trust, the Housing Trust, and about half a dozen of the larger local government bodies constitute the group borrowing in excess of £100,000, and latterly there is no specific quota limitation applying to authorities seeking to borrow less than £100,000 a year. The South Australian allocation for semi-governmental borrowing is likewise relatively small. On the other hand, we have a relatively favourable proportionate share of the governmental programme. The proportion is favourable, although, because of the overall limitation to funds available, the amount itself is inadequate to meet all the expenditures which the Government considers desirable.

Out of the State's semi-governmental borrowing allocation, after meeting the reasonable requirements of present borrowers, the Government believes that, because of some increase in its recent quota, a small proportion can be allocated to the State Bank for the purpose of making loans to producers. This, I can assure members, will not in any way react to the detriment of local authorities, whose necessary requirements will continue to be met. Of the £5,820,000 total semi-governmental borrowing allocation, I believe that £200,000 can be reasonably allotted and raised for this particular purpose, and perhaps somewhat more later.

The amendments in the Bill are simple. A new section 3a, to be inserted in the principal Act by clause 3, gives the authority to borrow with the approval of the Treasurer, whose agreement as to amount, terms and conditions is required, and an amendment to section 4 of the principal Act (clause 4) authorizes the bank to use the borrowed moneys, together with any amounts voted by Parliament, for the purposes of the Act.

The amendment to section 9 of the principal Act made by clause 5 provides, in effect, that the interest rate charged by the bank for advances shall be declared at a rate not less than the rate at which the relevant funds may have been borrowed. Ordinarily, of course, the lending rate will be declared sufficiently higher to cover costs of administration. The present lending rate for loans under this Act is six per cent, whereas semi-governmental borrowing from institutions will ordinarily cost 5⅜ to 5½ per cent.

The proposed new section 13a (inserted by clause 6) provides for the meeting of interest and repayment obligations undertaken by the bank, and for the manner of holding or disposal of repayments and moneys temporarily in excess of requirements. The ordinary practice will be that interest received by the bank upon loans, whether out of moneys provided by Parliament or out of money otherwise borrowed, will be credited to Revenue, and the interest payable by the bank on borrowings for this purpose will be met out of funds voted on the annual Revenue Estimates. Further, any necessary repayment of borrowed funds by the bank will, to the extent that the bank may not hold funds immediately available or secure new borrowing, be met by vote from State Loan Fund.

Mr. FRANK WALSH secured the adjournment of the debate.

ABORIGINAL AFFAIRS BILL.

The Hon. G. G. PEARSON (Minister of Works) obtained leave and introduced a Bill for an Act to repeal the Aborigines Act, 1934-1939, and to promote the welfare and advancement of Aborigines and of persons of Aboriginal blood in South Australia. Read a first time.

The Hon. G. G. PEARSON: I move:

That this Bill be now read a second time.

It repeals the present Aborigines Act, 1934, and the Aborigines Act Amendment Act, 1939. In considering new legislation, it was considered desirable to introduce a new Bill rather than attempt to amend the old Act, and the main feature of the new Bill is that it leaves out many of the old provisions which are not considered to be any longer of value. This is neither a condemnation of the old Act nor a criticism of those who so faithfully administered it—it is a recognition of the fact that time marches on, and that circumstances and concepts change. Also, it may well indicate the progress made over the years in development toward normal standards

of living by Aborigines, and progress, too, towards an enlightened public mind which has come to an awareness of our individual responsibilities towards Aborigines as our fellow citizens. The difficulties to be overcome are ours as much as theirs. They result from the impact of a highly organized European community life upon the scattered, nomadic, stringent and harsh conditions of existence of a primitive people. It is for us to remember that it is they who are called upon to make the changes, to learn our language, our ways, our food, our laws, our customs and our sophistications.

In their tribal days, Aborigines were a well-ordered and strictly governed society. Their rules regarding blood relationship, hygiene, settlement of disputes, care of the aged, unselfishness and realism, were all highly developed and rigorously enforced, and their attitude towards promiscuity and dishonesty we would do well to emulate. The problem of assimilation is one that we have inflicted upon them. They were a scattered, nomadic people moving about in small groups where the indigenous game and limited natural herbage and water supplies could sustain them. They had none of our domestic animals for food and none of our cultivated crops or vegetables or fruits. As our forefathers pushed out our frontiers, living areas for Aborigines were correspondingly restricted, and they were forced back gradually into the desert regions. The resultant concentration in poor country denuded it of game, and starvation and extinction threatened them. Churches and States established missions in strategic areas and handed out food, blankets, clothing and medical supplies. Naturally, the Aborigines congregated at these centres and this congregation established a series of fixed communities. These fixed communities were the beginning of the problem, because Aborigines' customs and habits were not designed for community living. The passing years accentuated this process, and today's disparities between their natural standards of life and ours must, in all fairness, be viewed against this background.

Repeal of the old Act naturally brings up the question, "Why consider another Act?" The answer is found in the fact that there are approximately 2,000 primitive and semi-primitive Aborigines in South Australia and that their number is increasing. There are over 4,000 people of Aboriginal blood of various mixtures who are in various stages of development. It is necessary to provide special facilities and assistance toward their development, and therefore there must be machinery for the administration of this activity. The present Bill abolishes all restrictions and restraints on Aboriginals as citizens, except for some primitive full-blood people in certain areas to be defined. It provides the machinery for rendering special assistance to Aboriginals during their developmental years and to promote their assimilation. It places all Aboriginals under the same legal provisions as other South Australian citizens, with the same opportunities and the same responsibilities.

It is obviously necessary to define the people to whom the Bill applies. This involves no opprobrium or singling out in the derogatory sense any more than is the case in such Acts as the Payment of Members of Parliament Act, the Police Pensions Act, the Land Agents Act, or any other Act on our Statute Book relating to a defined group of persons. The term "Aboriginal" in the Bill refers only to the full-blood descendants of the original inhabitants of Australia; persons of less than full blood who are of Aboriginal descent are defined as persons of Aboriginal blood. It is most important to recognize these definitions in considering the Bill, otherwise serious misconceptions will occur.

