LEGISLATIVE COUNCIL.

Thursday, October 11, 1951.

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

ASSENT TO ACTS.

His Excellency the Governor, by message, intimated his assent to the Homes Act Amendment and Loans to Producers Act Amendment Acts.

POLIOMYELITIS INVESTIGATIONS.

The Hon. F. J. CONDON—In connection with the reported importation of 30 monkeys for tests in connection with poliomyelitis in South Australia, can the Chief Secretary inform the Council what is proposed, and whether it is a Commonwealth financial responsibility?

The Hon. A. L. McEWIN—I have no direct information as to how the monkeys will be used, but I gather that it is connection with the investigations being made, under the sponsorship of the committee handling the State grant, in connection with the two types of virus which have been isolated.

SHORTAGE OF SCHOOL TEACHERS.

The Hon. F. J. CONDON—The editor of the *Times Educational Supplement,* speaking at Adelaide last night, is reported to have said that England and probably any other country could secure as many teachers as was required. In view of the number of recommendations made by the Public Works Standing Committee for the erection of new schools can the Minister say what is the position in South Australia regarding teachers?

The Hon. R. J. RUDALL—Unfortunately, we are still very short of teachers despite every means I can think of which have been adopted to get them. I cannot quite understand the foundation for the report because my information is that the shortage of teachers is acute in every part of England, America and other countries, as well as the other Australian States. I think there must be something else which has not been reported in regard to that statement, for I think it far from true to say that there is an ample supply of teachers. We have made a great many attempts and are continually trying to obtain teachers from England. We have got some, but by no means enough and that, I think, is proof that there is no surplus, and all my information is to the contrary.

POTATO SHORTAGE.

The Hon. K. E. J. BARDOLPH—I presume that the Chief Secretary is aware of the potato shortage in South Australia. What action is being taken by the Government, in collaboration with the Potato Board and the Potato Distributing Centre, to supply the demand?

The Hon. A. L. McEWIN—I take it that the shortage is determined by production, and neither the Potato Board nor the Distributing Centre would have much affect on that. I understand that purchases have been made out of this State and if that is the information the honourable members desires I think I can obtain a report for him.

STOCK FEED PRICES.

The Hon. F. J. CONDON—On Monday next a conference of Ministers of Agriculture in conjunction with the Commonwealth Government will be held in Canberra. In view of a statement attributed to the Western Australian Minister of Agriculture that he would advocate an increase in the price of stock feed from 7s. 10d. to 12s. a bushel, what is the attitude of this Government?

The Hon. A. L. McEWIN—The conference is being held next week and will be attended, I understand, by the Minister of Agriculture. Like all conferences, I take it it will discuss the information before it and the Ministers will bring back recommendations to their respective Governments. I am not aware of any directions having been given by way of Cabinet decision to the Minister of Agriculture.

PRICES ACT AMENDMENT BILL.

Second reading.

The Hon. A. L. McEWIN (Northern—Chief Secretary)—The main purpose of this Bill is to extend the Prices Act, 1948-1950, until the end of next year. If not extended, the Act would have no effect as regards transactions taking place on or after January 1 next. The justification for the extension of control is so well-known that little needs to be said on this subject. The strong inflationary tendency now prevailing renders the continuance of the Act more necessary than ever and it has been recently found essential to re-introduce control over many commodities and services which had previously been decontrolled or had not been brought under the Act. The extension of the Act is therefore unavoidable. While proposing an extension of the Act the Government has included in the Bill two minor provisions to facilitate administration. One of these, which is contained in clause 3, provides that the rate

chargeable for any service which is subject to control under the Act may be proved by a certificate signed by the Prices Commissioner. The other provision, which is in clause 4, sets out the methods by which notices under the Act may be served. Its main object is to enable such notices to be served by post. I move the second reading.

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

POLICE PENSIONS ACT AMENDMENT BILL.

Second reading.

The Hon. A. L. McEWIN (Northern—Chief Secretary)—This Bill makes some minor amendments to the Police Pensions Act supplementary to the general increase of pensions provided for in the legislation passed last year. Clause 3 relates to the maximum amount of the contributions payable by members of the Police Force who joined the pensions scheme at its inception in 1930. There are about 200 of these members, and the legislation relating to the police pensions scheme has always fixed a maximum limit upon their contributions, which has been varied as changes have been made in the amount of pensions.

Last year's Act provided for increases in both contributions and pensions. The scheme of the Act was that the Government should increase its annual contribution to the Police Pensions Fund by £15,000 a year, members' contributions should be raised by an annual amount of £7,500, and there should be an increase of about 20 per cent in pensions. A new schedule of members' contributions was drawn up; but owing to the absence of the Public Actuary at a conference in Canberra when the Bill was being considered the need for raising the limit of the contributions of members who joined the fund on January 1, 1930, was overlooked until a few days after the session ended. The result is that whereas 600 members who have joined the fund since January 1, 1930, must pay increases of at least £7 10s. a year; those who joined before January 1, 1930, are still paying contributions at their old rates.

It is proposed to correct this position by increasing the maximum amount payable by members who joined the fund on January 1, 1930. The maximum for such members who are non-commissioned officers will be raised from £23 2s. a year to £30, and that of commissioned officers from £27 14s. to £36. The increase will operate from July 1 last, and the arrears in respect of the period between that day and the day when this Bill becomes law will be payable within two months after the last-mentioned day.

Clause 4 provides that the additional benefits granted to members of the police force by last year's Act will be granted to certain members who at the time when the Act was passed had ceased active service and were on their final long service leave. Last year's Act increased the cash payments for retiring members of the force from £1,050 to £1,250, and increased the pension payable during the first five years after retirement from £3 a week to £6 a week. The Act also provided that pensions should commence when a member actually ceased active work in the force and should not be delayed until the expiration of long service leave.

When the Act came into force there were eight members of the police force on long service leave who had received the cash payment, but had not yet commenced to receive their pensions. As the Act had no retrospective effect these members were not granted the increased cash payment, nor the privilege of entering upon pension prior to the end of their long service leave. The Act did provide, however, that their pensions, when they received them, would be at the increased rate. The Government has been asked to treat these men in the same way as members of the police force who were still on active service, that is to say, to grant them the increase in the cash payment and the right to enter upon pension before the expiration of the long service leave. In support of this request it was pointed out that when last year's Act was passed these men, though their active service had ended, were still members of the police force, and were still contributing to the Police Pensions Fund. It was also pointed out that a somewhat similar position arose in connection with public servants who were on long service leave when a concession in connection with superannuation was granted last year, and that the Government has introduced legislation to grant this concession to them.

There are arguments both for and against the present proposals, but after full consideration the Government has decided that, on the whole, it would be reasonable to grant the requests. Clause 4 therefore provides two things, namely, that members of the force who were on long service leave on November 30 last will receive the increased rate of pension as from that day and also the increase in

the cash payment. The Government is advised that only eight men are affected by these amendments.

