

LEGISLATIVE COUNCIL.

Wednesday, August 22, 1951.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2 p.m. and read prayers.

POLIOMYELITIS RESEARCH FUND.

The Hon. K. E. J. BARDOLPH—Can the Chief Secretary say how much of the £10,000 made available to the Poliomyelitis Research Committee has been expended, and whether he has received any report as a result of the research?

The Hon. A. L. McEWIN—That sum was placed at the disposal of the Advisory Committee on Poliomyelitis which explores what avenues are available to it for new investigations. We are, of course, in receipt of all information on research which has been carried out in other parts of the world—and in America it is being done in a very big way indeed—and on recommendations from the committee I give approval for allocations from time to time. Speaking from memory I should think that not more than half the amount allotted has been spent. About £3,000 was put into equipment for special investigations, and it was also considered that some of it could well be spent on physiotherapy. In those ways the money is being used, but there has been no call for further funds.

The Hon. K. E. J. Bardolph—Does the committee or the University control the expenditure?

The Hon. A. L. McEWIN—The people who make recommendations to me are the experts on the Poliomyelitis Research Committee; it has nothing to do with the University.

RURAL PRODUCTION.

The Hon. E. A. OATES—I ask leave to make a statement prior to asking a question. Leave granted.

The Hon. E. A. OATES—Some months ago much criticism was heard about slow turn-round of ships at Port Adelaide and a number of committees were set up with a view to overcoming the problem. Will the Government consider the appointment of a committee to see whether it is possible to speed up the production of dairy and other primary produce?

The Hon. A. L. McEWIN—I am afraid I cannot work out any analogy between the turn-round of ships and the production of primary produce. Probably the greatest incentive to the primary producer would be that he should get something for his produce; it is not a

question of his not being prepared to do the work. I do not think such a committee could perform any useful work in increasing primary production.

CRUELTY TO PERFORMING ANIMALS.

The Hon. E. ANTHONY—I ask leave to make a statement prior to asking a question. Leave granted.

The Hon. E. ANTHONY—Some weeks ago one section of the press gave considerable prominence to the alleged cruelty to certain animals, particularly those performing in circuses. Will the Government consider introducing legislation on the lines of the British Performing Animals Regulation Act?

The Hon. A. L. McEWIN—I do not know the implications of the legislation referred to, but I shall be quite happy to examine it.

**SWINE COMPENSATION ACT
AMENDMENT BILL.**

Adjourned debate on second reading.

(Continued from August 21. Page 376.)

The Hon. E. A. OATES (Central No. 1—Acting Leader of the Opposition)—It is with great pleasure that I support this all-important Bill and I hope it will receive much more sympathetic treatment than others of its kind have had in the last few sessions. A similar measure has been introduced in each of the past year or two, I think mainly to keep the Notice Paper alive. I have been informed that the compensation fund is not being administered on a basis of equality. If an animal is found to be suffering from a disease to which compensation applies after it is slaughtered, I am informed that the butcher receives the compensation and not the breeder. On the other hand I understand it is the producer who has to pay the stamp tax.

The Hon. R. J. Rudall—It is payable on the sale of the swine.

The Hon. E. A. OATES—Some consideration ought to be given to the producer.

The Hon. R. J. Rudall—He gets his price.

The Hon. E. A. OATES—Admittedly. He sells a pig to the butcher in the belief that it is healthy, but when it is killed it is found to be diseased. As the butcher knows who bred the animal I feel that it may be detrimental to the breeder when he wants to sell another pen of pigs later. I consider that he should at least receive some compensation. It may not have been due to his negligence that the pig was affected. Since it was established in 1936 the compensation fund has

increased to £51,944. I should like to hear from honourable members who are more acquainted with the subject than I am, either to verify what I have said or possibly explain the position more clearly. I support the measure.

The Hon. R. R. WILSON secured the adjournment of the debate.

BUSINESS AGENTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 21. Page 376.)

