

LEGISLATIVE COUNCIL.

Tuesday, September 30, 1952.

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

PUBLIC PURPOSES LOAN ACT.

His Excellency the Lieutenant-Governor intimated by message his assent to the Public Purposes Loan Act.

PUBLIC WORKS COMMITTEE REPORTS.

The PRESIDENT laid on the table reports by the Parliamentary Standing Committee on Public Works on the Mount Gambier East, Mansfield Park, and Darlington schools.

QUESTION.**PUBLICATION OF HANSARD.**

The Hon. S. C. Bevan for the Hon. F. J. CONDON (on notice)—How many copies of *Hansard* are printed in South Australia?

The Hon. A. L. McEWIN—One thousand six hundred and twenty-five.

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 23. Page 593.)

The Hon. S. C. BEVAN (Central No. 1)—This Bill provides for further amendments to the principal Act which has been amended on five occasions since it was reprinted. Any person not fully conversant with those amendments will be at a disadvantage in trying to follow the Act and I again hope that in the near future the Act will again be reprinted. The Bill will enable friendly societies to participate in Commonwealth medical and hospital schemes. These schemes are constantly being changed and I doubt whether the Minister of Health is familiar with them all. It is the responsibility of the Government to safeguard the public health and it would be an advantage if the Commonwealth Government enacted legislation providing for one authority for hospitalization. If it did we would not be discussing this Bill which is necessary to enable Commonwealth schemes to be applied to friendly societies.

Clause 3 will enable members of friendly societies and their dependants to obtain physiotherapeutic treatment, and represents an improvement to the Act. Friendly societies play a prominent part in the care and treat-

ment of the sick and, apart from providing medical and hospital benefits, they have, over the years, built up their funds and in most instances, have accumulated considerable amounts, from which they have loaned, with adequate safeguards, large sums to members for home building. The societies hold mortgages over the homes and their members have benefited greatly by such assistance.

Clause 5 provides that societies can admit persons into whatever fund or funds they desire to contribute without their being compelled to become full paying members. Persons who are accepted under those conditions will be given rights and safeguards additional to those allowed under any general laws or rules of the societies. They will be given the same voting rights as full members on any question affecting the funds to which they contribute. The Bill is a definite advance, but I am somewhat concerned at the restriction that is placed on friendly society shops. Provision should be made either under this Bill or the Pharmacy Act to safeguard the interests of friendly societies and their members in country districts. Section 26 (d) of the Pharmacy Act restricts the number of general business shops to 26 and section 26 (e) provides for restricted shops. As I understand the position restricted shops can supply medicines and such like to their own members and their dependants but not to the general public. This has a great effect on the number of shops that friendly societies are allowed to operate in country districts.

I understand that established chemists in country districts will not make contracts with friendly societies. It would greatly benefit members of the societies, as well as country people generally, if they could establish premises for general business. There appears to be insufficient business in most country areas to warrant friendly societies operating restricted shops; their membership is such that they are unable to carry on under those conditions. The Bill extends to friendly societies the benefits of the Commonwealth health scheme, which previously they have not had. There is no reason why the Bill cannot be supported as it will allow friendly societies to further safeguard their members in so far as hospital treatment and medicines are concerned. I support the second reading.

The Hon. E. ANTHONY (Central No. 2)—I have pleasure in supporting the Bill which provides for the stripping of some of the dead wood from the Friendly Societies Act

and bringing it into line with modern development. The history of friendly societies is steeped in antiquity. I understand that the principle dates back to the third century B.C. Members will appreciate the tremendous development that has taken place in this form of assistance, particularly to the masses of the people. It has been of great benefit to millions over the years. By making a small weekly contribution they have been able to receive medical benefits and other forms of assistance without which they would have been much worse off.

The original Act was introduced about 1919, since when about six amendments have been made, all tending to improve its administration. Provision was made in the original Act to add to the list of friendly societies, but no provision was made for striking any society off the list. Some societies have become defunct and others have amalgamated. Clause 5 will now permit, by proclamation by the Governor, of the striking off the list contained in the schedule all societies which have become defunct, the names of some of which still remain in the schedule.

One important amendment brings the societies into line with modern medical practice. There was a time when the medical profession looked askance on physiotherapy, but today doctors are beginning to realize that it does make a contribution to medicine and the welfare of the public. This has been recognized and the Bill gives the right to friendly societies to create a fund to provide for physiotherapeutic treatment for members. Clause 4 enables societies to participate in any Commonwealth scheme for hospital and similar benefits and this, of course, is in keeping with Commonwealth legislation. The signing of cheques at present throws a considerable burden upon some officers of lodges. The Act provides that they must be signed by two trustees and countersigned by the secretary or treasurer. In quite a number of cases, however, the one officer combines the duties of secretary and treasurer and the countersigning of cheques imposes quite a task upon him. Clause 7 makes it possible to authorize another officer to countersign cheques and thereby relieves the secretary. The Bill contains minor amendments with regard to meetings and the rights of persons to join societies without being full members in order to participate in benefits from specific funds. The voting rights of such members are limited to matters in respect of those specific funds. The Bill also lays down the procedure to be

followed for changing the name of a society. As I see nothing objectionable in the Bill, but everything to commend it, I have much pleasure in supporting it.

The Hon. C. R. CUDMORE secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 24. Page 626.)

The Hon. W. W. ROBINSON (Northern)—This Bill provides for the extension of price control for another year and clause 3 implements a request of the Commonwealth Minister for Commerce and Agriculture to stabilize the butter industry for the next five years. Much has been said in regard to price control and a great deal of criticism levelled against this measure, but all it does is to enable the Prices Minister to control the prices of certain commodities if he thinks it necessary in the interests of the country. All commodities under price control today can be de-controlled by regulation, but clause 3 provides for the stabilization of the butter industry for the next 12 months and for that reason I am prepared to support it; not that I am enamoured of price control generally, for its history, to some extent, is a very sorry story.

It will be remembered that the prices of certain commodities, particularly those produced in Australia, were fixed at about one-third of the price of similar imported articles, and while those commodities were in short supply this tended to aggravate the position because the tendency always is to produce articles that are most profitable. Therefore, instead of getting essential commodities such as galvanized roofing iron, fencing wire, and fencing materials, the prices of which were fixed at very low rates, and although the public was prepared to pay infinitely more than the manufacturer was permitted to charge, they had to purchase their requirements from overseas at three times the price. We were importing steel into South Australia for some of our public works at a very high cost while making the local commodity available for house-building. Although that policy was to some extent commendable, it always seemed to me that had more encouragement been given we could have produced those articles, instead of which the steel went into luxury items such as motor cars, children's bicycles, radio sets, etc.