The word "Aboriginal", wherever appearing in the Act, commences with a capital letter "A". The purpose of this apparently small matter is to recognize the status of the Aboriginal inhabitants of this country in the same manner as the like courtesy and recognition are extended to the native populations of other countries, *e.g.*, Maoris, Papuans, Americans, Danes, Spaniards, etc. The numerical strength of the Board of Aboriginal Affairs will remain the same as that of the present board, but its composition will vary slightly. The Minister in charge of Aboriginal Affairs will no longer be Chairman of the board but, under the Bill, the Chairman will be appointed by the Governor. The present statutory requirement that two members of the board shall be women has been deleted. This amendment, of course, neither debars women from membership of the board nor limits the number.

The Bill has been designed to provide that there will be no restrictions of any kind on persons of Aboriginal blood. On the other hand, the assistance which may be granted to such persons will be of a nature calculated to assist the development and assimilation as, for example, in the provision of land, housing,

fostering and education of children, and special assistance to enable their establishment in primary, mechanical or business pursuits. Several sections of the Aborigines Act are now unnecessary or relate to matters in respect of which provision is already made in other legislation applying to the community at large. It is considered that the stage of development has been reached when such special provisions are no longer necessary within the framework of the Aboriginal Affairs Act and, for this reason, they have been omitted from the Bill.

Those sections of the Aborigines Act as to presumption of an Aboriginal status have also been replaced by clauses which provide for the calling of expert witnesses from the Department of Aboriginal Affairs to assist a court to determine whether or not a person is an Aboriginal. The section of the present Act whereby the board is appointed the legal guardian of all Aboriginal children up to the age of 21 years has been omitted and a new concept in relation to the care and maintenance of Aboriginal children envisaged. By co-operation and liaison with the Children's Welfare and Public Relief Department, all cases of neglected, uncontrolled or destitute children whose parents are Aborigines or persons of Aboriginal blood, will be dealt with in the same manner as are all other children in the State—that is, through the normal processes of law as provided in the Maintenance Act.

Provision has been included in the Bill for maintenance of a Register of Aborigines (*i.e.*, full-bloods) for record and legal purposes, and provision has also been included for the removal from the register of the names of those Aborigines who, in the opinion of the board, are capable of accepting full responsibilities as do other citizens. Provisions relating to exemption in the existing Act have been omitted, as they have been the cause of many complaints and, in any event, the removal of restrictions obviates the necessity for the provision of exemption of persons of Aboriginal blood from the Act. It is important to note that the provisions of the Bill need not necessarily apply to persons of Aboriginal blood unless they desire to bring themselves within its ambit. Aboriginal reserves are envisaged as being training centres for Aborigines: persons of Aboriginal blood may also qualify for residence on a reserve if they so desire, but it will be necessary for such persons to obtain the written permission of the board for them to reside thereon. Having obtained this permission of their own volition, they will be required to comply with the regulations laid down for the administration of such reserves during their period of residence.

As this is a new Bill and not merely an amending Bill, I have not thought it necessary to refer to individual clauses. The purpose of each is clear. Because of its nature, perhaps I should refer briefly to clause 33, which repeals the special sections of the Licensing Act relating to Aborigines and makes new provisions on the matter of intoxicating liquor. The purpose and effect of the new provisions are quite clear. They provide that Aborigines shall be subject only to the general law of the State regarding liquor, with the exception that Aborigines residing in certain parts of the State, which will be proclaimed, will be restricted because of their primitive status. There will be no restriction on persons of Aboriginal blood in any part of the State whatsoever. The penalties for supplying, within the proclaimed areas, have been adjusted to take into account the seriousness of this offence when committed by Europeans and others accustomed to living under law with a full knowledge of its consequences, and on the other hand to take a more lenient view where a person of Aboriginal descent, because of his ingrained tribal habits, has a natural instinct to share with his friends. The question of Aborigines and alcohol is a vexed one and largely becomes a matter of individual opinion. The Government believes, however, that—on balance—the time has come to remove the restrictions and to place upon Aborigines generally and persons of Aboriginal descent absolutely the responsibility for their own conduct and the observance of the ordinary law. This principle in this clause is therefore consistent with the policy set out in the Bill as a whole.

I should like to make one or two comments regarding this legislation and to refer to the question generally. The Bill in itself is not a revolutionary piece of legislation; that is because even under the old Act there were very few restrictions on Aborigines in South Australia. For instance, always as citizens of the State and therefore citizens of the Commonwealth of Australia, all Aborigines who had a fixed address or could give an address as their place of abode were entitled to vote in both Commonwealth and State elections. That has always been the case, at least during my lifetime, but this fact has often been overlooked by the public and neglected by the press. They have always enjoyed the right to own property of any description; as far

as I am aware, there have been no restraints or restrictions in that regard. They have the right to approach any authority or institution for assistance in the same way as any other citizen.

The Housing Trust is willing to consider applications from Aborigines to be tenants of the trust in the ordinary way. Apart from the restrictions that apply under the Licensing Act there was not much room for what might be termed "revolutionary legislation" in a new Bill. This measure takes a forward step in many respects and recognizes the principles that were enunciated some time ago in the Premier's policy speech, and in other ways, that we should move towards the point where we place upon Aborigines the same responsibilities as are placed upon other citizens, and that at the same time we should give them special assistance in meeting those responsibilities.

I acknowledge the assistance I have received in the preparation of this Bill from quite a few people, and should like to record that the previous Secretary of the Aborigines Protection Board and head of the department (Mr. Clarrie Bartlett) was of very great assistance when I took over the responsibility of Aboriginal affairs. I regret that his health has compelled him to retire from the service. I pay a special tribute to his long and valuable services. The acting head of the department (Mr. Miller) has also been a great help to me. That also applies to Professor Cleland (Deputy Chairman of the board), who has been very loyal to his duties over a number of years, and to other members of the board.