Clause 5 raises the amount payable to widows of ex-members of the force in respect of allowances for children. Under the present law the children's allowance is 10s. for a first or only child under 16, and 7s. 6d. a week for each other child. It is proposed to raise this allowance to 12s. 6d. a week for each child. By reason of this amendment the children's allowance in this State will equal the Queensland rate, which is the highest in Australia. This alteration has been made at the request of certain widow-pensioners and the Government understands that it is supported by the Police Association.

Clause 6 deals with the rate of pension payable to six police pensioners who were on pension under the Police Pensions Act of 1916 when the Police Pensions Act, 1929, came into force. These men had been receiving pension at the rate of £2 10s. a week under the Act of 1916. This amount was raised to £3 by the Act of 1929 and by subsequent increases has now reached £4 10s. The pensioners in question have approached the Government pointing out that the increase which they have received since the Police Pensions Act of 1929 came into force is 10s. a week less than that granted to other pensioners. The difference is due to the fact that increases, generally speaking, have been granted on a percentage basis and these men were originally on lower rates of pension than their successors. There are only six of them and the youngest is 85. In these circumstances, the Government considers it reasonable to grant the request and clause 6 is for the purpose of doing this. It increases their annual rate of pension by £26. All the amendments are reasonable and justified and I commend the Bill to members. I move the second reading.

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

URANIUM MINING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 10. Page 847.)

The Hon. F. J. CONDON (Central No. 1—Leader of the Opposition)—I see no objection to the proposed legislation and my remarks will be brief in view of the urgency of this matter. The Bill as introduced in another place was not acceptable because certain moneys could be spent on works without inquiries being held by the Public Works Standing Committee. We have been over-zealous in the past in handing over responsibility to outside bodies and I refer particularly to the Electricity Trust. I remember my first visit to Leigh Creek when an inquiry was made into the question of a water supply from Sliding Rock Mine. There we saw a man with a windlass hewing coal by bucket from a narrow seam. It was suggested that £57,000 should be spent on a water scheme. The matter was referred to to Public Works Standing Committee but after taking evidence the committee was not satisfied and requested a further report from the Director of Mines. That report revealed that the area was not suitable and the scheme was abandoned. Later, authority was granted the Electricity Trust to expend £750,0000 on the Aroona Dam scheme for supplying water to Leigh Creek. There will be no inquiry by the Public Works Standing Committee because Parliament decided the work will be outside its jurisdiction. This Bill originally proposed the same thing but after debate the Government eliminated certain clauses.

The Hon. F. T. Perry—They can still proceed with the water supply under this Bill.

The Hon. J. CONDON—Yes, waterworks can be established within 25 miles. I hope this scheme will meet with as much success as the Leigh Creek coalfield. No scheme can be expected to pay its way in its infancy, particularly one of such magnitude, but Leigh Creek has been a great acquisition to South Australia. The amendment to clause 3 was to leave out "any other public work which the Minister of Mines certifies to be a public work required solely or mainly for the purpose of or" and insert "waterworks, constructed within 25 miles of the mines at Radium Hill, for the supply of water required." There was no intention to interfere with the mining operations of the Mines Department but if the scheme is to be a success railways, roads, and other public works costing over £30,000 will be necessary and such proposals must be referred to the Public Works Standing Committee. I support the second reading.

The Hon. E. ANTHONEY (Central No. 2)—I am sure members were impressed with the visit made to the site of the work where this extraordinary mineral is being treated, and it was a revelation to see how the refractory ore could be reduced to proportions which could be dealt with chemically. This Bill is

introduced for the specific purpose of excluding the Public Works Standing Committee from making inquiries. That committee was established for the purpose of thoroughly investigating and inquiring into all proposed public works costing more than £30,000. In the light of present day money values the Government would be well advised to increase that amount; by so doing it would take away a number of inquiries which unnecessarily engage the time and labour of the committee. The Treasurer and most members who debated the Public Works Standing Committee Act were careful to say that the establishment of the committee would safeguard the taxpayers against hurried legislation for the purpose of establishing public works. I remember the Treasurer saying that this committee when bringing in recommendations would indicate to the Loan Council the stability of proposed works and also their financial soundness. This Bill specifically precludes the committee from inquiring, which is not sound practice. In this instance there may be good reasons for it being done but generally speaking it would be unsound if this were carried to any length. Once a precedent is established there is nothing to prevent any Government saying it does not want to delay work by inquiring into it.

The Hon. E. H. Edmonds—It would have to have the sanction of Parliament.

The Hon. E. ANTHONEY—Yes, but Parliament would not have the benefit of a report from the Public Works Standing Committee after inquiring into the matter, calling evidence and showing how costs could be reduced. I do not oppose the Bill because I agree that we want this industry to be a success. I congratulate the Government and the Mines Department on the excellent work which has been done but I point out the danger of breaking down sound principles.

The Hon. F. T. Perry—It could prove to be a delaying principle.

The Hon. E. ANTHONEY—Yes. The very purpose of the Act is to delay the expenditure of public money while an inquiry and analysis is being made of any project. This is a great venture. It is a new idea to us, a new power coming into being and we all hope that this power will be used for peaceful and not for warlike purposes; for the benefit of human kind and not its destruction.

The Hon. W. W. ROBINSON (Northern)—I support the Bill with a great deal of pleasure, not because by this action we are sidestepping the Public Works Standing Committee, for we all know the important part it plays in investigating problems submitted to it, but this question is highly involved and the Premier by his visit to U.S.A., has gained information which would not have been as readily available to the Public Works Standing Committee.

The Hon. K. E. J. Bardolph—You have no authority for saying that.

The Hon. W. W. ROBINSON—At least I do not have to look to the honourable member for my authority. Members had certain information laid before them, and this leads me to believe that the Premier had opportunities to obtain information that could not have been so readily available to the Public Works Standing Committee, and the demonstration we had yesterday by the Mines Department shows that since the Uranium Mining Act was passed in 1949 much information has been gleaned; sufficient to lead us to believe that we have at Radium Hill a mine worthy of development, and which we hope, and have some reason to believe will play an important part in the industrial development of this State. I was intrigued with the way in which the ore was separated and reduced to workable quantities. That in itself leads me to believe that this mine will be of value in as much as transport difficulties will be minimized to a great extent. It is proposed to instal machinery to reduce the ore to a percentage which will make it readily transportable to any part of the world for further treatment.

I pay a very high tribute to the Premier for the work and investigations he undertook in America, for I feel sure that no person could have given greater service during such a short time, and it is on his recommendation that we have confidence in passing this measure. We are hopeful that the development of atomic power will be primarily for industrial purposes, for we are lacking in sources of power. Although we are very proud of the Leigh Creek coalfield its efficiency is limited by the quality of the coal, but from what we know of the development of uranium we can hope that it will become a great source of power for industry as well as for defence. We are not an aggressive people in character, and any warlike preparations that we may make are designed only for our own defence. In a speech in Canberra last night the member for East Sydney, the Hon. E. J. Ward, said that when a country developed its armaments to such a degree that the surrounding nations feared it, it would not be

long before it became the aggressor nation in order that its armaments would not rust out. I do not subscribe to such a view. I hope this mineral will be used for industrial purposes and not for war. I also congratulate the Mines Department on the part it is playing in the development of this project. It was a treat to see the progress which has been made, and this should give us confidence in supporting the Bill.