The Hon. Sir WALLACE SANDFORD (Central No. 2)—When introducing the Bill yesterday the Attorney-General made the position quite clear. As he explained, it is required to repair an omission which arose out of the change made in 1949 to the Act of 1938. Of the 70 holders of licences no fewer than 50 are also licensed under the Land Agents Act of 1949. A section was inserted in the Act which enacted a provision substantially similar to the section of the Land Agents Act dealing with the renewal of licences. Furthermore, it was to compose the variation in the licensing dates of the two Acts that the licensing period was made to end at March 31 instead of June 30, the former date being the date at which land agents' licences were required to be renewed. The Bill provides that half fees are to be payable when a licence is taken out for the second half of the licensing period. As the measure may be expected to improve further the smooth working of the legislation I support the second reading. With the exception of the small point to which I have referred the Act has been definitely improved by the 1949 amendment, and it is confidently expected that this further alteration will so correct a slight weakness that we may hope that no further amendment under present conditions will be required.

The Hon. C. D. ROWE (Midland)—All that need be said regarding this small amendment has been said, but it would not be unwise to add that in my experience I find that this Act is not as widely known as it should be amongst business agents. There are numbers of people who are not aware of the provisions of sections 39 and 40. Section 39 reads:—

(1) Any contract for the sale of any business shall be voidable at the option of the purchaser at any time within six months from the making thereof, unless—

(a) the contract is in writing; and

(b) the contract contains the following particulars, namely—

- (i.) the name, address, and description of the vendor; and
- (ii.) the name, address, and description of the purchaser; and
- (iii.) the name, address, and description of some person to whom all moneys falling due under the contract may be paid; and

- (c) the contract, if the consideration therein mentioned is two hundred pounds or more, or if it is one of a number of contracts forming substantially one transaction in which the total consideration is two hundred pounds or more, is executed by the purchaser in the presence of two witnesses, neither of whom shall be the vendor, the vendor's agent, or any person employed by the vendor's agent.

In other words, the contract for the sale of any business is voidable at the option of the purchaser within six months unless witnessed by two people apart from the agent or his employees. Section 40 provides:—

No person shall be entitled to bring any proceedings in any court to recover any commission, fee, gain, or reward for any work or service done or performed by him as a business agent unless his appointment to act as a business agent is in writing signed either before or after such transaction by the person to be charged with such commission, fee, gain, or reward, or by some person on his behalf lawfully authorized to sign such appointment.

The principal Act was enacted in 1938, but there was a war during a large portion of that time when there were not many sales of businesses. At present there are numerous sales and the public generally is not aware of the protection afforded by this Act. Whilst the amendment is small it provides an opportunity for bringing that protection to the notice of the public and also of bringing to the notice of those carrying on business within the ambit of the Act that unless they comply with the provisions they are subject to penalties. I have pleasure in supporting the second reading.

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

CATTLE COMPENSATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 21. Page 377.)

The Hon. N. L. JUDE (Southern)—This Bill is somewhat similar in principle to the Swine Compensation Bill. Members will recall that a Bill of this type, although not in similar form, was introduced last year but was not passed because it introduced the much

debated principle of a disease being included by regulation or proclamation as against being prescribed in the Act.

The Hon. E. A. Oates—Did it go to a vote?

The Hon. N. L. JUDE—I do not recall, although I know what the vote would have been. It must be admitted that the Bill as introduced this year overcomes the obstacle some members raised last year. I have no objection to protecting any person against serious loss occasioned by diseases to his cattle, but if we added ad lib all diseases from which cattle may suffer those who have contributed over a number of years to the fund, which now stands at £48,000, would be penalized. I am not trying to persuade members that this is a serious matter or that the amount involved in regard to any individual is great but there is some deviation from what I might term fair procedure.

The Hon. K. E. J. Bardolph—Why say "fair" procedure?

The Hon. N. L. JUDE—Obviously if men contribute to combating a known problem and further liabilities are placed upon contributions without their knowledge and without their being able to do anything, it is unfair. I am not labouring the point but merely commenting in passing. The Bill refers specifically to trichomoniasis and actinomycosis and I was concerned during the second reading that no statistical backing was given for their inclusion in the Act. We were not told the strength of this disease in Australia and its possibilities. However, I made enquiries and the Minister has obtained that information for us. I understand that Mr. Melrose with his expert knowledge will deal more specifically with the diseases mentioned, and that will be of considerable help to members. I read with interest—a fact of which I was quite ignorant—that trichomoniasis is at present active on King Island, which is an Australian possession, and, so, by being a little diffident about supporting the Bill, I feel that I have had the pleasure of extracting some information from the department.

The Hon. R. J. Rudall—It was quite a pleasure to give it to you.

The Hon. N. L. JUDE—I see no reason why these two specific diseases should not be added to the prescribed list and therefore I support the second reading, reserving the right to review my attitude in the Committee stage.