In future the objectives of the department will centre more on real welfare than perhaps has been the case in the past. By "real welfare" I mean the avoidance of mere handouts and palliatives—the avoidance of what might be termed a sort of paternalism—and on the other hand, the exercise of help and encouragement to enable these people to accept their full responsibilities. This requires much skill and understanding on the part of departmental officers, who must exercise firmness where required, without harshness, and offer encouragement towards ambition. We are stepping up materially the housing programme for Aboriginal families, and in this regard it is not a question merely of providing a house, but also of assisting them to obtain employment and settle into their new surroundings and be at home with their neighbours. This requires, and will require, frequent and regular visitation by departmental welfare officers, not only of Aboriginal families, but also of their neighbours, to introduce Aboriginals into their new surroundings. It also involves our finding, as far as we are able, employment for the people so housed. That has been the policy and it will continue to be so. We have provided special facilities within the department regarding the employment of the breadwinners of these families. It necessarily involves also an increase in the department's welfare staff. Several new positions in this regard have been created, and we hope in the future to enlist as cadets people with suitable scientific training in the making so that they may in due course become appointed as welfare officers within the welfare section.

The rapid increase in spending by the Government through the Aborigines Department in recent years is worth placing on record. In the last 10 years the expenditure has increased by 700 per cent. In 1951-52 the department spent £71,000; last year it spent £524,000. If I may say so, since my advent to office in 1958 expenditure has risen from £264,000 to £524,000, so that in that short period it has again doubled. When the Budget is presented this year, members will see that a further increase is proposed for this financial year.

In the last three months I have spent much time in preparing this legislation, which I have tried to view in the light of experience gained since taking over this portfolio, of living close to Aboriginal people many years ago on Yorke Peninsula, and, more latterly, on Eyre Peninsula. Since becoming Minister in charge of this department, I have made it my business to travel extensively through the outback areas of this State so that I could see at first hand the conditions under which the primitive Aborigines of this State were living and take the opportunity of discussing with people who have spent their lives amongst Aborigines so many of the things necessary for any person to know before being competent to express a well-founded view on the needs and difficulties of Aboriginal assimilation.

I gratefully acknowledge the assistance I have had from the welfare officers of the department and from the two patrol officers of the Weapons Research Establishment at Woomera, with whom I have spent many weeks on the road and many nights in camp. Over that time I have developed a considerable respect for Aboriginal people. At the same time, I have learnt to be somewhat wary of the starry-eyed idealists and those people who

become subject to spasmodic enthusiasms regarding what ought to be done for Aboriginal people, because the question of their assimilation into our community is not one of short duration. It cannot so be. That is impossible, and the scientific world has agreed that assimilation is something that must take place over several generations if we are not to tear apart the fabric and psychology of the people whom we are trying to help.

It is obvious that the instinct and habits that have been ingrained in people over many centuries cannot be changed overnight. Therefore, my concern to make rapid progress is tempered by the knowledge that progress, to be successful, must be governed by these factors. Despite that, however, I believe we have made real progress in the development of Aboriginals over the years. Their contact with us, although it has been detrimental to them in many respects, has nevertheless been beneficial to them in many other ways. I believe it has resulted in a great improvement in their standards of living. I believe we have, too, made real progress in public attitude towards them and acceptance of them.

In the field of education, we have recently concluded an agreement with the Education Department whereby it will take over the entire responsibility for the education of all Aboriginal children. I thank my colleague, the Minister of Education, the Director of Education (Mr. Mander-Jones), and senior officers for the great co-operation they have extended to us in considering these changes. Although education has been carried on most capably in the past by mission schools and other agencies, their limited resources must to some extent have restricted their activities, and I believe that education standards will improve and become more widespread under the aegis of the Minister of Education and his department.

In conclusion, let me say that I have a genuine desire, which I know is shared by the Government and I believe by every member of this House, to take another forward step in promoting the welfare and assimilation of Aboriginal people. Because I believe that desire is shared by all members of this House, I hope this Bill will be considered on its merits and in a non-partisan atmosphere so that the very best can be done for the people we are trying to help.

Mr. DUNSTAN secured the adjournment of the debate.

IMPOUNDING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 15. Page 550.)

Mr. FRANK WALSH (Leader of the Opposition): I support the second reading of this Bill and, although I commend the Local Government Advisory Committee for its interest in this matter, I do not agree with its recommendation regarding clause 6. Clause 4, I believe, is an improvement on the existing legislation, as it will enable stock to be transported to a pound in certain vehicles. However, I intend to move an amendment to clause 6, which increases penalties. Section 45 of the Impounding Act provides that if any bull above the age of one year is found straying the owner shall be liable to a maximum penalty of £5, and that if any entire horse above the age of one year is found straying the owner shall be liable to a similar penalty. The owner of a ram above the age of six months that has been found straying is liable to a maximum penalty of £2. The penalties proposed in clause 6 are excessive and I shall move an amendment in Committee to provide that the maximum penalties be £25 (instead of £50), and £10 (instead of £20), which will be commensurate with the increase in the value of money since 1920. I support the second reading.

Mr. QUIRKE (Burra): I wholeheartedly agree with the need to amend the principal Act, but I heartily disagree with the proposed penalties. Stray cattle are a menace on our roads and can endanger life: indeed, they have caused the loss of life. This legislation must be brought up to date with existing conditions. I believe that straying entire animals can be a menace, particularly in areas where high-quality studs have been established.

Mr. Bywaters: Stud-keepers are usually careful to control their animals.