The Hon. F. T. PERRY (Central No. 2)—I think a Bill of this nature demands some comment, for it establishes one or two unusual principles. First, it by-passes the Public Works Standing Committee. I have said before that there are many works undertaken by the Government which are not submitted to that committee, and I have in mind mainly the S.A. Electricity Trust at the moment. In the Public Purposes Loan Bill passed this year we provided £11,500,000 for that undertaking, and we have to rely on the judgment of the Government and its officers, so members must not be misled into thinking that everything put up by the Government goes before the Public Works Standing Committee, for it does not. I suggest that in the last Loan Bill only a small proportion of the work to be undertaken by the Government in the ensuing year was examined by the committee. I do not say that is wrong; in many instances responsibility must be placed on the people who authorized these things. There are many things which are difficult to inquire into and I should say mining is one. Most of us have had some experience of backing mining companies, and know the risk attaching to it, so if it went before the Public Works Standing Committee it would probably sit a very long time and arrive at two different conclusions. Consequently, this work must be done on the judgment of responsible officers.

The Hon. K. E. J. Bardolph—You mean by trial and error?

The Hon. F. T. PERRY—I think that must be so to a degree, but I am not prepared to say that the risk of obtaining results is not worth while, and the sooner it is done the better, but it is an instance where the Government apparently has found the delay in a Public Works Standing Committee investigation a little irksome, and seeks this easy and quick way out of the problem. I note that the Bill authorizes a very large expenditure and that the whole of the work of opening up the mine and providing a water supply is exempted from the inquiry. No indication is given of the probable cost unless we accept the fact that in the Loan Bill a sum of £320,000 was voted for the Mines Department. How much of that is allotted for Radium Hill I do not know. Mining work is costly, and this project is likely to involve a very substantial figure. I am therefore glad that the Premier ascertained from America that the prospects of this mine are reasonable, but I go a little further. I hope that before development is carried too far an examination will be made by experts knowledgeable in the development of uranium mines in other countries.

The Hon. E. H. Edmonds—It is something new in mining.

The Hon. F. T. PERRY—It is new to us, but uranium mining and atomic energy development have reached large proportions in a number of countries. Although I have every respect for our officers and was most interested yesterday in the laboratory tests being carried out by the Mines Department, I point out that large scale practical mining is vastly different from laboratory work, therefore the Government should seek the advice of some competent overseas authority on the mining of uranium when it embarks on the Radium Hill project.

The Hon. F. J. Condon—Isn't there a danger in importing certain overseas scientists here?

The Hon. F. T. PERRY—Not at the moment. Uranium is of world-wide importance today. The concentrates we obtain from uranium mining must receive treatment elsewhere and I feel sure that the Government will adopt a reasonable course in the development of a project like this. I think that most members have always felt that projects which cost more than £30,000 should be submitted to the Public Works Committee for inquiry.

The Hon. A. L. McEwin—This is a mining engineer's job.

The Hon. F. T. PERRY—I do not know that the Government owns many mines or whether its officers have had much experience in developing mines.

The Hon. K. E. J. Bardolph—Their advice is usually very sound.

The Hon. F. T. PERRY—Information obtained from those engaged in practical mining of uranium should assist Government officers in developing this proposition. The Bill does not indicate whether the funds to be used for the development of mining at Radium Hill are to come from revenue or loan and I would like information from the Minister on that point. With the qualifications

I have mentioned I support the Bill and wish the Government and its officers every success in the development of the mine in the interests of the people of Australia and South Australia in particular.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the second reading. I do not decry the Premier's activities in this proposal, but some credit is due to the Federal Labor Government which was under the leadership of the late Hon. J. B. Chifley. He was responsible for bringing out Professor Oliphant, who is considered to be one of the world's highest authorities on atomic energy.

The Hon. E. Anthoney—The Commonwealth Government wanted to grab the mine.

The Hon. K. E. J. BARDOLPH—Not the Chifley Government; but the Menzies Government. It would be interesting to know what encouragement the Menzies Government has given to the Radium Hill project. Credit must be given where it is due, but this is another instance where Parliament has not received any consideration for passing legislation for the development of various projects in South Australia. I do not say that with any desire to take away any laurels from the Premier, but re-echo the Leader of the Opposition's statement that projects of this nature cannot be undertaken unless they are agreed to by Parliament.

The Hon. E. Anthoney—That is elementary.

The Hon. K. E. J. BARDOLPH—It is not elementary where public funds are at stake, and the Government is responsible for the expenditure of those funds. Credit is due to Parliament for sanctioning the proposal. I agree with other members that South Australia is fortunate in being blessed with the Radium Hill uranium deposit. I join with them in their tributes to the Director of Mines and other Government officials for the work done in the development of the mine, but they cannot display their talents in this respect unless Parliament votes the necessary money. I was surprised to hear Mr. Anthoney suggest that the Public Works Standing Committee was a committee of delay. I understand that the committee was established to make full investigations into all proposals submitted to it and advise the Government of the necessity or otherwise for carrying them out. However, questions of security enter into this proposal. I do not suggest that members of the committee would betray information placed before them, but the fact remains that in all countries, particularly in the British Commonwealth of Nations, it is necessary to have officials who can carry out the development of such projects without any publicity.

I do not take it as a slight to the Public Works Standing Committee that the proposal is not to be placed before it for inquiry. Provision is made whereby projects can be developed within an area of 25 miles of the field without reference to the Public Works Standing Committee; outside of that any works that are necessary must be submitted to the committee, which is a wise provision. South Australia is particularly well placed in having this deposit. Press reports state that uranium has been found in different parts of the world, but according to the Premier, South Australia has an extremely rich deposit at Radium Hill. I hope that the atomic energy which will be derived through the development of the mine will be used in the interests of mankind and the State. Other countries are organizing the development of atomic energy —for defence—and it is equally incumbent on us to see that the power derived from this mine is used for our defence and the Australian way of life. I have pleasure in supporting the Bill.

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

IMPRINT BILL.

Returned from the House of Assembly without amendment.

PHARMACY ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

HEALTH ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 10. Page 842.)

The Hon. J. L. COWAN (Southern)—Treatment of the sick and suffering can be claimed to be one of the foremost responsibilities of State and other Governments, and South Australian health authorities have achieved considerable progress in this respect. Much credit is due to our Health Department, the Central Board of Health and local boards of health for their joint efforts towards improving the general standard of health in our State. In spite of that progress there is much ground yet to be covered, and this Bill will accomplish something in that regard. Most of the powers sought are highly desirable and are in the best interest of public health. Although there has been a marked decline in

the mortality rate of tuberculosis in the last few years, it is still one of the major public health problems. It has been with us for the past 30 years, and it still causes twice as many deaths in South Australia as all other notifiable diseases combined. Last year there were 143 deaths from pulmonary tuberculosis. This is not a very good record which could, and should, be improved.