I have a vivid recollection of the control of hay prices. About 1943 the Prices Branch fixed the price at £2 15s. a ton. The farmers

could see that there was a shortage of hay in South Australia and that in the interests of the country quantities should be cut, but simple calculations showed that the equivalent quantity of crop cut for wheat would produce about £4 to £4 10s., so the farmers reaped the crops, and at the end of the year, and the year following, we were importing hay from Tasmania at £10 a ton. Other cases of a similar nature could be quoted, but I take it that we have gone through all that period; we have had all the evils and this Bill simply provides for control of those items which the Prices Minister deems necessary. For a period there was a definite tendency for Prices Ministers to control the price of butter and they did so until a number of dairy farmers found more lucrative employment and sold their dairy herds on the beef market. The position became so alarming that the Prices Ministers, in conference, decided that something should be done. However, the Queensland and New South Wales Prices Ministers resisted to the last the proposal to extend the price to 3s. 0½d. a pound. They suggested a price of 2s. 6d. a pound, but farmers refused to sell at that figure. Under section 92 of the Constitution they could not be forced to sell at that price. Clause 3 provides for the stabilization of the industry and enables the fixing of prices which are attractive to the dairy industry. In this way we can hope to recover some of our past losses.

Last year South Australia imported 3,000 tons of butter from Victoria but this year it is expected that we will import only 2,000 tons, which indicates that there has been increased production brought about not only by the increased price but because of a more favourable season. Last year we exported 1,500 tons of butter and it is reasonable to suppose that this year with more favourable conditions we will balance our production and consumption. Under this legislation the guaranteed price will apply to an amount of butter fat equal to one and one-fifth times that used for home consumption during the year. The amount of the guaranteed price is to be the cost of efficient production of the butter fat as estimated by the Commonwealth authorities. It is not intended that the guaranteed price shall fall solely on the consumer; it will be partly met by a subsidy supplied by the Commonwealth Government of approximately 10½d. a pound.

The Hon. C. R. Cudmore—Do you suggest that by passing this Bill we will automatically endorse the Commonwealth scheme?

The Hon. W. W. ROBINSON—It is a gentleman's agreement. The Federal Minister

for Commerce arranged with the State Prices Commissioners to introduce this legislation to enable the five-year stabilization scheme to be carried out.

The Hon. C. R. Cudmore—What will happen next year if we do not re-enact this legislation?

The Hon. W. W. ROBINSON—We are making provision for one year and unless this legislation is re-enacted the scheme will break down. In order that the stabilization scheme will work effectively it is necessary that the State prices authorities fix retail selling prices for butter and cheese based on the wholesale price of these commodities. South Australia has agreed to co-operate in the scheme and provision is made whereby the prices of butter and cheese payable on sales by persons other than proprietors of butter and cheese factories will be based on a wholesale price determined by the Commonwealth Minister for Agriculture. When the controversy was raging concerning the butter industry thousands of heads of stock were slaughtered throughout the Commonwealth, but since the price was increased there has been a trend to repurchase stock and to develop the dairy industry and South Australia produced at least 1,000 tons of butter more this year than in previous year. Whilst we legislate for the dairy industry to be placed on a sounder footing producers must not let themselves be blinded to the fact that there is no permanency in this legislation. There is no guarantee that if they pay too much for land and stock their costs will be met by this legislation because the prices are based only upon good management. Previous speakers have criticized this legislation and have referred to prices paid to dairy producers. In reply to Mr. Anthony's suggestion that thousands of tons of dairy produce were being exported Mr. Bevan stated:—

I readily agree that the biggest proportion of our butter and cheese production goes overseas and that it is necessary to export those commodities to permit the English people to have at least a taste of butter.

Mr. Bevan is President of the Labor Party and no doubt speaks with some authority. He continued:—

I would like to see the whole of our manufacture kept for our own consumption, for we would then find that the retail price would fall to about 2s. a pound and the producer would still be getting a good price.

I ask members to analyze the position. During price control the producers were getting 2s. 8.8d. a pound and they were selling out right and left but Mr. Bevan suggests that 2s. a pound would be an attractive price to the

dairy industry if production was increased. The price is based on a survey carried out by the Dairy Industry Stabilization Committee taking into consideration all costs of production. The survey extended over two years and whilst the committee was making its inquiries the dairy industry fell into a bad position. Mr. Bevan continued:—

I subscribe to Mr. Condon's view that the Government should do something to increase the State's quota of margarine. It seems farcical to import it from other States when we could manufacture it in our own State.

Margarine is a product of copra which is grown in tropical islands north-east of Australia. The vegetable oils and fats are extracted, deodorized and dehydrated in New South Wales and brought here to be made into margarine. Two margarine factories are operating in South Australia and employing about 16 men. In order to maintain and keep the dairy industry on a stable basis it is essential that this legislation should be passed. Dairy farmers should not take undue advantage of legislation of this nature and pay extravagant prices for land and cattle. They should endeavour to mechanize their industry and place it on an efficient basis so that ultimately they will be able to produce butter more cheaply. They should cull their stock judiciously. I trust that the dairy industry will be placed on a more satisfactory footing and that it will make some contribution towards lowering the cost of living.

The Hon. F. T. PERRY (Central No. 2)—The Bill has two objects—one to extend the Act for another year and the other to provide means for fixing butter and cheese prices under the Commonwealth stabilization scheme under which a subsidy is to be paid. I presume that the Prices Act has been selected for the purpose because it is the most convenient. I do not agree that any price fixation scheme should become permanent in this State and something must be done by the end of next year with butter and cheese unless the Act is to continue. For several years we have agreed to its extension for various reasons, among which has been the scarcity of commodities, in an attempt to control the high cost of living, but we have not been very successful. There is a lot of doubt as to the proper method which should have been adopted by any country in fixing prices during the crisis through which we have been passing during the last few years. The fixation of prices in any industry throughout the whole of Australia must lead to tremendous anomalies. The suggestion is that the

price of butter is to be fixed on the average production cost of a well conducted dairy, but I cannot help feeling, with the present price of butter, that many dairy farmers are making most substantial profits.

The Hon. S. C. Bevan—According to Victoria, they are.

The Hon. F. T. PERRY—Yes, and I think the honourable member cited cases. Our own experience has proved that such things are occurring. We know that dairies vary considerably with the locality, the types of workers engaged, and so on. In this case the levelling process seems to be a levelling up and not a levelling down.

The Hon. L. H. Densley—Isn't it time that dairymen had a levelling up?

The Hon. F. T. PERRY—Our primary products were at one time controlled by world parity. Of our main ones, wool, wheat and butter, wool is the only one based on world parity. We sell wheat in Australia at a fixed price much below world prices and we are subsidizing and selling butter in Australia at a higher cost than world parity. There is something radically wrong with those who propound these theories. I have not heard any reason for them from the Minister or any member. It would appear that the old claim for world parity, such as is adopted by the wool people, would be much better in the long run.