Mr. QUIRKE: Yes, but accidents can happen. An owner is not always at fault when his stock stray. People coming on to his property can leave gates open and an owner can be completely unaware that his stock have strayed until notified by a ranger or until an accident is caused by the stock straying. The provision of heavy penalties tends to create the impression that a stockowner is guilty. I agree that some stockowners are at fault because they permit their stock to range, and almost every district council has one or two stockowners like that. However, that does not warrant the provision of excessive

penalties because it can become an instance of bad cases making bad laws. I agree with the Leader's proposed amendments, but he has not gone far enough. Clause 7, which amends section 46 (1) of the principal Act, provides for a maximum penalty of £50. This provision refers to cattle that stray in a town and could apply to a person whose pet cow "Daisy" got out on the street. When a case is heard before a local court and discretion has to be exercised by a justice or magistrate, if the maximum penalty is £50 the normal practice is to impose a fine of not less than £25, and this is too much. I propose to move several amendments relating to penalties.

The fourth schedule to the Bill lists the fees chargeable by a ranger in respect of the impounding of cattle, and paragraph (1) provides that in respect of the impounding of cattle comprising entire horses, mares, geldings, colts, fillies, foals, mules, asses, camels, bulls, oxen, cows, steers, heifers, calves, rams, or deer the charge shall be £1 a head for any number up to five; 5s. a head for the next 15; and 1s. a head for any number after the first 20. The charge for impounding a poddy calf is exactly the same as for impounding a camel, and that does not make sense. Paragraph (2) refers to cattle comprising goats, pigs, ewes, sheep, wethers, and lambs. Apparently you can take your pick of whether a sheep is a ewe, sheep, wether or lamb. The charge for impounding any number of such cattle up to five is £1 a head, so if four little lambs are found gambolling on the roadside a charge of £4 can be imposed.

Mr. Bywaters: That would be all they were worth.

Mr. QUIRKE: It would be almost as cheap to cut their throats. For any number of such cattle after the first five, the penalty is 6d. Therefore, if an owner should have five cattle out, that will cost him £5, but the sixth will cost him only 6d., and it does not matter whether it is a pig, goat, ewe, sheep, wether or lamb. The last four expressions still strike me as being extremely funny, but I shall let that pass.

In respect of the impounding of cattle, some of which are of the descriptions mentioned in paragraph (1) and some of which are mentioned in paragraph (2), the charge for the first five is to be £1. If we have a mixture of these cattle we get them at a reduced rate, but for any number of such cattle up to five the charge is to be £1 and then the charge is to operate at a lower rate according to how the cattle are mixed. I do not disagree with that but, again, I would reduce that charge for five cattle to 10s. The fifth schedule contains the table of poundage fees for cattle impounded. In the first place, we find the ranger's charge, to which I have just referred, and now, in this schedule, we find the poundage fees and in addition to that we have the fine for allowing cattle to stray. That illustrates what the owners are up against. These charges are terrific. Imagine having 500 sheep with six rams amongst them out on the road! In that case it would be far better to put those sheep up for auction.

Mr. Bywaters: A three-strand wire fence would not keep them in.

Mr. QUIRKE: No. Of course it is expected that people will have good fences, and bad fences incur the expense of poundage fees, apparently; they make for bad neighbours and bad sheep. In the first place the fine for a straying ram could be a maximum of £20. The increase for a straying ram has been carried right through the Bill in the same proportion for other straying stock. For every entire horse above the age of two years the poundage fees are to be £5 for the first day. It is unlikely that an entire horse would be found straying on the road, but after the first day the charge is to be 10s. a day for every entire horse under the age of two years. For every mare, gelding, colt, filly, foal, mule, ass, and camel the charge is to be 2s. a day, but when we get to a bull above the age of two years the charge for the first day is to be £5 and for every succeeding day it is to be 10s. The charge for every bull under the age of two years is also to be 10s. a day. For every ram above the age of 12 months the charge, for the first day, is to be £5, which is exactly the same as the charge paid for a bull over the age of two years. After that, for every ram above the age of 12 months, the charge is 1s. a day.

Quite frankly, I do not like this scale of charges at all. I think this Bill is the result of representations from exasperated people, and I do not deny that councils can be exasperated in these things and that it has been found necessary to amend the Act. However, the exasperation over one or two people should not be the means of inflicting such dire penalties upon the whole community, particularly when in the vast majority of cases straying cattle are straying not because an owner wishes it, but because he does not know they are straying. Very often these things happen through

no fault of the farmer. Every farmer knows of people who will call at a farm and go through gate after gate, leaving them open. There used to be a penalty, which was to meet them at the last gate and shoot them, but leaving gates open still occurs.

I do not believe that this House should legislate for such extravagant penalties in this matter. I know that some penalties cannot be too severe for repeated offences, but if we increase these penalties from £2 or £5 to £25 such penalties could be exacted over and over again and that would soon prove to certain people that they cannot carry on now as they once did. They would be the guilty ones and even in their case a maximum penalty of £25 would be sufficient, because it could be repeated until such time as they were forced to sell their stock or keep them contained in their own paddocks. I think that £25 is still too much, but I am prepared to accept that instead of the £50. The proposed amendments that I have circulated give an indication of my ideas on this matter and members will notice that the first suggestion deals with clause 6, which amends section 45 (1) of the principal Act. In this regard I agree with the Leader of the Opposition that "£50" should be reduced to "£25". I also agree with him that in the case of a ram the penalty should be reduced from £20 to £10. From then on all the other suggested amendments would be following on past years. However, I draw attention to clause 7 providing a penalty of £50 for allowing animals to stray on to the roads in country towns. That figure must be a mistake, and although I propose to reduce it to £25 I believe that is still too much. I do not wish to be accused of going too far on this Bill, but the £25—

Mr. Clark: That is the maximum.

Mr. QUIRKE: Even a maximum of £25 would mean that the owner would be fined at least £10 or £12 and I believe that is quite sufficient. Honourable members will see what I intend doing from the suggested amendments I have circulated. In most cases I have reduced the amount to 50 per cent of the amount proposed in the Bill.