It is interesting to note the results of the Mantoux test which is available to the public and is conducted on all probationer nurses. They reveal that in South Australia at the age of 20 years only 20 per cent of persons tested showed that they had been infected with tubercular bacilli, but at the age of 30 years upwards of 60 per cent react to this test. This clearly indicates that between the ages of 20 and 30 years a great many of our young adults are receiving their first infection, which is by no means always harmless. The question then arises "Whence does this infection come?" It obviously cannot be ascribed to cow's milk but almost certainly comes from contact with other human sufferers. This means that in our midst there are many persons who, perhaps quite unwittingly, are spreading infection, which is most serious from a public health viewpoint. X-ray examinations, as set out in this Bill, will not only prove most beneficial to the sufferer, but will be a definite safeguard to the general health of the community. Since we have been debating this legislation letters have appeared, and are still appearing, in the press and not all of them can be ignored or disregarded in our decisions. The Tasmanian Tuberculosis Act, 1949, which is drafted on similar lines to this Bill, has worked smoothly and achieved its objective without much opposition being shown to it. That Act includes a clause which prohibits compulsory treatment. It reads—

Nothing contained in this Act or in any regulation under this Act shall be construed as authorizing or permitting the subjection of any person in respect of whom any order under section 8 is in force to any kind of medical or surgical treatment, except with the permission of that person.

If a similar clause was inserted in this Bill many people would feel easier in their attitude towards it.

The Hon. F. H. Perry—Does the Tasmanian Act mean that people can be compulsorily confined or detained?

The Hon. J. L. COWAN—Yes, but they cannot be medically treated. Medical treatment might involve the removal of a lung or some other major operation.

The Hon. F. T. Perry—You could not force treatment on anybody if he did not want it.

The Hon. J. L. COWAN—The present Bill will do that.

The Hon. F. T. Perry—It would be an impossibility to treat a man if he did not want treatment. He could be confined, but not treated.

The Hon. J. L. COWAN—Some of the compulsory clauses in this Bill are a little drastic and will not achieve the desired objective. They will be inclined to frighten people who will become ostrich-like in their attitude, and it will be difficult to detect and treat them.

The Hon. A. L. McEwin—Have you studied the Queensland law?

The Hon. J. L. COWAN—I have not given serious attention to it. I am in accord with this Bill up to new section 146e, but I think that persons who have been recently X-rayed by a competent person should be exempt. If they are not exempt, they will be re-examined and additional expense will be incurred. The Minister might consider adding the words "any person shall be exempt if he has been recently examined and X-rayed by a competent person." That may bring about a greater number of voluntary examinations by people who have previously not taken the trouble. New section 146f states:—

If a special magistrate is satisfied that any person suffering from tuberculosis (in this Part called a "patient") is in an infectious condition and (*a*) that in the patient's interest he should undergo remedial treatment for tuberculosis; or (*b*) that the circumstances in which the patient is living are such that there is a substantial risk that he will cause infection to other persons.

If the patient's condition is such that he is not likely to cause infection to others, he should be disregarded, but if there is any likelihood that the circumstances in which he lives are such that there is a danger of infection, he should be dealt with. It would be an improvement if paragraph (*a*) were omitted and provision for detention only was provided. That will bring it in line with Tasmanian legislation.

The Hon. A. L. McEwin—A man could then be indefinitely detained.

The Hon. J. L. COWAN—He would not be a danger to other people.

The Hon. A. L. McEwin—It would involve additional expense.

The Hon. J. L. COWAN—Cost will be involved in any case.

The Hon. A. L. McEwin—We want to cure people—not maintain them in a derelict condition.

The Hon. J. L. COWAN—Subsection (2) reads:—

(2) Where a special magistrate is satisfied that a patient who is already an in-patient in an institution (whether he is a voluntary patient or is being detained pursuant to an order) is in an infectious condition and (*a*) that in the patient's interest he should remain in the institution and undergo further remedial treatment for tuberculosis; or (*b*) that if he leaves the institution he will be living in such circumstances that there will be a substantial risk that he will cause infection to other persons, the magistrate may order that the patient be detained in the institution in which he is already an in-patient . . .

I am not in favour of compulsory treatment, but compulsory detention will be all right because the health of the public will be safeguarded and no hardship will be imposed on the patient. The term "treatment" can cover a wide variety of things to which members would not like to be subject.

The Hon. Sir Wallace Sandford—If they were going to effect a cure they would be all right.

The Hon. J. L. COWAN—Yes, but even with treatment there is no certainty of cure. Subsection (6) states:—

On the hearing of the application the special magistrates (*a*) shall hear and consider any relevant evidence, information, or arguments submitted by or on behalf of the Director-General or the patient . . .

It has been suggested to me that the magistrate or judge should have authority to call in an independent referee to assist him in assessing the medical evidence placed before him. The judge or magistrate is virtually only a layman in respect to medical evidence, and without some such provision he would not have authority to call in a competent person to assist in assessing the weight of medical evidence. Other than the points I have raised I have no objection to the Bill. It is, perhaps, long overdue and I am quite certain that it will achieve much in controlling this dreadful scourge. I support the second reading.

The Hon. A. J. MELROSE (Midland)—The position generally as regards this Bill has been thoroughly explored by previous speakers and the statistics both for and against have been aired, so it would appear that both sides can find equal support for their arguments. Apparently, therefore, there is no need for me to do more than explain my reasons for supporting the Bill. From the tone of all the speakers I do not think there is any doubt but that we are unanimous in our desire to stamp out tuberculosis; the bone of contention seems to be the *modus operandi*. As regards methods, we get along fairly unanimously until the word "compulsion" crops up and apparently makes a hopeless stumbling block to some people's acceptance of the Bill. The first question I have to ask is whether my earnestness in the matter of the eradication of tuberculosis is sufficient for me to embrace the compulsory clauses of the Bill, and in the process of arriving at the affirmative answer to that question I have looked about for precedents which may be considered relevant. I find there are plenty. One can take it that the moment one behaves in such a way as to be a menace, either to the public or one's own safety, one is apt to be dealt with compulsorily. I will return to this aspect later.

In closer connection with the Bill, there are already certain diseases which are controlled compulsorily, that is to say, by the actual apprehension of recalcitrant sufferers. One of them is leprosy and the other venereal disease. The Venereal Diseases Act runs almost word for word with this Bill in its relevant clauses. Under section 5, if a person has been served with an order—that is an order to submit himself for examination—and does not comply with it a special magistrate may issue a warrant for his apprehension and he will be apprehended and compulsorily treated. Leprosy, fortunately, occurs so rarely in South Australia that we are not familiar with it, but in the Northern Territory, where it occurs amongst the aborigines particularly, the moment it is detected the police swoop down on the blacks' camp and apprehend all the suspects and take them to a leprosarium, and the same thing would happen with white people, so there are these two very good precedents for compulsion in efforts to stamp out a very serious disease The question of venereal disease was settled in this Chamber last year, after, I think, three attempts; apparently it was a case of third thoughts being best, and eventually the Bill was passed.