The Hon. A. J. MELROSE (Midland)—It is a bit unusual to find members taking such a serious view of matters which have come

to be looked upon almost as hardy perennials having, in their course, usually cruelly stubbed their toes on the many objections raised by various members of the Council. However, I take it that we have overcome more than one of them and that the Bill as now presented is in a more acceptable form. As I understand it, it is now the proposal of the department to include various new diseases under this Act by actually specifying them rather than issuing a proclamation or even regulations out of the blue to bring them within the ambit of the Act. I have a vivid recollection of a whole list of diseases which, if they ever did occur, would be the subject of compensation to stockowners. Some humour is being derived from the use of names of diseases which are unfamiliar to some members, but I think that those of us who come from the tall timber have been from time to time equally unfamiliar with the terminology of the waterside workers. One disease which has occurred and was introduced into the Act, I think in 1939, is Johne's disease, but is better known to the veterinarian as Johne's disease; it is a form of chronic diarrhoea of cattle. Some of the diseases to which the human frame is heir, even with all the clinical facilities now available, are difficult to cure and, as far as the veterinarian is concerned, Johne's disease is virtually incurable. Some cattle recover, but generally speaking it proves fatal. Naturally chronic diarrhoea affects the pastures and thus the disease is spread, and the best way to control it is to notify it. If animals thus affected are slaughtered apparently they come under the provisions of the Act. I mention that merely to give some idea of what Johne's disease is.

The first of the two diseases included in this Bill is trichomoniasis, which is a form of venereal disease in cattle and, fortunately, does not occur in South Australia, although it is common on King Island. Here again is a disease very difficult to cure and, because of the economic value of cattle and the cost of lengthy treatment, the shortest method is to slaughter the affected beasts. There are venereal diseases in cattle which are readily controlled—inflammatory conditions of the mucous membranes—but this disease trichomoniasis, although it has appeared in New South Wales, has not yet occurred in South Australia. However, it is apparently deemed advisable to include it among those diseases for which compensation is payable. The other disease, actinobacillosis, is allied to another more commonly known one, actinomycosis,

which is already covered by the Act. I think that only a scientist would recognize any relationship between the two diseases, because in the etymology of the two names there is no real connection. Actino, I understand, comes from a Greek word relating to ray, and bacillus, more or less, means rod-like. Both diseases are probably caused by the same type of organism, but whereas actinomycosis causes lumpy jaw in cattle, the other causes mostly a type of growth in the soft tissues of the mouth and throat. These are soil bacteria diseases, or are supposed to be, for apparently knowledge of them is not complete; as it was put to me by one learned gentleman to whom I referred the matter, it is more an act of God than anything else—it strikes like lightning and seldom if ever in the same place twice. The organism is supposed to be resident in such matters as straw and dry grass and is taken in by cattle in their feed and enters the organism through minute scratches in the mouth caused by such things as grass seeds.

We have then first the lumpy jaw actinomycosis, where the mycotic infection affects the bone of the jaw and sets up inflammation and, secondly, in actinobacillosis, which causes a similar abscesslike formation in the soft tissues, we get a form of abscess under the jaw near the rear of the throat or forward near the base of the tongue. There are again other conditions—abscesses actually caused by dry grass seeds—and the diagnosis in most of these things is not easy. Probably an animal going to the abattoirs may, on slaughtering, be found to be suffering from actinobacillosis, whereas this might have been taken for an ordinary grass seed abscess. In the latter case no compensation would be payable, because the animal would be considered fit for human consumption, whereas on the farm it would have to be condemned before compensation would be paid. Without going any further, for fear either of exhausting my knowledge on the subject or completely boring members, I would say that this Bill does take a small step towards what I hoped might be a much longer one, that is, specifying diseases for which compensation may be paid. I should say that both of these diseases are extremely rare; indeed, one does not occur here and the second is very rare, but because the Bill does something towards the preparation of a schedule of diseases which will enable the Act to work for many years I support the second reading.