Mr. Riches: Do you think the penalty should be the same in a district council area as in a corporation area?

Mr. QUIRKE: No, although corporation areas would probably give rise to more danger, because of the small streets that one finds in those areas.

Mr. Bywaters: Many main roads run through district council areas.

Mr. QUIRKE: A main road is a very bad case. It is worse on an intersection but, in small country towns where there are so many blind corners, that is where accidents usually happen with straying stock. I am taking the Bill as it is written and endeavouring to put in penalties that I consider to be justified. In some cases it may be argued that they are more than justified. I know that councils are particularly eager to get this Act amended. For that reason I am prepared to accept the Bill, with the amendments that I propose. Having said that, I support the second reading.

Mr. LOVEDAY (Whyalla): The Minister, when introducing the Bill, gave as his reasons for it the fact that the Act had to be brought up to date in certain respects in the light of experience, and the fact that the value of money had changed; consequently, the penalties outlined in the original Act needed revision. We agree with those two points. As has already been said by the two previous speakers, some of these provisions appear to be out of line with reality. Admittedly, when one looks through all the penalties prescribed as revised, they bear a rough relation to the change in the value of money, because I notice that most penalties could increase four or five times with the exception of those that received special attention by the Leader of the Opposition, in particular under clauses 6 and 7 where the increases were far more than four or five times. But, when one looks at this Bill from the point of view of a revision of penalties because of a change in the value of money, that seems to be an unrealistic approach when dealing with the questions raised by the member for Burra under the different schedules, for some of those penalties seem unreal in their application. They are far too severe, bearing in mind the nature of the offence. A little more thought might have been given in drafting the Bill to the nature of the offence rather than the change in the value of money, because a rough rule seems to have been applied in changing these penalties. I support all that the member for Burra had to say about the change in these proposed rates, and the amendments he foreshadowed as well as those of the Leader, because they are far more real in their application to the offences dealt with. Clause 5 states:

Section 25 of the principal Act is amended by striking out subsections (2) and (3) of that section and inserting in lieu thereof the following subsections:—

"(2) If the owner of any cattle so impounded is known to the poundkeeper,

written notice of the impounding shall be given to the owner—

(*a*) by delivering the notice personally to the owner; or

(*b*) by sending the notice by post addressed to the owner to his usual or last known place of residence or business in the State.

(3) Where the notice is to be given by delivering it personally to the owner, it shall be given within forty-eight hours after the time when the cattle were impounded, and where the notice is to be sent by post, it shall be posted as soon as practicable after the expiration of twenty-four hours after the time of such impounding.

Mr. Bywaters: Would not a telephone call be sufficient?

Mr. LOVEDAY: That had occurred to me and, although provision was not made in the original Act, it occurred to me too that the owner of a property might be away for a considerable time and have placed a manager in charge of his property. It would not seem difficult to amend this by adding the words "or the manager of the property", or words to that effect, so that, if the owner were away, one could imagine a letter addressed to the owner either having to be forwarded to him, which would involve considerable delay, or possibly not reaching him, for the manager might not even know his address. Were the correspondence addressed to the owner or manager, it would receive immediate attention because obviously this is a case where stock have been impounded and immediate attention to that is needed. I suggest that to the Minister. He may know something more of this aspect than I do, but it appears to me to be a circumstance that could arise and be obviated by dealing with it in that way.

Mr. Quirke: In practice, people use the telephone.

Mr. LOVEDAY: If that is so and is satisfactory, it may not be necessary to do this, but sometimes people stand on the technical wording of the Act.

Mr. Quirke: Yes.

Mr. LOVEDAY: In order to get over that difficulty, I think that point might be considered. There are two aspects concerning the penalties for people allowing bulls and entire horses to roam, as compared with rams. Obviously, there is a considerable element of danger in the former compared with the latter offence, in which there is virtually no danger at all except possibly to traffic. In the former case, considerable danger arises and, therefore, that has to be considered in fixing that penalty. I agree with the Leader that the maximum penalty of £50 is far too great. I have pleasure in supporting the Bill, with the amendments suggested by the two previous speakers.

It has been drawn to my attention that one penalty is not included in the amendments proposed by the member for Burra. This is dealt with in the fourth schedule. The honourable member drew attention to it when speaking on penalties. The penalty referred to there is:

(1) In respect of the impounding of cattle comprising entire horses, mares, geldings, colts, fillies, foals, mules, asses, camels, bulls, oxen, cows, steers, heifers, calves, rams, or deer—

	£	s.	d.
For any number of such cattle up to five, per head	1	0	0

I suggest that 10s. rather than £1 would meet the situation there.

Mr. Quirke: I think we had overlooked that one.

Mr. LOVEDAY: I do not think it is too late to bring down an amendment to cover that penalty. I suggest that that be included in the proposed amendments to penalties.

Mr. HALL (Gouger): I, too, support the second reading. I agree, mainly, with the previous speakers who have expressed the need for this Act to be amended. Apparently, we all agree to disagree with some of the Minister's proposals. The real object of this legislation is to prevent stock straying, not so much to exact vengeance once they have strayed. It is to get owners into the frame of mind where they know they will be running the risk of a penalty if they allow their stock to stray. The main offenders in this regard are those who deliberately put their animals out to graze.

Mr. Bywaters: I notice that turkeys are not included in this.

Mr. HALL: I wondered whether we could perhaps delete that portion.

Mr. Lawn: What penalty would the honourable member suggest for impounding members of the Liberal Party?

Mr. HALL: They would enhance their environment wherever they were impounded. The Bill is not aimed at the first offender. Accidents can happen with anyone having stock in his possession. The Bill is directed at the persistent offender who inconveniences his neighbours and the district generally by his inattention to stock. In some areas breeding of valuable stock takes place at studs that are renowned far and wide. If there are straying animals much of this breeding can be upset. I understand that is the background of the move by local government. I believe that a penalty

of £50 in respect of straying horses or cattle, and £20 respecting rams, is too much. In yesterday's *Hansard* report the Minister is reported to have said, in his second reading explanation, that the Bill increases the penalty for allowing a bull or horse to stray from £5 to £10, and for any ram from £2 to £5. Evidently the Minister's script was not well prepared, or a mistake has been made somewhere, because the information given by the Minister is at variance with the Bill.