The Hon. W. W. Robinson—Secondary industries, too?

The Hon. F. T. PERRY—That may be, but if we attempt to subsidize butter and fix higher prices for local consumption it will create an anomaly and a problem which will ultimately have to be settled. The adoption of the principle of world parity as is done in the case of wool is the sounder method for all our primary products except in exceptional circumstances.

The Hon. C. R. Cudmore—Is this a debate on the Commonwealth butter scheme or on State prices legislation?

The Hon. F. T. PERRY—I mentioned at the outset that the object of the Bill was two-fold. We appear to be supporting the principle of a butter fixation scheme by accepting this provision. Another point is the unfairness of price fixing as applied to certain companies and persons. Those who have had any experience of price fixing know that in many cases the prices sought are recognized by the Prices Commissioner, but in other cases they are not. In common with other members I have received from the Chamber of Manufactures a letter containing complaints. I do not know whether the fault lies at the door of the master

plumbers or the Prices Commissioner. If the letter means anything at all, master plumbers have not received a very fair deal from the commissioner.

The PRESIDENT—Order! The honourable member is trying to link up plumbers with the Prices Bill, but it has nothing to do with plumbers.

The Hon. F. T. PERRY—The Bill seeks to give the Prices Commissioner power to fix prices for various articles and services rendered.

The Hon. C. R. Cudmore—And for work done.

The Hon. F. T. PERRY—We are being asked to extend the power for another year..

The PRESIDENT—I admit the difficulty in the matter, but the Bill deals with the fixation of a price for butter and cheese. Mr. Perry said he was referring to a letter he had received from the Chamber of Manufactures dealing with complains by plumbers, but this is not the time to reply to that.

The Hon. C. R. CUDMORE—On a point of order, Mr. President, I suggest that the Bill is an extension of price fixation for one year, the whole point behind which is to control the price for services and goods in this State. Butter is completely incidental to and outside the general purview of the legislation; the real thing is prices.

The PRESIDENT—I have not stopped any honourable member yet although many members have got away from the subject. The Bill is one to amend the Prices Act and it deals only with butter and cheese and the duration of the Act.

The Hon. F. T. PERRY—I am trying to get the Prices Commissioner, who works under the Act, to deal more fairly with plumbers. Plumbers are an essential body of men who perform a most necessary work efficiently. They have complained bitterly at the way in which the Prices Commissioner has dealt with their requests for increased charges. I consider that prices legislation acts most unfairly against some sections. Plumbers are only a few who are controlled by it; there is a wide range of others who are not. I understand that the basic wage for plumbers in Victoria is about the same as in South Australia. Under a prices order, Victorian plumbers are working for 13s. 6d. an hour, but in South Australia the rate is 12s. Business people whose charges are controlled by the Prices Commissioner are suffering a lot. If they can present a good case as received from the Chamber of Manufactures it should receive reasonable and courteous consideration. I do not think that such a letter

would have been written if they had not had strong grounds for complaint. I trust that their case will receive more sympathetic consideration from the Government and the commissioner.

The Hon. L. H. DENSLEY (Southern)—I look forward with interest to the Minister's reply about including butter and cheese in the Bill. Probably the necessity for any interference with butter prices was the unfortunate action which was taken during the war on overseas prices. I appreciate that the price of butter was kept down so low for years that many dairymen were forced to give up their occupation. It appears that we are at least trying to do something which will popularize the industry and enable it to supply sufficient butter for export.

The Hon. F. T. Perry—So really the Prices Commissioners are the cause of this complaint?

The Hon. L. H. DENSLEY—I would say rather the Government, and consequently the less Government interference with trade and commerce the better it will be for the people. I believe that that theory can be examined very closely and found to be correct in most avenues of business. The dairy industry has had a particularly bad time, but on the other hand it is possible to so alter its economics as to encourage people to launch out and pay tremendous prices for cows and thereby again bring about chaos in the industry. I hope this aspect will be carefully watched, in the interests of the dairyman, without harassing him or building up his costs unnecessarily. We have had many debates upon price control in the past few years and it appears to me that possibly the constant dripping may wear away the stone, for it is not often that we hear the Leader of the Liberal Party in this place admit that it is desirable to control even one item. If it is desirable to control the price of petrol, even though it is a commodity used by a great number of people, it must surely be more necessary to have price control on a commodity which is one of the basic food-stuffs. Even then it is desirable to leave it alone as far as possible except where people are taken away from their normal avenues of employment or where commodities are rendered scarce in other directions.

Mr. Cudmore criticized the advertising by one of the petrol companies. Although I hold no brief for the oil companies, we are indebted to them for the research work they have carried on in the refining of oil and the

general building up of the quality of petrol and oil. Having spent huge sums on research work obviously they must recoup themselves if they are to carry on business in a profitable manner, and the way they had chosen to do it is by way of advertising their products. There should be little to cavil at in that regard, for if a company or an individual desires to advertise surely that is their own business. Many other kinds of companies spend a great deal on advertising. As a primary producer I find that I have been getting a lot of advertising matter through the post showing me how I can spend money and get a lot of relief from Commonwealth taxation, and so forth. That is just the same as paying for big advertisements in the newspapers to bring before the public something they have to sell. If the oil companies have any surplus capital surely they are entitled to buy service stations or use it in any way they see fit; pastoral companies have branches and agencies throughout the country and if petrol companies want their own depots and service stations it seems to me to be very much their own concern and nothing to do with the governing of this country.

Price control, as a general rule, is something of an encouragement to inefficiency and reduction of output. If it can be shown to the Prices Commissioner that an article cannot be produced under a certain figure that seems to be a case for an increase and I think that this is probably one of the greatest weaknesses of price control. If we relied more generally on free and general competition we would be far better off. We seem to be able to get in plenty and at more reasonable prices those articles which have been decontrolled. I believe it is time that price control was abolished. In order to honour an obligation to the Commonwealth it is desirable to do something about butter, but it should be dealt with in a separate Bill as we might deal with barley or oats or anything subject to a Federal agreement. I hope we are not building up a foundation for the continuance of price control by incorporating in the Bill something to do with butter. I shall vote against the measure unless I am shown more convincing proof that it is desirable.

The Hon. R. R. WILSON (Northern)—This Bill deals with two matters. The Lieutenant-Governor in his opening speech said, "You will be asked to extend the operation of the Prices Act for another year." It is of interest to note that the Government believes in freedom from control if the market is adequately supplied with goods, but if com-

modities are in short supply it is necessary to bring in some form of control. In the last 10 or 12 years the dairyman who has been able to dispose of his product as whole milk has had a distinct advantage over the man who has had to sell his product as butter-fat or cheese. Two years ago I mentioned in this Chamber the procrastination in fixing prices in the various States and I think this was the cause of so many dairymen going out of production. To prove that I would quote the following figures: in 1951 there were 19,327 fewer cows and heifers in this State than in 1950 and butter-fat dropped by 2,224,000 lb. and cheese by 3,708,000 lb. I happen to be one who was caught in that period. I had, I suppose, one of the most modern dairies, with a share farmer working it for me. He complained that it was not paying—

The Hon. C. R. Cudmore—Apart from butter, are you in favour of continuing price control?