The Hon. E. H. EDMONDS (Northern)—I am sure members listen with considerable interest to Mr. Melrose when he gives information upon matters such as that which we are discussing under this Bill. His practical knowledge of the livestock industry and lifelong association with it enables him to clear up any doubts which may exist in our minds on matters of which we have no practical experience. Fortunately, I have been operating in a district peculiarly free from stock diseases. I think that applies generally in the limited rainfall areas of Australia; it certainly does in South Australia which is remarkably free, in the drier parts, from diseases of sheep and cattle. The Bill discloses that the fund has reached a considerable sum and there is now about £48,000 standing to its credit. It also discloses that during the year quite a substantial amount has been paid out in compensation, and those two facts alone justify this legislation. The fund amounts to an insurance contributed to by people most intimately concerned; firstly, those breeding the stock and, secondly, those who may in all good faith purchase that stock when offered for sale. There is another aspect where legislation of this nature proves of great benefit—an owner may be innocent that this dairy herd is affected with disease and until the stock comes under expert inspection, and in some cases not until the stock has been slaughtered, is the fact revealed. Its having been revealed and brought under the notice of the owner, he is then in a position to take the necessary measures to clean up his herd, and in that way the provisions of the Act are of great assistance to those engaged in the cattle industry.

The Hon. E. A. Oates—The Act is a kind of police.

The Hon. E. H. EDMONDS—To some extent. If stock is slaughtered at the abattoirs the carcass goes before a competent inspector. If my friend has ever watched the procedure at the abattoirs he will have noticed that qualified men examine the carcass and by their expert knowledge can tell almost at a glance whether it should be condemned. If a carcass is affected by a disease coming within the ambit of the legislation the owner is notified. That leads to an inspection of the herd and the property and thus the position is checked and a definite line is then followed to see that there is no opportunity for the disease to spread. That is one of the objects of the legislation. It is not so much

a question of compensating people as being a check to prevent what might easily be a severe outbreak among our herds. The legislation has a twofold effect. On the one hand it provides compensation for those who suffer financial loss because of the condemning of an animal, and also acts as an insurance against the spread of diseases which might be financially disastrous to the people concerned. The procedure is that if a disease is considered to be dangerous to cattle it is then included in the Act by an amending Bill. To my mind the procedure proposed on previous occasions served to meet the same objective in a simplified way by bringing a disease within the ambit of the Act by the issuing of a proclamation by the Governor-in-Council. As a practical approach to the problem, that seems preferable to the existing procedure. Under the present set-up we could have an amending Bill every year. For instance, if there is danger of a disease not mentioned in this Bill breaking out, say, next week, it would not come within the operation of the Act until a special amending Bill had been introduced naming it. That is a roundabout way of dealing with a clear-cut matter. Because of the information supplied by Mr. Melrose, which I appreciate, it looks as though there is ample justification for the Bill, and I therefore support it.

The Hon. J. L. COWAN secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL.

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

Second reading.

The Hon. A. L. McEWIN (Northern—Chief Secretary)—This Bill, among a number of others received this afternoon from the House of Assembly, is the result of investigations conducted by Mr. President Morgan dealing with certain salaries fixed by statute and not subject to adjustment from time to time as applies to the salaries of most public servants. It provides for an increase in Ministers' salaries. Under section 65 of the Constitution Act the maximum total amount of these salaries is at present fixed at the sum of £10,750. This amount was approved by Parliament in 1947. Mr. President Morgan in his recent report said that in this matter South Australia was seriously out of line

with other States and recommended that the total should be increased to £14,250. The Bill gives effect to this recommendation. During the past 50 years it has been the practice in South Australia for Parliament to vote Ministers' salaries in a lump sum. Mr. President Morgan made some suggestion—not a recommendation—that individual amounts might now be fixed, but the Government considers it desirable and expedient to retain the old practice of fixing a single aggregate amount. The Bill provides that the new rates of salaries will be payable as from July 1 last. Mr. President Morgan's report was received before that day and, of course, fixed the rate which he considered just at the time when his report was being written. It is clear, therefore, that there is ample justification for making the new rates retrospective to July 1, which is also a convenient day from the administrative point of view. I need not go into details. On more than one occasion honourable members have drawn the Government's attention to the fact that while adjustments in salaries have been made in many directions and there has been depreciation in the value of currency, nothing had been done to increase Ministers' salaries. I move the second reading.

The Hon. E. A. OATES secured the adjournment of the debate.

SUPREME COURT ACT AMENDMENT BILL.

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

Second reading.