The member for Whyalla has made a good suggestion, and where the manager is involved it would, if adopted, put the position right. When an owner leaves his property and puts a manager in charge that manager is placed in a vulnerable position, because the stock are not then under his usual care, and that is when animals might stray. I support the second reading and in Committee will support the foreshadowed amendments.

The Hon. B. H. TEUSNER (Angas): I support the Bill. It is time that the Act was amended to meet present-day conditions. The original legislation dealing with impounding in South Australia was introduced in the House of Assembly in 1858. The 1920 Act embodied most of its provisions. As other speakers have mentioned money values have changed over the years and now many of the penalties and charges by poundkeepers are too small. I support increased penalties, but have some hesitation in accepting the increases provided in the Bill. The penalties in the Act, and those in the Bill, would be maximum penalties, and it would be competent for a court dealing with an offence under the Act to impose a penalty from 1s. up to the maximum provided, in order to meet circumstances. Under the Justices Act if a court considers that a case has been made out for triviality the action must be dismissed and no penalty imposed, or the defendant exonerated from the payment of a fine. However, some people are persistent offenders, and if such an offender came before the court for a second, third or fourth time it would be incumbent upon the court to impose a heavier penalty. A few years ago a case in a country town came under my notice. The person concerned had been convicted for a first offence and fined the maximum £5 under the Act, in view of the circumstances. Subsequently he transgressed again, but the court was unable to impose more than the maximum £5 fixed by the Act. Under the Bill a court will be able to deal more effectively with the offender who comes up for the second, third or fourth time.

I am concerned about one aspect of the Bill and I hope the Minister will be able to give further information about it before the Bill reaches the Committee stage. Under common law there is a remedy known as distress damage feasant. Under it a trespassing animal may be impounded on the owner or occupier's land to secure damages for harm done to the land. I bring before members a case of this type. A horse or cow trespassed on a private vegetable plot. It trespassed in the early evening and spent the night in the vegetable garden, doing damage to the extent of £20. Under the old common law remedy it would have been competent for the owner or occupier of the vegetable garden to impound on his land the trespassing animal and to hold it impounded in order to secure the payment of compensation to the value of the damage done.

The Act appears to recognize to some extent that remedy, because section 15 gives the owner of any land on which cattle are found trespassing the right to impound such cattle in any convenient place upon his land. Subsection (3) provides *inter alia* that if the owner of such cattle does not within the period (it is three days under the present Act) pay to the owner impounding such cattle the amount of damages claimed in respect of the trespass of such cattle, together with charges for the sustenance of such cattle whilst so impounded, at the same rates as are chargeable by the keeper of the nearest public pound, the owner of the land may impound them in the nearest public pound. Section 15 (4) states:

> The owner impounding cattle as aforesaid may claim in respect of the cattle so impounded sustenance charges in respect of the sustenance of such cattle whilst impounded by him on his own land at the rates chargeable by the keeper of the nearest public pound, in addition to any damages claimed for the trespass of such cattle on his land.

Section 18 (1), which is also relevant to the question of damage, states:

> The owner of any land impounding any cattle found trespassing thereon may claim damages in respect of such trespass, at the rates for damage by trespass specified in the sixth schedule.

The sixth schedule of the Act specifies the rates, and the Bill amends that schedule by increasing the amount that can be claimed for damage by trespass. Under the Act, the sum that can be claimed in respect of any trespass

on any enclosed growing crop of any kind is, in respect of an entire horse, mare, gelding, filly, etc., 5s., and the amending legislation increases that to £1. We come back to the definition of "a growing crop"; it could be a crop of vegetables.

Mr. Shannon: Is that assessed on the number of days of trespass?

The Hon. B. H. TEUSNER: Apparently not: the penalty is 5s. for trespass on an enclosed growing crop of any kind, and that will be raised to £1 under the amending legislation.

Mr. Shannon: A farmer who has 600 or 700 acres might not see the animal for a week.

The Hon. B. H. TEUSNER: Quite so. The damage that may be done by a horse or a cow during one night on the property of a person with a valuable crop could be much greater than the maximum sum fixed under the Bill. I want to be certain that the remedy provided by the common law—the remedy of distress damage feasant—is still retained for the owner who suffers such damage.

Mr. Bywaters: Do you say the owner has no recourse under common law?

The Hon. B. H. TEUSNER: The Act provides that, if the amount specified in the sixth schedule is tendered by the owner of the trespassing cattle to the person who has impounded the cattle on his land, the latter is obliged to hand over the cattle.

Mr. Bywaters: Would it prohibit his taking further action?

The Hon. B. H. TEUSNER: That is my point. Assuming that an owner of land suffers damage to the extent of £20, £30 or £40, and the owner of the trespassing cattle tenders £1, which is the amount fixed under the schedule, and the animal is handed over, is that right of distress damage feasant retained by the owner of the land in respect of the balance? Section 48 (1) states:

Nothing in this Act contained shall prevent the owner of any lands trespassed on by cattle from suing in the Supreme Court or in a local court for compensation for ordinary damages, at the rates specified in the sixth schedule or at the rates in force for the time being at the public pound nearest to the lands trespassed upon, or for special damages for the trespass of cattle.

I am not certain what is meant in this instance by "ordinary damages", although the term "special damages" is well known in law. I want to be certain that the owner of land is not prejudiced if he accepts payment of the amount fixed under the sixth schedule in respect of the damage; I want to be certain that he still has reserved to him the right to be able to sue for the balance of the total damage he has suffered. I realize that the Minister may not be able to give me an answer today, but I should like that matter clarified because I consider that in many instances the actual damage that owners suffer is considerably more than the amount fixed in the sixth schedule. With those few remarks, I support the Bill.