Reverting to the compulsion aspect, one has only to pass some poor quality facetious remark at the expense of a hefty young policeman and he will soon find where compulsion comes in. We have before, and will again deal with the question of the intoxicated driver in charge of a vehicle. He will soon know where compulsion comes in. The only answer to that argument is that these people commit an

offence against public order knowingly, whereas the tubercular sufferer commits his offence perhaps despite himself, but I do suggest that if a tuberculosis sufferer knows he has the disease and is a serious source of infection and then proceeds to menace the health of the public he is just as much acting of his volition as the intoxicated person who attempts to drive a car, and therefore he does not deserve much of the sympathy that has been built up around this question of depriving him of his personal liberty. When he knowingly acts in such a way as to menace the public he abrogates any right to public sympathy. One member at least quoted the powers under the Health Act and used the rather specious argument which was advanced during the recent referendum that the powers already existed. Perhaps they do, but the Health Act does not furnish the specific powers we want to elaborate a little further by the amendments before us.

The Hon. E. Anthoney—Why does it not provide the power?

The Hon. A. J. MELROSE—Under the Health Act there is now a liability to report. That is well known to everybody because the doctors' reports eventually reach the Central Board of Health and steps are then taken to isolate the patient as far as possible and to prevent the spread of the disease, and in the case of a patient exposing others to infection he is liable to a penalty of £5. Section 143 provides that any local board may, on a certificate by any qualified medical practitioner, compulsorily remove any such person to the hospital at the cost of the local board. The Act goes on to provide that if anybody is recalcitrant he can be fined £50 with a continuing fine of £2, but if a person has enough money that does not achieve the ultimate objective. It has been agreed by all of us that the first duty of a person who knows he has tuberculosis is to take advantage of the opportunities offering for treatment, and this Bill sets out to deal with the person who defies all common sense and refuses the opportunities offered to him either to cure himself or to prevent the spreading of the disease to other people. Because we felt sufficiently earnest about venereal disease to really implement that power to apprehend a dangerous sufferer and hold him until he was publicly safe I think that if we want to do the same with tuberculosis we should not boggle at the compulsory clauses dealing with the microscopic proportion of the people who may prove to be recalcitrant.

I have had my attention drawn, as have others, to the opinions of authoritative persons on both sides of the case. We have all received a letter from the Tubercular Soldiers' Aid Society which is entirely in agreement with stamping out tuberculosis, but boggles seriously at the compulsion clause. The letter ends up very naively by saying that recalcitrant persons, of whom there are few, could be put under the care of those who could control them. I might ask who puts them under whose care? That is the sort of nebulous solution to a great problem which is not at all helpful. There is only one person who can put anyone anywhere and that is the policeman. Would people be recalcitrant if there were anyone who could control them? It seems to me that the argument is more than futile and merely a childish evasion of the real problem. We saw in this morning's paper a letter from Sir Henry Newland, President of the South Australian Tubercular Association, and he endeavoured to find a middle course between the present state and the proposed compulsory co-operation. He speaks of detention in hospitals, but here again he fails to say who is going to apprehend this person and detain him in a hospital. All we are asked to do is to approve of power being placed in somebody's hands to do these things. Miss Cleggett, writing for the Tubercular Soldiers' Aid Socity, says that she is perfectly willing that these people should be put under the care of someone. Sir Henry Newland says that people who are a menace and behave in a manner dangerous to the public should be detained in hospital for treatment. The only practical way to deal with this matter is to give someone power to deal with those very odd people who, as suggested in Miss Cleggett's letter, are not really normal. Usually they are alcoholics or people who have lost a certain amount of self control and their sense of proportion. We hope that in the course of a few years the compulsory clauses of this legislation will bear fruit and we shall see a real decline in the incidence of this disease. As I understand it, pulmonary tuberculosis is not contracted by human beings from such things as infected milk. Meat affected by tuberculosis is unlikely to come into human consumption, and even if it did it would pass through the sterilizing process of cooking, so that tuberculosis affected milk is the only form of food which is a menace. I understand it sets up tuberculosis in certain parts of the body and therefore is not to be treated lightly. I have

said enough to indicate why I have the temerity to differ from such profound and highly respected authorities as I have quoted. I am prepared to lend my support to the experiment envisaged by the Bill and therefore support the second reading.

The Hon. R. J. RUDALL secured the adjournment of the debate.

BUILDING MATERIALS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 10. Page 840.)

The Hon. Sir WALLACE SANDFORD (Central No. 2)—The Bill aims to do three things—to extend the operations of the Act of 1949, to enlarge the circumstances under which dwellinghouses may be erected without a permit, and to make certain administrative amendments which are required in the light of experience. The first Building Materials Bill was introduced at the end of 1945 and although I did not oppose it I expressed the fear that it might cause as many difficulties as it was likely to help solve. To prophesy is always a dangerous thing, but I do not think it can be gainsaid that the legislation brought about a state of affairs which caused a considerable degree of discomfort. We were surounded by a set of abnormal conditions. The most devastating war in history had just concluded, and it is not always easy in the light of after events to say what might have happened if some greatly different set of conditions had prevailed. Since the Building Materials Act came into operation six years have passed, and in that time many houses have been built in South Australia and a large number are in the process of being built.

The original Act has been amended from time to time. Last year no fewer than 6,800 houses were completed and it is expected that that number will be substantially exceeded during the current year. For this full credit must be given to those in charge of this tremendous undertaking. It is to be hoped that we are moving towards the time when controls and restrictions can be cast off in this and other directions also. The Bill increases the amount which can be spent on a house of from 11½ to 12½ squares to £2,200, and if costs do not rise too steeply this should be of benefit to and meet with the approval of many people. I was particularly glad to learn from the Minister that if a person desires to build a house exceeding 12½ squares or at a higher cost than £2,200 he will have no difficulty in obtaining a permit if he can submit a reasonable case for its issue. It is not necessary for me to go through the list of alterations proposed to the Act, as this was done by the Minister. Clauses 3 and 4 amend the Act in reference to certain building materials and clause 6 sanctions the provisions of that part of the Act which deals with amounts paid to builders as deposits when houses are to be erected.