The Hon. R. R. WILSON—I will come to that. With the slaughtering of so many dairy cattle for beef anyone who wishes to start out today in dairying has to pay from £40 to £70 for good dairy cows, which is beyond the resources of most. Last Saturday evening I had occasion to visit my home town on Yorke Peninsula where I was invited by a friend to tea. When he got home he had to change into working clothes, get the cows in and start up the milking machines, which meant that he had at least two hours work. He remarked to me afterwards that as far as he was concerned dairying was on the way out. It is only natural that producers will undertake the production which is the most profitable. We hear considerable talk about introduction of the Industrial Code into the primary industries, but what chance has it of being successful on a dairy farm? The butter subsidy is to be met partly by the consumer and partly by the Government, and for the year commencing 1st July, 1952, it is to be 10½d. a pound. In his second reading speech the Minister said:—

The guaranteed price will in each year apply to an amount of butterfat equal to one and one-fifth times the amount used for home consumption during that year. The amount of the guaranteed price is to be the cost of efficient production of the butterfat as estimated by Commonwealth authorities.

That word "estimated" brings it within the powers of the Prices Commissioner and it is far from clear to me how this five-year scheme is going to function if a Bill has to be introduced here each year and happens to be defeated on one occasion.

The Hon. C. R. Cudmore—You mean we will have to pass a Bill each year for price control?

The Hon. R. R. WILSON—As far as I can see that is what it means and I would like the Minister to explain what is the actual position.

The Hon. J. L. COWAN (Southern)—I agree with other members that this is a war-time measure that has been with us for far too long and it is a matter for considerable concern to know that the circumstances are such that it is necessary to continue it for another 12 months at least. We find that where it has been possible to lift controls prices have not risen, but have been inclined to fall, and they will continue to do so. I am certain that it is in the best interests of the community that price control should cease as soon as possible. The first part of the Bill deals with general price control, but clause 3 with an entirely different matter. It is a partial application of a five-year Commonwealth Dairy Industry Stabilization Plan which was agreed to on June 11 last when the Commonwealth and the State Ministers of Agriculture met and decided that this plan would be acceptable to them and that they would recommend its ratification to their respective Parliaments. The basis of the plan is to give the Commonwealth Government control over wholesale prices of butter and cheese at the factory door. The States are to continue the retail price control of these commodities so long as price control continues in their respective States. It does not mean that retail price control must go on for five years. If State price control ceases so must retail price control. The dairy industry has passed through some lean periods during the past 20 years and for a considerable time returns were below the costs of production and dairymen had a difficult time in carrying on.

The Hon. R. R. Wilson—Would you say that about sellers of whole milk?

The Hon. J. L. COWAN—Yes, at one stage, but not now. Conditions improved but although we were told that many dairymen went out of production because of the high prices which prevailed for wool, it was because their returns were not sufficiently high above their costs of production.

The Hon. S. C. Bevan—They nearly all immediately switched to wool.

The Hon. J. L. COWAN—That was the obvious thing for them to do once they decided they could not carry on in the dairy industry. Many who switched to wool production are

reverting to the dairy industry, notwithstanding that the price of wool is still good, and many more will do so as a result of the stabilization plan. This plan is of vital importance to the dairy industry and it is most essential that we should ratify it for the full five-year period. I am a little concerned that it should be associated with a general price control Bill, and in the interests of the dairymen it would be far better if it were ratified for the five years. It is a long-term plan; it can only be carried out under those conditions and it is essential for every State to be in agreement. It is interesting to note that in other States the Price Control Acts are not identical with ours. If similar legislation was attached to price control in Victoria it would continue for all time because the Victorian Act is not re-enacted each year.

The Hon. E. Anthoney—Do you feel that this Bill will have to be introduced every year?

The Hon. J. L. COWAN—Yes, if we are to keep faith with the Federal Government and support the stabilization plan. The subsidy involved is considerable and £16,500,000 is proposed for the current financial year. There is some doubt as to who will receive the full benefit of the subsidy. I think Sir Wallace Sandford mentioned that the producer will receive it. Whilst I do not say that he made that statement with a view to misleading anyone it could be misleading because under this plan the dairyman is to receive a guaranteed price for his produce consistent with the cost of production. He will receive that price whether or not there is a subsidy because it gives him a certain margin of profit over his producing costs. The subsidy will be passed on to the consumer with each pound of butter he purchases. If the subsidy did not exist consumers would pay over £16,000,000 a year more for their butter. I am keen that the Commonwealth stabilization plan be adopted by this State for the full period of five years but I would prefer to see it introduced in a separate Bill. I support the second reading.

The Hon. A. L. McEWIN (Chief Secretary)—I have listened with interest to this debate and I find myself in complete agreement with members who say they will be glad to see the end of price control. The Government is anxious to relinquish control as far as possible and events of the past have proved that South Australia has taken the lead in relinquishing

controls as far as practicable. The main concern of members seems to relate to the clause dealing with butter and cheese and because of the doubts expressed that this clause may have been included in some subtle way to ensure that price fixing shall continue over the years it may be advisable for me to read the following letter from the Federal Minister for Commerce and Agriculture to State Ministers:—

As stated in my letter of 5th June, the Commonwealth Parliamentary Draftsman drafted the legislation for the purpose of putting the Commonwealth in a position to determine the ex-factory price of butter and cheese, by an amendment to the price fixing legislation of each State. In actual practice, if State Governments agree to the amendment of price fixing legislation as suggested, this would place the Commonwealth in a position to control its subsidy liability on butter and cheese, which is, of course, an essential pre-requisite of the new five year plan. The Commonwealth would determine the ex-factory price of butter and cheese and for the first period of the plan this would be the cost of production as established by the Bureau of Agricultural Economics, less the rate of consumer subsidy provided by the Commonwealth. For the following years of the plan the ex-factory price would be determined on the same basis except that the cost of production would be established by the proposed independent tribunal. State Prices Ministers would then fix and declare maximum wholesale and retail prices on the basis of the Commonwealth's determination of the ex-factory price. The object of the suggested amendments to the State Prices Acts is to make it legally binding upon the appropriate State prices authorities to accept the Commonwealth's determination of an ex-factory price of butter and cheese as the basis for the fixation of maximum wholesale and retail prices for the full period of the guarantee.