The Hon. A. L. McEWIN (Northern—Chief Secretary)—This Bill increases the salaries of Judges of the Supreme Court by £750 a year each. This amount was recommended by Mr. President Morgan. In assessing it he took into account principally the rates of judicial salaries in the other States and the fall in the value of money since 1947, when the salaries of the Supreme Court Judges were last fixed. As a result of the Bill the salary of the Chief Justice will become £3,750, and that of the other Judges £3,250. In accordance with the general policy of the Government in relation to salary increases proposed by Mr. President Morgan, the Bill provides that the new rates will operate from July 1 of this year. I move the second reading.

The Hon. E. A. OATES secured the adjournment of the debate.

AUDIT ACT AMENDMENT BILL.

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

Second reading.

The Hon. A. L. McEWIN (Northern—Chief Secretary)—This Bill gives effect to the recommendation of Mr. President Morgan with respect to the salary of the Auditor-General. The recommendation was that this salary should be £2,300 a year. The present rate is £2,158, though when Mr. President Morgan's report was written it was less. Under the present law the salary of the Auditor-General must be fixed by the Governor at or before the time of his appointment and cannot afterwards be altered except to give effect to general salary increases in accordance with decisions of the Public Service Board.

Mr. President Morgan expressed the opinion that the present method of fixing the Auditor-General's salary is wrong in principle. He said that the nature of this office was such that the Auditor-General should be answerable only to Parliament—in particular his emolument should neither be raised nor lowered except by Parliament and should not be within the power of Cabinet or any official or board. He therefore recommended that Parliament should fix a rate of salary which should not be subject to alteration in any way except by another Act of Parliament. Although the present method of fixing the Auditor-General's salary has some advantages, the Government accepts Mr. President Morgan's recommendations, both as regards the method of fixing the salary and the amount thereof. The new rate will be payable as from the commencement of the current financial year. I move the second reading.

The Hon. E. A. OATES secured the adjournment of the debate.

LAND SETTLEMENT ACT AMENDMENT BILL.

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

Second reading.

The Hon. A. L. McEWIN (Northern—Chief Secretary)—In this Bill it is the unpleasant duty of the Government to propose a reduction in the salaries of members of the Parliamentary Standing Committee on Land Settlement. These rates were inquired into by Mr. President Morgan and he reported that

in view of the volume of work before the committee he regarded its present remuneration as too large. He recommended that the salary of the chairman should be reduced from £400 a year to £250 and that of the other members from £250 a year to £200. The Bill makes the necessary amendments for this purpose. Mr. President Morgan also recommended that the travelling allowances payable to the committee should be increased in the same way as those of the Public Works Committee. This is a matter which in the President's opinion, should be dealt with by regulations. The principal Act already contains sufficient power to make such regulations and there is, therefore, no mention of it in the Bill. It is not intended to make it retrospective. It is hardly necessary to say that the proposed reduction implies no reflection whatever on the way in which the committee has done its work. The work of the committee has been of definite assistance to the Government in the land settlement scheme which had to be undertaken for soldier settlement. It is only because there has been a lessening of work in that sphere that this recommendation is made. The Government has appreciated the work of the committee and the services it has rendered. I move the second reading.

The Hon. E. A. OATES secured the adjournment of the debate.

PUBLIC WORKS STANDING COMMITTEE ACT AMENDMENT BILL.

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

Second reading.

The Hon. A. L. McEWIN (Northern—Chief Secretary)—Among the salaries which Mr. President Morgan was asked to report on were those of the members of the Public Works Standing Committee. After investigation His Honour found himself unable to say that the existing rates, namely, £400 for the chairman and £250 to each other member, were insufficient. He therefore recommended that they should not be altered. But he did recommend alterations in the travelling allowances of members. These are at present 10s. for a country member living more than 20 miles out of Adelaide who attends a meeting in the city; 15s. a day for journeys in the State; and £1 10s. a day for journeys elsewhere. Mr. President Morgan recommended that these amounts be raised to £1 for country members

attending a meeting, £1 10s. a day for travelling in the State, and £2 2s. elsewhere. He also recommended that the rates should be fixed by regulation—no doubt in order that they should be capable of being easily varied from time to time. In this Bill, therefore, it is proposed to strike out the references in the principal Act to specific amounts of allowances and to provide instead that members will receive the amounts prescribed by regulation. In order that regulations may be pre-

pared before the old rates cease to operate, it is provided that the Bill will come into operation on a day to be fixed by proclamation. I move the second reading.

The Hon. E. A. OATES secured the adjournment of the debate.

ADJOURNMENT.

At 3.7 p.m. the Council adjourned until Tuesday, August 28, at 2 p.m.