It may be said that the Bill has two special features—it is to be much easier for a person to build a home without a permit and the upper limit of the amount he may spend is raised. This is consistent with legislation in other directions and with rising prices generally. Provided costs of labour and material do not outstep the extension, it should be of definite value. I am not sure that we have not now reached the point when unrestricted building should be allowed in country areas, but there might then arise complications as well as increased administrative costs. However, it seems that this is a move which might receive particular attention in due course. It would at least be a step in the direction of the removal of controls. The Government is to be commended for continuing the operations of the Act for only one year at a time, for it has the effect of giving Parliament the opportunity to discuss this very important subject at regular intervals. I support the second reading.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I also support the Bill and join in complimenting the Director, Mr. Polnitz, and the officers responsible for the control of the Building Materials Office. I know their task is a most onerous one surrounded with great difficulties. We can agree that they discharge their duties impartially. I should like to see set up a committee to assist in the control of building materials composed of members of the Institute of Architects, builders, building trades operatives, and, if the Government desires, a representative of the community. In making that suggestion I am not belittling the activities of the committee which has been in operation for several years. However, I consider it has had thrust upon it a power which I do not think Parliament or the Government ever intended. I refer particularly to stop notices that are issued from time to time. No doubt some are justified, but some may have been issued to persons who unconsciously and without design exceeded the limit of 12½ squares, and the only authority the Building Materials

Office will listen to is the permit committee which I understand advises that office whether the stop notice shall be lifted or not. Parliament never intended that an auxiliary committee of the Building Materials Office should be the deciding factor in regard to any breach of regulations or the Act. It is quite true that this Bill provides that after six months an application can be made to a stipendiary magistrate to have the stop notice lifted. The difficulty could be overcome if the committee which I suggest was appointed to assist officers of the Building Materials Office, because they would be technically trained, would understand the various aspects of building, and would be of invaluable help to those charged with the responsibility of administration. I would like to see 12½ squares adopted as a standard house. The cost of any fittings should not be taken into account in the original cost of the house. Although some people might be trying to capitalize on house building, the average man usually builds only one home in a lifetime. No barrier should be placed on people who legitimately desire to build a home, reside in it, and rear a family. The Government has had a most difficult row to hoe because all building materials are not manufactured locally. We know, from applications that are made from time to time by manufacturers of essential building materials to the Industries Development Committee, of the difficulties that confront the Government. Because of the wisdom displayed by officials of the Building Materials Office South Australians do not suffer as much inconvenience as people in other States, but that does not alter the fact that it is necessary to appoint a building committee, such as I have suggested. I do not belittle the efforts of the present committee. Building materials have been controlled for more than six years and we have reached the stage when the livelihood of architects and builders is becoming affected. These people are just as desirous of meeting the essential needs of home builders and are as sympathetically disposed towards them as anyone in the community. I have pleasure in supporting the second reading.

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

TRESPASSING ON LAND BILL.

Adjourned debate on second reading.

(Continued from October 10. Page 844.)

The Hon. N. L. JUDE (Southern)—This Bill is a great improvement on the 1928 Act, which it will repeal. One of the chief problems connected with this type of legislation is that landholders themselves are not sufficiently aware of their existing rights. Moreover, the public have not been properly educated as to their responsibilities in encroaching on land. Although we might hope to gain something from this Bill and landholders already have vast powers, they are rarely used. The right exists to deal with people who take game off property. There are laws, too, about discharging firearms, but so far as I can gather it is only on very rare occasions that they are invoked. I think considerable headway will be made if examples are made of people who continue to abuse the rights of landholders. I remind members that many landholders are forced to become tough by the abuse of their property by persons, mostly total strangers, who cheerfully leave all the gates open when passing through. It is only to be expected that some innocent man who goes through an hour or so later, without committing any offence, should arouse the ire of the landowner. Nobody can persuade me to believe that the average landholder guards his privileges over zealously and with such severity as to make himself objectionable to his fellow citizens.

We have to educate our growing generation, from their schooldays upwards, about the rights of other people to their own property, whether it be primroses growing in the fields, roses in the garden, daffodils on the street walks, or mushrooms in large quantities in the paddocks. Surely it is desirable that our children should realize that these things are not their property. Surely no member is game enough to suggest that they are and that the landholder has no primary rights. How many landholders refuse to allow people to take mushrooms if they seek permission? I have told some members of specific cases. I know of one man with a semi-trailer, loaded with empty fruit cases, with between 20 and 30 children in the truck, gathering mushrooms on a Sunday afternoon and taking them into the Monday morning market for sale and, when remonstrated with by the landholder, becoming abusive. I do not suggest that the children did any harm to sheep in the paddock, but surely the man should have had the decency to ask whether, as there were plenty of mushrooms in the paddock, there was any objection to gathering them. I am sure that the landowner would have raised no objection. It is a fact that people with lorries enter properties at the beginning of the mushroom season and commercialize the job of gathering mushrooms. Some of them are extremely rude to

employees on the property. Could those employees themselves not gather the mushrooms and sell them by the pound?

In Britain, not long ago, people could gather mushrooms, pick nuts from nuttery belts and daffodils growing on road gardens, but today that is not allowed. The law has been tightened because landholders have insisted that what grows on their land is rightly their property. I am wondering whether the Bill cannot be amended to prohibit the taking of mushrooms without permission. I do not know why it cannot; neither do I see why permission should not be sought. Why should anybody be allowed to climb into a paddock through a fence, or break it down so that women can get through? I am not suggesting something unfair; rather am I suggesting something reasonable. It is highly desirable that we should consider an amendment which will prevent people from taking anything from paddocks without permission. I have ascertained from the Parliamentary Draftsman that it is illegal, under the Police Act, to take game from a paddock, but no reference is made to mushrooms. The Act refers to plants and other edible things, but mushrooms are not included, evidently because there is a doubt whether they can be termed "cultivated."

I do not want to chase people, who are doing no harm, off my property. I do not think I have ever refused anybody the right to enter it and gather mushrooms, but I appreciate being asked permission, which is readily granted. Only three weeks ago I had the experience of a man with a high-powered rifle on my property shooting mountain ducks. Surely I, with another man who was in the paddock, am entitled to some protection. It has become a recognized thing in the South-East for any man, whether competent or not to handle firearms, to pick up a rifle or gun and shoot ducks on anybody's property. It is an everyday occurrence for men to get out of cars with rifles and shoot ducks. It is high time that more publicity was given to the intention of landholders to take action to deal with this problem, especially if people are not prepared to give reasonable consideration to their rights. I hope that when the Bill gets into Committee members will be able to consider an amendment about taking mushrooms from any property without permission.

Mr. Condon was somewhat worried about the provisions contained in paragraph (*b*) of clause 4, which deals with sheep and cattle. I do not know whether the honourable member's objections are well-founded. If he does not mind the law applying to property on which there are sheep why should he object to its applying to cattle? A great danger from trespassers, apart from lambing ewes, is to young horses and foals at foot.

The Hon. F. J. Condon—I will drop my objection there if you will support me in regard to penalties.

The Hon. N. L. JUDE—The honourable member has let the cat out of the bag. We now realize why he brought the matter of penalties up. He justly fights in many cases for greater leniency, but before he re-entered the Chamber I referred to several Acts specifying penalties which are rarely inflicted. The penalties prescribed would be quite reasonable if they acted as a deterrent. I do not want to prevent a city dweller from entering country properties on Sunday afternoons, but I want him to behave himself and seek permission before gathering mushrooms. If the Bill ensures that it will be a move in the right direction.

The Hon. F. J. Condon—But under the Bill three charges can be laid for one offence.

The Hon. N. L. JUDE—Yes, but I frequently see in the press than two are often withdrawn if a conviction is obtained on one. I support the second reading.