Mr. HARDING (Victoria): I support the Bill. One or two matters that to some may appear minor have not been touched on. Mention has been made of the danger caused by straying stock in built-up areas. On the sides of some open roads, particularly in the South-East, phalaris has grown to a height of six feet; this has restricted vision, and fatalities have occurred as a result of straying stock. Straying stock seldom come from a farm that is managed properly. On many such properties there are no main gates but ramps that are used by tradesmen and other people. Valuable stock are not found in those front paddocks of properties where they can get out and be lost.

It has been stated that the penalties imposed are too severe. I favour the suggested amendments, but I consider that even the original penalties proposed are not too severe in some instances. Through good management, foot-rot in the South-East has been practically eliminated. Poor farm managers are the ones most likely to have poor fences, and one miserable sheep (if it has foot-rot) straying into a neighbour's paddock can cause far more than £50 worth of damage in one day: it can be as much as £500 worth of damage. I support the Bill because I think it is a move in the right direction.

Mr. HEASLIP (Rocky River): Like previous speakers, I agree that the Act needs amending, but I cannot agree to the steep increases in the penalties as outlined. I favour the amendments proposed by the Leader of the Opposition and (in clause 7) by the member for Burra, but that is as far as I can go. When we are dealing with these penalties we can, in fact, rule out stud stock, which will not be found straying or being impounded because they are too well looked after and too highly valued to be allowed to get out on the roads or streets, except in cases of accidents, in which cases immediate action is taken by the owner to get them back. He has only to get on the telephone and he would immediately get them back.

I would rule entires out, because they are practically non-existent, except those used for stud, and they are too highly valued. The penalty is £50 for a straying bull and it would be necessary to prove ownership. That might be difficult, because no-one would claim him. It would not be worth £50 to the owner to claim him and therefore he would not have to pay the fine unless it were proved that he was the owner. Therefore, it will be left to someone to take charge of the bull and get rid of him. The same would apply to rams, which would only be flock rams. The useful life of a flock ram is only about three or four years and if one of these straying rams were a couple of years old he would be worth only about £2 or £3. No-one would claim a flock ram if he were to be penalized £20. The fines proposed are not realistic. I do not think that the poundage fees provided for in the fifth schedule are too high, because in this case much labour is involved. It includes payment to the ranger, the maintenance of the pound and the feeding of animals. It would be impossible under existing charges to feed animals at the price mentioned. An increase of about three or four times would be much more realistic and reasonable. The only provisions I disagree with are those in clauses 6 and 7.

Mr. Quirke: What about the fine relating to rams?

Mr. HEASLIP: The fine there may be a little excessive. I would not be prepared to vote against the Bill. Much inconvenience and loss can be caused to people who are trying to build up herds of cattle and flocks of sheep to a proper standard when straying bulls and rams undo all the good work an owner is trying to achieve. The maximum fine should be realistic. I agree with the first three amendments proposed, but not the latter part.

Mr. SHANNON (Onkaparinga): I think that the member for Angas (Mr. Teusner) touched on a point of which some members failed to take cognizance. I formed the opinion that members were in favour of the offender and not the sufferer. People who allow their stock to roam are the offenders and their stock cause damage to neighbours and annoyance to the travelling public. I think that Mr. Teusner touched on the proper note when he referred to the difficulty of getting adequate compensation for damage done by straying stock when they enter a person's property and do damage before the owner can do anything about it. He referred to the possibility of a cow getting into a cabbage patch, and everyone knows what would happen there. If such stock got into a growing wheat crop it would not take long before much damage was caused. It could be a considerable sum.

Schedule 5 provides that for every 24 hours that his entire is in the pound the owner can be charged 10s. for sustenance, and the same principle applies right through—so much for every 24 hours. The amazing thing is that in the sixth schedule the amounts set down are modest. In fact, the owner of the same entire would be charged only £1 for any damage. If a pig trespasses in a growing crop the fine is £1 and the same applies to goats, but for lambs it is only 1s. That does not make sense to me. Goats and pigs are closely related and eat the same tucker and would do much damage if they got into a crop. Why we should make the charge for a goat or pig twenty times more than for a ram and other types of sheep beats me. I cannot follow that argument.

There is no provision in the sixth schedule for charges according to the damage done. It is only a set sum. Roaming stock may get into a crop and it may be a week or even a month before the owner finds them. The crop may be cleaned up or badly knocked about, but all that the owner will get is the fee set down in the sixth schedule, which is a very modest sum. I do not know whether Mr. Teusner has now satisfied himself that under common law the person who suffered this loss would still be protected and not overridden by this legislation as to his civil right. If that were so, I should not be quite so unhappy about it. I do not think that we need worry about the maximum penalty. I am not concerned about that; I do not think any court would impose the maximum penalty unless it were justified. If a man were a repeated offender and caused a nuisance in an area, I think everyone in the district would say that he deserved all he got.

Mr. RICHES (Stuart): I wish to say a few words about this matter.

Mr. Clark: Are you going to bring circus animals into this?

Mr. RICHES: The honourable member, whether he realizes it or not, has just made a comment of some moment. It is no fun for a corporation to face the necessity of impounding circus animals, and no little expense is involved in impounding travelling stock not properly looked after. It seems to me that the impounding charges in this Bill are not only fair and reasonable, but necessary—fees for sustenance, in particular. I wonder if the Bill could not be re-drafted with separate provisions for corporations as distinct from

district councils. I agree completely with what other members have said about stock straying from farms or in a district council area, but much of what was said had no relationship whatever to corporation areas. My experience has been with a corporation that may be different from most in that all stock travelling from Eyre Peninsula have to pass through that corporation's area. Although the problem has been eased since the widespread use of motor vehicles for transporting stock, not all stock are transported in this way.