It is realized that the draft legislation does not bind State Governments to continue to allow the Commonwealth to determine ex-factory prices of butter and cheese for the full period. However, you will appreciate that as this is an essential pre-requisite of the plan, it will therefore be a basis-condition of the continuation of the plan. Accordingly, if at any time during the period of the guarantee, the suggested amendment was repealed or not implemented, but at the same time control was still exercised by any State Government over butter and cheese prices, the Commonwealth could not continue to maintain the guarantee to the industry. If State Governments, during the period of the guarantee, de-control butter and cheese prices, a suitable arrangement will be made between the Commonwealth and the industry to place the Commonwealth in a position to determine the ex-factory price for the balance of the period of guarantee. If butter and cheese prices are subsequently re-controlled, then a condition of the continuation of the plan would be that the State or States concerned again place the Commonwealth in a position to determine the ex-factory price. The

Commonwealth Parliamentary Draftsman has re-drafted the suggested amendment to the State Prices Acts and I am attaching a copy for your consideration.

It is quite evident that if the State Governments, at any time, drop price fixing some other arrangements must be made.

The Hon. C. R. Cudmore—Why couldn't another arrangement be made straight away instead of putting it in this Bill?

The Hon. A. L. McEWIN—The letter suggests that this is a simple method of doing it whilst price fixing is in operation. If price fixing goes out quite obviously some special arrangement must be made. This does not take anything out of the control of Parliament and I can see nothing which need cause members embarrassment. I think the letter provides all the explanation required. The only matter apparently concerning members is that which calls for the necessity to continue price fixing. Unfortunately, things occur from time to time and if they didn't there would be no need for Parliament to function. We have to meet changing conditions from year to year. Two years ago nobody in their right senses would have expected that wool would have reached the price of £1 a pound and it is just as well to take facts into consideration in trying to tie things up. Those were the conditions which completely unsettled the balance of production in the dairy industry.

The Hon. L. H. Densley—The dairy industry was going downhill long before wool brought £1 a pound.

The Hon. A. L. McEWIN—I do not know what the honourable member's suggestion was to combat it and I am not going to debate it, but do not suggest that the reason people gave up dairying was because of what Prices Commissioners did. The dairy industry has received considerable assistance and any decline was due to something more attractive in price. The Government is not committed in any way for the future, other than 12 months it is desired the Bill shall operate.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3, "Payments not to exceed last year's Estimates except in certain respects."

The Hon. C. R. CUDMORE—The second reading debate would lead people to believe that the Bill dealt with dairying and butter and cheese prices and not a continuance of price control. I entirely oppose the clause and will ask the Committee to vote against

it. It was explained that if the wishes of those who wanted this butter scheme were to be granted—and I make it abundantly clear that I do not want it—it would be necessary to have an arrangement for five years. I am not even now satisfied that it will not be suggested in future that we will have to continue with the prices legislation because of this provision. If we are to support the Commonwealth Government in a five-year butter scheme it should be done by separate legislation so that it can be discussed even more fully than it has been this afternoon.

The Hon. N. L. JUDE—I strongly support Mr. Cudmore in his attitude. Never since I have been here have I heard such lukewarm support given to a Bill as that given by the Chief Secretary this afternoon. The matter should be shelved for the time being and progress reported to ascertain whether it would not be better to include this provision in other legislation.

The Hon. L. H. DENSLEY—Although much has been done for dairymen over a long period it is not fair that they should have the type of control proposed by the Bill. It would be better, if we are to have price control for the dairy industry, to include the provision in another Bill.

The Hon. J. L. S. BICE—I shall not take any risk with the clause although I think it would be far better to include the provision in separate legislation. As we have accepted price control I feel I can support the clause. I feel, however, that the Government should endeavour to stabilize the industry in a more satisfactory manner than is proposed.

The Hon. A. L. McEWIN (Chief Secretary)—Members say that we should get rid of price control. The Government is only asking for an extension for 12 months, yet they say it should be a five-year scheme if it is to be effective. If they consider that the dairymen are entitled to anything, why quibble about it?

The Hon. L. H. DENSLEY—The clause will simply implement the granting of a subsidy by the Commonwealth Government; it is not a matter of price fixation.

The Committee divided on the clause—

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

Noes (3).—The Hons. E. Anthony, C. R. Cudmore (teller), and F. T. Perry.

Pairs.—Ayes—The Hons. K. E. J. Bardolph and F. J. Condon. Noes—The Hons. L. H. Densley and A. J. Melrose.

Majority of 9 for the Ayes.

Clause thus passed.

Remaining clause (4) and title passed.

Bill reported without amendment and Committee's report adopted.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL.

Received from House of Assembly and read a first time.

The Hon. R. J. RUDALL (Attorney-General)—I move—

That this Bill be now read a second time.

This is a simple Bill, but it is of considerable importance to the Renmark Irrigation Trust, at whose request it has been introduced. It deals with maximum amount of the half-yearly general rate levied by the trust. By section 92 of the Renmark Irrigation Trust Act, 1936-1950, it is provided that the general rate for any half year is not to exceed two pounds per acre of the land on which the rate is imposed. This amount was fixed in 1948, the previous maximum having been 25s. The trust now finds that it cannot meet its expenses without an increase in the rate. It is estimated that every rise of 10s. a week in the basic wage increases the expenditure of the trust by about 5s. an acre. As the trust is already levying the maximum rate allowable by law it will be seen that there is an unanswerable case for an increase.

The suggestion that the maximum rate should be increased as provided in this Bill has been placed before the ratepayers of the trust at a general meeting and was approved by them without dissension. The Government therefore submits the Bill to Parliament and asks that it receive early attention as the next water rate of the trust is to be declared on August 18th. To meet the possibility that the Bill may not pass both Houses before that day a clause has been included to provide that it shall be deemed to have come into operation on August 1st.

The Hon. C. R. CUDMORE secured the adjournment of the debate.

**SOUTH AUSTRALIAN GAS COMPANY'S
ACT AMENDMENT BILL.**

Received from House of Assembly and read a first time.

The Hon. A. L. McEWIN (Chief Secretary)
—I move—

That this Bill be now read a second time.

The object of this Bill is to remove a restriction on the amount of money which the Gas Company may borrow on mortgage or bond. By section 6 of the South Australian Gas Company's Act (a private Act passed in 1861) it is provided that the money borrowed by the company on mortgage or bond must not exceed the amount of its capital actually paid up. At present the paid up share capital of the company is £1,950,000 and as a result of the loan recently raised by the company its total loan capital is approximately the same amount. Therefore the company is unable to raise any more money on loan until it makes a corresponding increase in the amount of its share capital. It is anticipated that during the next three or four years the company will require about £450,000 a year for extending its undertaking. The company is of opinion that the most satisfactory way to raise more money in the present state of the share market is by the issue of further bonds. The company's shares were recently quoted below par and it would not be likely that a new share issue would be successful unless the new shares were issued at a discount. This the company has no power to do. The company is of opinion that the only real remedy is to raise new capital by issues of bonds and in order that this can be done it is necessary to remove the restriction which limits the amount of bonds issued to the amount of the paid up capital. The Bill has been drafted solely for this purpose and repeals the words setting out the restriction to which I have referred.