The Hon. R. R. WILSON (Northern)—I am glad that both metropolitan and country members have participated in the debate because it proves there is something in this Bill that requires discussion. The Act provides that a notice must be displayed, in a paddock where sheep are grazing, to prevent trespassing. Many properties contain up to 12 paddocks, and this means that every time sheep are shifted into another paddock a notice has to be erected in that paddock. That is an anomaly. Most of the trouble from mushroomers has occurred within a radius of several miles from the city or country towns. Undoubtedly landowners have lost stock. They have also suffered losses as a result of the activities of spot-light shooters armed with high-velocity weapons who do not obtain permission from landowners before going on their properties to shoot foxes. The destruction of foxes benefits the landowner, but I have seen parties equipped with military pliers, and when a fox escapes from one property they think nothing of cutting the fence to follow it. Again, gates are often left open and the benefit to the landowner from the destruction of a few foxes is offset by the carelessness and neglect of the party.

The Hon. F. J. Condon—Has that occurred in a proclaimed area?

The Hon. R. R. WILSON—Yes. The benefit derived from destroying foxes has brought a request for a bounty on their scalps. If this were granted there would be a greater incentive for spotlight shooting. The Bill will be of advantage to landowners as well as to those who desire to go mushrooming or shooting foxes because country people, as a rule, are hospitable and not only give permission on request to enter their properties but also assist parties in every possible way.

The Hon. F. J. Condon—I agree that country people are hospitable, but that is why I cannot understand the need for this Bill.

The Hon. R. R. WILSON—Penalties should be sufficient to act as a deterrent. Small penalties only encourage people to repeat the offence.

The Hon. F. J. Condon—Don't you think taking them to court is a sufficient deterrent?

The Hon. R. R. WILSON—No; they should pay for breaking the law. A penalty of £5 is too low. Several speakers have referred to the grazing of cattle. I am at a loss to know why cattle should be made an exception because I know that several breeds are most sensitive animals in the presence of strangers. Just as much damage can be caused by trespassers to cattle as to sheep or horses. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Penalty for trespassing."

The Hon. F. J. CONDON—The extension of the provisions of the Act to cattle makes it very drastic. The Bill goes beyond what is required. As honourable members will have noticed, I did not oppose clause 4. The remaining clauses, except the last, deal with penalties. Clause 5 states:—

Penalty: For a first offence, a fine not exceeding £10; for a subsequent offence, a fine not exceeding £20.

That is the penalty for trespassing, but a person who unlawfully remains on a field after being requested to leave would be liable for a first offence to a fine not exceeding £20—not £5 as at present—and for a subsequent offence, a fine not exceeding £40. Again, a person would be liable if he failed to give his name and address to the landowner, occupier, or any employee. What does "employee" mean? It might mean the boots, housemaid, cook, jackeroo, or anybody. A person could be charged three times for one offence. That is most unfair. The fact that a man may be prosecuted is a definite deterrent in itself. Under the Bill the landowner will be given further consideration. He will be relieved of the necessity to erect a notice. Secondly, any employee may demand a person's name and address. Thirdly, the legislation will apply to land on which cattle are grazing. Fourthly, it can apply to any land at all. The present penalty of £5 is to be increased by 300 per cent. That is unreasonable. I believe that people's property rights should be protected, but other people must be considered.

The Hon. Sir Wallace Sandford—But they go on people's properties with big trucks to take away mushrooms.

The Hon. F. J. CONDON—Not many have big trucks; most of them have to walk or ride bicycles to get into the country. We should not be harsh in our legislation.

The Hon. R. R. Wilson—The maximum penalty is not always applied.

The Hon. F. J. CONDON—We cannot control the fine a magistrate may inflict. We simply pass the laws, and I shall not be one to agree that Parliament looked upon this as a serious offence. Any magistrate looking up the principal Act and noting the increased penalties would think that Parliament looked upon the offence as a serious matter. These penalties are out of all proportion. A man may enter a property and do no harm. If he does he commits another offence and there are other powers to deal with him. I will not agree that the man who goes inside a fence and picks a few mushrooms is committing a serious offence, yet for this, on the first occasion, he may be fined £10 and for the second offence £20. Let us examine it a little further. A person who unlawfully remains on an enclosed field after being requested to leave may be fined £20 for the first offence and for a subsequent offence £40.

The Hon. Sir Wallace Sandford—But that is for another offence.

The Hon. F. J. CONDON—If I get through a fence I am liable to a penalty of £10, if I refuse to leave at the request of a person, whose authority I may not know, I am liable to a further fine, and if I refuse to give my name and address to this possibly unauthorized person I am liable to a third fine. That is unreasonable, and I therefore move—

That the word "ten" be deleted and "five" inserted in lieu thereof.

The Hon. R. J. RUDALL (Attorney-General)—The Leader of the Opposition foreshadowed this amendment when he spoke on the second reading and because of that I gave very careful consideration to the penalties and can only say that I do not regard them as in any way unreasonable. What may seem to be a large penalty in comparison with that of 1928 is really not so because the fall in the value of money affects penalties just as much as anything else. The whole fallacy of the honourable member's remarks lies in the fact that he is persisting in treating the maximum as the penalty which would necessarily be inflicted by a court, whereas members know that any court takes into account the circumstances of the case before it and by no means inflicts the maximum, or anything like it, in ordinary circumstances. The committee can rest assured that those charged with the administration of the law can be trusted not to inflict the maximum penalty where it is not deserved. On the other hand, if the maximum penalty is too low and the circumstances warrant a heavy fine, the person who is worthy of severe punishment gets off far too lightly. The value of any legislation must be determined by its deterrent effect, not only in respect of the person actually committing the offence, but also by its affect in deterring others. I hope the Committee will not agree to the amendment.

The Hon. F. J. CONDON—I am not convinced by the Minister's remarks. Is the offence more serious now than it was in 1928? So why take money values into account? Members should realize that I am prepared to increase certain penalties. Consider the man recently charged with twice assaulting a young girl; he was let out on a bond, yet when it comes to a question of taking a few mushrooms the fine may be £40. This is an instance where members should show a little leniency, in view of the minor nature of the offence. We on this side have endeavoured to meet the Government in every possible way on this Bill in other respects, and in the circumstances the Government should give some consideration to our amendment.

The Hon. F. T. PERRY—The penalty imposed by the court is always in accordance with the circumstances of the case, and in very few instances is the maximum penalty imposed. I would like to have from the Minister an explanation of the words, "unlawfully enters or remains." The Leader of the Opposition said that a person could be charged three times for the same offence. I do not think that £10 is too high for a maximum penalty.

The Committee divided on the amendment—

Ayes (3).—The Hons. K. E. J. Bardolph, F. J. Condon (teller), and A. A. Hoare.

Noes (13)—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, L. H. Densley, E. H. Edmonds, N. L. Jude, A. J. Melrose, F. T. Perry, W. W. Robinson, C. D. Rowe, R. J. Rudall (teller), Sir Wallace Sandford, and R. R. Wilson.

Majority of 10 for the Noes.

Amendment thus negatived; clause passed.

Clause 6—"Remaining on field after request to leave."

The Hon. F. J. CONDON—Under this clause if a man enters a field and is told to leave but refuses to do so he is liable to a further charge, and in all he can be fined £40. I move:—

To delete "twenty" and insert "ten."