When stock are allowed to stray, they do considerable damage. This is the fault not of the owners but of the people entrusted with droving the stock. Not long ago horses taken from the West Coast to the South-East to be used as crayfish meat went through the centre of Port Augusta and did terriffic damage to garden plantations. A corporation faced with the necessity of impounding stock incurs great expense in maintaining the pound, employing a ranger, and providing a horse for the ranger; or it allows stock to roam at will and do all sorts of damage to residents in the area. The expense involved in impounding one horse or cow is much more than the rate set out in the Bill, and people are asking why they, instead of the offender, should shoulder this expense. I do not know that this aspect, which is very much the concern of a local government body, has been considered. I think it was said that local government had asked for this Bill.

Mr. Boekelberg: The Bill would not cover stock driven through a town such as Port Augusta. Stock cannot be impounded if they are driven through a town by road if somebody is in charge of them.

Mr. RICHES: It all depends on what is meant by "in charge". Drovers often camp just outside a town and let the stock go. I do not think anyone would attempt to impound stock while the drover was actually in charge.

I think the Leader of the Opposition has pinpointed the matter in the Bill that should be the concern of the House—the fines. Although the penalties prescribed are maximum penalties, I think they may be taken as a guide to the court and that they could be unduly heavy, but the charges for impounding, feeding, and repairing damage are fairly realistic. I am prepared to listen in Committee to arguments in favour of the other amendments proposed by this Bill, but I think the Leader's attitude towards penalties is reasonable. The schedule of charges against straying stock, which is often just one animal, is fairly realistic. Although I support the second reading, I will support the amendments foreshadowed by the Leader in relation to fines. I do not completely agree with all that has been said about the charges in the other schedules.

The Hon. D. N. BROOKMAN (Minister of Agriculture): I appreciate the wealth of information brought to bear on this subject by members who have had much more experience of local government affairs than I, and I realize that those who have spoken have dealt with problems like this to a greater extent than I. I do not think there will be any difficulty about accepting the two amendments foreshadowed by the Leader of the Opposition and those to be moved by the member for Burra, but, as I take it from what has been said that members favour the Bill, I ask that it be allowed to go to Committee and in the meantime I shall discuss the amendments with the Government. However, there will be no major problem about reducing the fees.

We are dealing with a type of property that is rather unusual because it depreciates rapidly at times. Some types of stock may lose value almost overnight, or within a week or two. It is not practicable for property of this type to be held in any particular place. Stock can be held in a paddock but, as they are able to get in, they are likely to be able to get out. Also, stock cost a lot to keep. These things are what guided the framers of the Bill. The Government strongly favours supporting local government within its own sphere of activity, and the Local Government Advisory Committee recommended the Bill in its present form. That committee comprises Mr. Cartledge (Chairman); Messrs Whittle and Newlands from the Municipal Association (both well known in local government and the former a former member of this House); Messrs. McPherson and Cox of the Local Government Association; Mr. M. L. Smith of the Local Government Officers Association; Mr. Veale of the Adelaide City Council; and Mr. Ide of the Highways Department. Members can see that this is a local government committee in the true sense, and it has determined that the Bill is the appropriate legislation to introduce. So, before we get too enthusiastic about it, we should bear in mind that the Bill was framed by local government and we should be sympathetic in supporting it as best we can. That, of course, does not limit our actions in amending it.

Straying stock are particularly dangerous, and much worse now than they used to be when vehicular traffic was much lighter. Serious accidents can happen when a vehicle strikes a straying animal, and the damage is increased by the high speeds at which vehicles now travel. Agriculturists are worried by the danger of disease being spread by straying stock: foot-rot is easily spread by this means. Certain venereal diseases are transmitted by cattle, and heifers straying in season can endanger the herds of good husbandmen, and this is especially worrying to dairymen in congested districts and to stud-masters.

When stock stray, dishonest practices are encouraged. If people find stock in their paddocks they are encouraged to include them in a mob of stock for the abattoirs. They sell or dispose of the stray stock, which they would not do were the temptation not present. Straying animals are a nuisance because they are difficult to round up, and frequently, because it is hard to trace their owners, they are got rid of as quickly as possible.

I recently examined some records and discovered one or two interesting cases. One man had a stray ram on his property for two months. He could not find the owner and did not know what to do with it. He reported its presence, but I do not know what the final outcome was or what processes were followed in trying to locate the owner. That ram was a nuisance to this good farmer. Some rams—particularly some of the English breeds, including Dorsets—are difficult to keep fenced. Another case concerned a drover who was in charge of 4,000 sheep that travelled six miles in three days. That was extremely cheap agistment.

Mr. Heaslip: That practice is against the law.

The Hon. D. N. BROOKMAN: Yes. The drover was fined £4, which was all the agistment he had to pay for grazing these sheep in the so-called "long paddock". The member for Angas queried the possibility of recovering damages. I cannot give a legal opinion on that and, even if I could, I doubt whether the House would believe me. However, I have consulted the Parliamentary Draftsman who, from a brief examination of the problem, considers that the position is covered. With an opportunity to give it closer consideration he could give a more definite opinion, and I intend to obtain further information if the Bill passes the second reading stage. I do not know how many cases have arisen similar to the hypothetical one mentioned by the member for Angas.

The Hon. B. H. Teusner: It was not hypothetical.

The Hon. D. N. BROOKMAN: If the honourable member will supply me with details I will examine the case. Another member referred to circus animals. They can be a problem. I am reminded of the difficulty a veterinary surgeon in my district had with a sick orang-outang that needed a penicillin injection. He had to catch the animal unawares and, after the circus had moved to another town in the locality the next day, he communicated with a neighbouring veterinary surgeon and advised him to give the animal another injection. I shall not go into the details of the trouble the second veterinary surgeon had. I thank the House for the attention it has given this Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again

ADJOURNMENT.

At 5.20 p.m. the House adjourned until Tuesday, August 21, at 2 p.m.