The Hon. F. T. PERRY secured the adjournment of the debate.

**SUPREME COURT ACT AMENDMENT
BILL.**

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

The Hon. R. J. RUDALL (Attorney-General)—I move—

That this Bill be now read a second time. Its principal object is to provide for the appointment of a sixth judge of the Supreme Court. Members will notice that the Bill

strikes out the word "four" and inserts "five" in section 7 of the principal Act, which section deals with the number of judges. The words "four" and "five" referred to in the amendment may appear inconsistent with the idea of having six judges. They are, however, correct, the explanation being that these words refer to the number of puisne judges, and do not include the Chief Justice. The request for a sixth judge comes from all the present judges and was conveyed to the Government on their behalf by the Chief Justice. His Honour has furnished the Government with a full report as to the state of business in the Supreme Court and the factors which have brought about the need for another judge.

It is now 26 years since the appointment of a fifth judge was authorized by Parliament. During that period the population of South Australia has increased from 561,000 to 723,500—an increase of 29 per cent. Naturally the business of the court increases with the growth of the population, and the statistics indicate that the increase in the work of the court has been proportionately greater than the increase of population. For example, civil cases set down for trial—including matrimonial cases—have increased from 318 in 1927 to 758 in 1951. Divorees made absolute in the same years rose from 97 to 637, and criminal cases from 272 to 372. Strenuous efforts have been made by the judges to keep the work of the court up to date. Programmes of work have been re-arranged from time to time and monthly sittings instituted in civil, criminal, and matrimonial jurisdictions. But the Chief Justice reports that the burden is now so heavy that an additional judge is urgently required to cope with the work of the court. I do not propose to read the report of His Honour to the House, but it is available if any honourable member desires to peruse it. On the information submitted, the Government has no hesitation in asking Parliament to increase the number of judges as requested.

The other provision of the Bill is a minor one. It deals with the circuit sessions of the Supreme Court at which criminal cases are commonly tried in country towns. These sessions are held by a judge or practitioner of the Supreme Court under the authority of a commission issued as occasion requires by the Governor. Each commission has to be gazetted 30 days before the holding of the sessions. Under the present law, when a commission has been issued to a named judge or practitioner, and he is unable to hold the sessions, only

another judge can take his place. It has happened, and no doubt will happen again, that the assignment of a judge to act as a substitute for the judge or practitioner named in a commission causes dislocation of work or is otherwise inconvenient. It is desirable that in such cases there should be power to arrange at short notice for a practitioner to hold the sessions in accordance with the terms of the original commission. It is therefore proposed in clause 4 to enable the Governor, after he has issued a commission for the holding of circuit sessions, to issue a supplementary commission to any practitioner of seven years' standing or more, authorizing him to hold the circuit sessions in place of the judge or person mentioned in the original commission. A supplementary commission will be issued only on the recommendation of the judges, and the practitioner to whom it is issued will have the same powers as if the original commission had been issued to him.

The Hon. F. T. Perry—The same power as a judge?

The Hon. R. J. RUDALL—Yes, full power to preside at a certain court. I take this opportunity to pay a tribute to the work of the judiciary of this State. It is not necessary for me to emphasize the importance of the Legislature and the Executive in the Government of any State, but I think any one of us will realize that our democratic system can function only under the rule of law. Unless that rule of law is observed anything we may attempt to do here or any function of government becomes entirely inadequate. The rule of law is the basis of our democratic system and it implies two considerations; firstly, a recognition by the great majority of the citizens of any State that law must be observed if society is to keep together. The recognition of that principle by the people of any community depends upon the administration of law in the courts themselves and it is in the impartial and efficient administration of justice that we get the basis for the observance of the rule of law in any community. I say without hesitation that we are very fortunate in this State in the men who administer law, not only in our Supreme Courts, but in the subordinate courts which do so much work both in the city and throughout the country districts.

One of the necessities for a proper efficient administration of the law is that justice should be speedy and that, to my mind, is the chief argument for the appointment of another

Judge, because unless there are sufficient Judges to cope with the work—and it is obvious how much work has increased—it can only mean that work falls behind and it becomes an intolerable strain on the Judges. It is worse than that because unless judgments are speedy litigants are dissatisfied and it leads to dissatisfaction with administration of the law.

The Hon. C. R. CUDMORE secured the adjournment of the debate.

PUBLIC OFFICERS' SALARIES BILL.

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

The Hon. A. L. McEWIN (Chief Secretary)
—I move—

That this Bill be now read a second time.

The Bill deals with the salaries of the Public Service Commissioner, the Auditor-General, and the Commissioner of Police. These salaries were fixed by Parliament last year at the respective amounts recommended by Mr. President Morgan. In his report concerning them the President said:—

My recommendation as to the salaries which should be fixed by Parliament is that they should be fixed by Parliament at definite sums without provision for any automatic adjustment system. If necessary, owing to a substantial change in the cost of living, they must be reviewed by Parliament itself—there seems to be no wise alternative. It might be necessary for this review for some years to be annual.

It is now over a year since these salaries were fixed and in that time there have been such substantial increases in the cost of living that a review is already justified. Since the President's report the increase in the living wage has been £138 and the salaries of all public servants except that whose rates are fixed by special Acts have increased by at least that amount. One cannot, of course, foretell what the movement in the living wage will be during the remainder of the present financial year. But if it remains the same and if this Bill is not passed, the officers covered by the Bill will, by the end of the present financial year, be £198 worse off as regards cost of living increases than the other officers of the Public Service. Of this sum of £198 approximately £50 is attributable to increases which the officers failed to receive last financial year. In these circumstances the Government is advised that the appropriate course of action is to increase the salaries by £150 and to provide for a payment to each officer of £50 on account of last year's increases. If during the

remainder of this year there should be any further substantial rises in the living wage, it will be desirable to review the salaries again next year.

The Hon. E. ANTHONY secured the adjournment of the debate.

BUILDING OPERATIONS BILL.

Adjourned debate on second reading.

(Continued from September 23. Page 629.)