This should be a sufficient penalty. Does the Crown Solicitor or the Government fix the penalties in a Bill? I am inclined to think the Government has not given sufficient consideration to these penalties and I will not accept them without a fight. A man may be charged with committing an offence on an open field.

The Hon. R. J. RUDALL—I should have thought that it was obvious to everybody that on introducing a Bill the Government accepted full responsibility for it. The penalties are an important part of this measure, and I would not like the Leader of the Opposition to think that I, as a Minister of the Crown, do not accept responsibility for them. I have already said that I have given consideration to them. The clause has nothing to do with open spaces, but deals only with land which is enclosed by hedges, fences, or walls, and has sheep or cattle grazing on it, or which has a cultivated crop on it, or is an orchard or vineyard. It is obvious that clauses 5, 6, and 7 deal with different offences. The one dealt with by clause 6 is most objectionable, and there can be no excuse for anyone guilty of it. A man may go without permission on to an enclosed property where he is liable to cause considerable damage, and when asked to leave refuse to do so. The offence dealt with in this clause is different from the one dealt with in clause 5 and the penalty for it should be double the penalty for the latter.

The Committee divided on the amendment—

Ayes (3).—The Hons. K. E. J. Bardolph, F. J. Condon (teller), and A. A. Hoare.

Noes (13).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, L. H. Densley, E. H. Edmonds, N. L. Jude, A. J. Melrose,

F. T. Perry, W. W. Robinson, C. D. Rowe, R. J. Rudall (teller), Sir Wallace Sandford, and R. R. Wilson.

Majority of 10 for the Noes.

Amendment thus negatived; clause passed.

Clause 7—"Duty to state name and address."

The Hon. F. J. CONDON—I move—

That the word "twenty" be deleted and the word "ten" be inserted in lieu thereof.

I am not against the principle of the legislation, but against the amount of the fine, which should be reduced.

The Hon. F. T. PERRY—The powers under this clause are very wide. I can understand why a police constable or some person in authority should be able to ask for the name and address of a trespasser and why a person should be penalized if he refuses to give it; but under this clause any person has the right to request the name and address of a trespasser. I do not support this clause. Members are being asked to pass legislation of a type which I do not think has been placed on our Statute Book before. I can see how a good deal of damage may be done to property by trespassers; but under this Bill a comparatively innocent person may be charged. Can the Minister explain the clause?

The Hon. R. J. RUDALL—In many rural areas police protection is not readily available. Clause 7 must be read in conjunction with clause 8; the person making the request is limited to the owner or occupier or some person in the employment of the owner or occupier. Clause 8 gives protection by subjecting any unauthorized person who makes such a request to a penalty. I cannot see anything prejudicial to the rights of the individual in this clause. In fact, the principle is followed in other legislation, for instance in section 18 of the Animal and Birds Protection Act, which states:—

The owner or occupier of any land, or the servant or agent of such owner or occupier, may demand the name and address of any person trespassing upon such land whom he suspects of any offence against this Act, and may require any such trespasser to quit such land.

The Hon. E. ANTHONEY—Although I am in full sympathy with this legislation, I cannot see how this clause could be policed. If an authorized person asks a trespasser for his name and address he has no redress if that information is withheld.

The Hon. K. E. J. Bardolph—He may notify the police.

The Hon. E. ANTHONEY—But where are they? What redress has the owner got in such circumstances?

The Hon. F. J. CONDON—This power of requesting the name and address of a trespasser is being given not to one or two individuals, but to many. Under what other Act are such serious powers given?

The Hon. C. D. Rowe—Under the Road Traffic Act.

The Hon. F. J. CONDON—Yes, and under the Licensing Act and the Betting Act; but here we are going too far. Under this clause a jackeroo or a New Australian employee only recently engaged is given the right of a police officer, in that he may demand the name and address of a trespasser. That right should be confined to the owner or occupier. I am opposed to the penalty being increased by 100 per cent.

Amendment negatived; clause passed.

Clause 8—"Duty to give name and address on demand."

The Hon. F. J. CONDON—I object to this clause and unless the Minister is prepared to report progress to allow further consideration I will oppose it. A person found on an enclosed field should not be requested by the owner, occupier or an employee to give his name and address.

The Hon. R. J. RUDALL—I think the honourable member is under a wrong impression. The clause has nothing to do with a person trespassing, but provides that, if anyone falsely says he is the owner or occupier or an employee of the owner or occupier he will be subject to a penalty.

The Hon. F. J. CONDON—I would take convincing on that. The first part of the clause reads:—

A request under this Act may be made to any person on an enclosed field by the owner or occupier of that field or a person in the employment of such owner or occupier.

I oppose the clause.

The Committee divided.

Ayes (12).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, L. H. Densley, E. H. Edmonds, N. L. Jude, A. J. Melrose, W. W. Robinson, C. D. Rowe, R. J. Rudall, (teller), Sir Wallace Sandford and R. R. Wilson.

Noes (4).—The Hons. K. E. J. Bardolph, F. J. Condon (teller), A. A. Hoare, and F. T. Perry.

Majority of 8 for the Ayes.

Clause thus passed.

Remaining clauses (9 to 11) and title passed. Bill reported without amendments and Committee's report adopted.

SUCCESSION DUTIES ACT AMENDMENT BILL.

In Committee.

(Continued from October 10. Page 845.)

Clause 3—"Costs of solicitor."

The Hon. R. J. RUDALL—I move the following drafting amendment—

To insert "an" before "executor" in line 2 of subsection 1 of new section 13a.

Amendment carried; clause as amended passed.

Clause 4—"Application of Part IV.a to Korean war."

The Hon. R. R. WILSON—I move the following amendment—

At the end of paragraph (*c*) of section (1) of new section 55aa add the following paragraph—

(*d*) Any person who has died from wounds inflicted, accident occurring, or disease contracted while he was a member of a Naval, Military or Air Force of the Commonwealth operating under a British Commander for the suppression of unlawful violence in Malaya.

The Hon. R. J. RUDALL—The purpose of the amendment is to give to those who are on service in Malaya the same rights as are to be extended to those fighting in Korea. I see no reason why they should not receive the same privileges. The position is somewhat curious as in neither country does a state of war exist from the point of piew of an ordinary declaration of war. It is hard to credit the enormous difficulties under which the administration of Malaya is being carried on because of the activities of bandits. The action taken against them is really guerilla warfare of a most difficult kind. Those serving in Malaya are undergoing similar risks to those in Korea. The danger, however, is certainly there and the Government has great pleasure in accepting the amendment.

The Hon. F. J. CONDON—I have not had an opportunity of considering it and ask that progress be reported.

Progress reported; Committee to sit again.

SALISBURY NORTH PRIMARY SCHOOL.

The President laid on the table the final report of the Public Works Standing Committee on the Salisbury North Primary School, together with minutes of evidence.

ADJOURNMENT.

At 5.15 p.m. the Council adjourned until Tuesday, October 16, at 2 p.m.