The Hon. C. R. CUDMORE (Central No. 2)—I rise to discuss this matter with a definite feeling of nausea. We have debated a Bill at some length this afternoon and member after member said he was against price control but when it came to the time to vote they did nothing. Now I am against going on with building control and I am entirely in accord with the remarks of Mr. Edmonds who admirably commenced his speech by saying that we have had enough of this. He was followed by Mr. Perry who said in effect, "Oh! yes, perhaps once more, but don't do it again". We have had a most pusillanimous show this afternoon and it makes me realize that at some stage we must do something about getting rid of controls. I do not propose to traverse the whole ground because we have had this before us year after year, although it is in rather a different form this time. The Minister in introducing the Bill said:—

It is proposed to repeal the Act and to set up a new system for the regulation of building operations

The scheme of the Bill is as follows:—The regulation of building operations will, in future, not refer to what have been known as essential building materials and, with two exceptions to be referred to later, it is not proposed to exercise any control over the disposition or use of any specific building materials. This means that the priority system will disappear, as will the practice of giving Ministerial directions to suppliers of essential building materials as to the manner in which they are to dispose of them. The proposed control will, in general, be limited to the actual building operations.

I do not read the Bill in that way. I agree that it does relieve the suppliers of building materials in the control of people to whom they are allowed to sell. Broadly speaking, the position seems to be this. Under the old legislation there was control on the size of buildings and control of the amount you could spend on outbuildings. There was control on the use of materials and certain materials were set out in a schedule to the Bill. That has all been repealed by this Bill, but we are

still to control the size of houses which can be built although we do it in rather a more insidious way because we include outbuildings which we did not before. To that extent it is rather worse and we control the use of certain materials—burnt bricks, galvanized iron, galvanized piping and timber.

Cement is given separate clauses of its own. It is suggested that it will be in ample supply early in the new year because the cement clauses are only to operate until February 28 next or such earlier period as the Governor may by proclamation decide. This Bill will only be effective so far as cement is concerned, because the present legislation goes to the end of the year, and will only operate for two months from January 1 to February 28. Galvanized piping is in plentiful supply and there is ample timber available because many people have found it difficult to sell their stocks. Galvanized iron is becoming more plentiful and I feel sure will be in ample supply by the end of the year when this legislation in the ordinary way will go out of operation. That only leaves burnt bricks, about which I know nothing. By and large it does not seem necessary to re-enact this legislation. I am sure we will hear other members, and particularly those from the country, on the question of the size of houses because I feel that the limitation on the size of a house and outbuildings won't allow people to build reasonable houses. Instead of assisting the housing situation in the country and State generally the Bill will retard it.

There is one clause to which I draw particular attention and it relates to contracts. I realize that there have been some really bad cases of people who have been taken down by builders. They have paid large deposits to have houses built in the country and the builders have gone insolvent and the houses have not been built. However, clause 12 goes much too far and I do not see how it can be carried out. It reads:—

12 (1) If any contract is made which provides that some person (hereinafter in this section referred to as "the builder") contracts to construct a dwellinghouse for some other person (hereinafter in this section referred to as "the owner") and if under or in pursuance of the contract the owner has paid or has agreed to pay to the builder any sum of money before the dwellinghouse is to be commenced to be constructed, then, if the contract is made after the first day of December, nineteen hundred and forty-nine, the contract shall be voidable at the option of owner at any time before the construction of the dwellinghouse is commenced if the contract does not provide—

The clause is retrospective for three years. Are we going to say that if certain people entered into contracts two or three years ago the contracts can be voided by one side unless they provide certain things? That is going a tremendously long way. This matter will have to be discussed at some length when the Bill is in Committee. It is going too far to say that a contract which was made two or three years ago is voidable. If a person wants a particular builder to do a job he will make his own contract with him and it is unlikely that he will have a provision of the nature mentioned in it. If we agree to it we will be interfering much farther than we have previously gone in our building legislation in controlling the affairs of individuals. The penalties provided are high and I will have something more to say on them when the Bill is in Committee.

The Hon. A. L. McEwin—Do you say that clause 12 is new?

The Hon. C. R. CUDMORE—No, but it is retrospective. The special purpose account mentioned in the Bill is not new, but I desire to get away from retrospectivity, if possible. I shall not deal with the other provisions now. My present feeling is that the restriction on the size of houses is much too severe as most of the materials are or will be in reasonable supply before the end of this year. Therefore, I cannot see any necessity for the Bill.

The Hon. C. D. ROWE obtained the adjournment of the debate.

FRUIT FLY ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 23. Page 624.)

The Hon. S. C. BEVAN (Central No. 1)—This is another of the Bills it has been found necessary to re-enact from time to time. Apparently we are adopting the philosophy that has been advocated by one member—that when things are going along smoothly we should not interfere with them. The only alternative to agreeing to the Bill is to allow the Act to lapse. It has been found necessary, because of specific causes, to extend its period of operation from time to time. If that were not done the effect on the whole metropolitan area, and probably outside of it, would be tremendous. I understand that from the late summer of 1950 until January, 1952, there was no infestation of fruit fly and we hoped we had seen the last of the pest, but unfortunately it appeared again in the eastern and south-eastern parts of the city. After a lapse of

about two years one wonders how long the eggs or larvae can lie dormant before incubation and how long it will be before the fruit fly is eradicated. The fly made its re-appearance on a property in Hutt Street.

It is feared that there is a host tree in the parklands or that the fruit fly was able to travel long distances. An answer to the problem will have to be found by the Department of Agriculture before it will be possible to eliminate the fly. One could reasonably assume that after a lapse of such a period the fruit fly was practically under control and, perhaps, eliminated. However, it might be some time before we finally eradicate it. Immediate investigations should be made to see if there is any plant or tree in the parklands that could act as a host for the fly. It has been authoritatively stated that an area approximately one mile from any infested area is safe from infestation and if that is so these pests could not travel great distances. I am forced to the belief that there is a considerably longer incubation period for this pest or that some plant or shrub acts as a host.

I understand that more than £500,000 has been spent in attempts to control the pest and another £100,000 has been mentioned as necessary to be spent in attempts to combat any further outbreak. I believe that most of the money has been spent in wages, compensation payments for fruit destroyed and for damage to trees being small in comparison. It is pleasing to see that the public has co-operated with the department by immediately reporting any suspected outbreak. Notwithstanding repeated reports about damage to trees and plants in the removal of fruit, the co-operation shown by the public has enabled the department to immediately investigate the position. Many suspected outbreaks have proved negative, showing that the public is trying to co-operate with the department. It is to be commended for its work during the past few years to destroy the pest.

All practical steps should be taken to eradicate it, thus assuring home gardeners of the full fruits of their labours. I hope that this is the last time we are called upon to legislate along these lines. I think the average householder cultivates a home garden and takes a pride in having fruit trees in his back yard. It is most disappointing to him to find, when his fruit is ready for picking, that there is an infestation of fruit fly which means the total destruction of his crop. In some instances tomatoes have been attacked and the sooner we can eliminate the pest the

better for all concerned. I have a considerable knowledge of the damage which can be caused by these pests and success can only be achieved by concerted action and continued co-operation of the public. Whether we like it or not it is necessary to re-enact the Bill in order to protect home gardeners and the State generally. I support the second reading.

The Hon. Sir WALLACE SANDFORD secured the adjournment of the debate.

CORONERS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 23. Page 604.)

The Hon. C. D. ROWE (Midland)— I have had the opportunity over the week-end to have a careful look at this Bill and the advantage of reading the speeches on it in this Council. Also I have read the report of Lord Wright's committee and this morning I had an opportunity to confer with the City Coroner in regard to the amendments this Bill proposes. Although it is quite far-reaching in its effects I think it is something we can put on the Statute Book to the advantage of the people who find themselves involved in the matters touched upon. In the course of my remarks I propose to make several suggestions which I hope may be given some consideration, but in general that will be my approach to the Bill. It may help members to understand what this is all about if we first consider the actual procedure in a coronial inquiry. As the law stands the first thing that happens is that if somebody knows the relevant facts regarding the discovery of a dead body, or where there is a sudden death in suspicious circumstances, and reports them to the coroner the latter, under the provisions of section 28, has the necessary jurisdiction and duty of inquiring into the death. If he thinks an inquest unnecessary he gives notice of that fact to the Attorney-General as provided by section 11. If he decides that it is necessary to hold an inquest he examines the material witnesses, and having done that he must give a certificate, as required by section 19. Firstly, he must find who the deceased was; secondly, how, when and where the deceased came by his death; and thirdly, if he came by his death by murder, manslaughter or the negligent driving of a motor vehicle, the person or persons, if any, guilty of that offence. If he finds that they are guilty he is empowered to commit them for trial, and if he does that he sends a report of the proceedings to the Attorney-General.

Under the Bill there is the same obligation upon people who know the relevant facts to report a death to the coroner, the same inquiry by the coroner and the same procedure if an inquest is unnecessary. However, if the coroner feels that an inquest is necessary and if a charge is laid by the authorities the inquest will be suspended until that charge is disposed of. There will be the same finding by the coroner but he will have no power to make any finding upon the question of guilt, or any power to make a committal. That, as was indicated by the Minister in his second reading, is the principal purpose of the Bill, namely, to remove from the coroner the criminal jurisdiction he now possesses. The reasons why this is desirable are several, but among them I think these are the most important: firstly, the coroner has to inquire as to the actual cause of death; that is his prime responsibility and the purpose of the Act which constitutes his position. It is not his responsibility to inquire as to the guilt or otherwise of any person associated with a case. In other words, his finding is not the equivalent of that of an examining magistrate, but is merely that there is evidence upon which a jury can convict. Secondly, it does sometimes embarrass a coroner when he realizes that the facts brought out by him tend to incriminate a person connected with the matter. It may be necessary for him to have those facts to get an answer to his question as to how, when and where death occurred, but in eliciting them he may be doing something unfair to a person who later may be committed, and therefore, in the opinion of the City Coroner, that responsibility should be removed from him. In that I agree, for I think it should be left to the officers of the Crown to decide whether or not a charge should be laid. Removal of this criminal jurisdiction from the coroner may mean that, in certain cases, it will be necessary to have an inquiry in a court of summary jurisdiction in addition to the coronial inquiry. This may lead to a little more complication, but it happens at present and I do not think it is a matter which we may regard as very serious, or one which should prevent us from supporting the Bill.

We must remember that the purpose of the coroner's inquiry is not primarily to determine the guilt or otherwise of anybody, but may be simply to direct public attention to a dangerous practice which has grown up and for which no-one is responsible, or it may be to let the public know that something reported in the newspapers leading people to suppose

that there was a felonious intent was nothing of the kind, but simply a matter of misadventure. In support of those remarks may I quote two cases mentioned to me by the City Coroner which occurred in this State. The first was the case of a man using electrical welding tools on top of an empty petrol drum without realizing that it still contained fumes and was consequently dangerous. There was an explosion and the man died as a result, but there was no question of guilt on the part of anybody, and it was simply a matter of bringing to the notice of the public that it was dangerous to do that kind of thing. Similarly, there are cases where children by some mischance get hold of a bottle containing kerosene and drink it with very serious consequences to themselves, and in those instances it is necessary to hold a coronial inquiry in order to inform the public as to the danger which exists in leaving such things about the house. Recently, a report appeared in the press which rather led to the conclusion that the cause of death of a certain person was suicide. The magistrate held a coronial inquiry with the result that he was perfectly satisfied that death was brought about purely by misadventure. In that case it was necessary to hold an inquiry to remove any stigma which may have attached to that person's name. I instance those cases to show that the duty of the coroner is not to find the guilt or otherwise of a particular party, but to see that proper decisions are made and proper publicity given to these matters, and it is because that is the primary duty of the coroner that I feel we are justified in removing his criminal jurisdiction from the Act.

The first clause on which I wish to comment is 3, which amends section 10. Its purpose is to give the coroner power to hold an inquest whether the body is inside or outside the State, or whether death occurred inside or outside the State. I can foresee some difficulty in this in as much as a coroner in another State may also have power to hold an inquest, and I think that we should see that there is no possibility of two inquests being held in respect of the same death. It would be wise to insert a provision in this clause that only the City Coroner or a deputy could direct that an inquest be held where death occurs outside the State. We must remember that every justice of the peace is a coroner, but many have never been called upon to appear on a coronial inquiry. It would be unfair to ask such a person to decide whether in a case coming

under this clause an inquest ought to be held in this or another State, and consideration ought to be given to that point.

Clauses 5 to 7 amend sections 19 and 20 by inserting new sections 20a, 20b and 20c and their effect is to abolish the coroner's criminal jurisdiction. As I mentioned before, that may mean in some cases that there will have to be an inquiry in a court of summary jurisdiction, but that need not cause us undue concern because it sometimes happens now. Clause 8 (1) (b) (3) provides that where the coroner considers that depositions are not likely to be required for any purpose he may direct that the evidence be not put in writing or that it be taken down in shorthand only, and clause 9 provides that a justice may be empowered to take evidence on oath.

It seems to me that the power to dispense with depositions in clause 8 might be limited to the City Coroner and his deputy. A country coroner, with no experience, would not realize whether it was reasonably necessary to have depositions. There are relatively few coronial inquiries in country areas and it would be better to retain the provisions that render it necessary for copies of proceedings and depositions to be made. I take it a typical case where depositions and copies of evidence would not be required would be where an inquiry was made not with a view to leading to any prosecution but simply to expose a practice which was dangerous. For instance, a case where a man used an electric welding plant on top of an empty petrol drum. In such a case I can see no reason why depositions should be taken. It should be limited to the City Coroner and his deputy because in country districts it is difficult to obtain persons to take depositions and it could provide an easy way out.

It is desirable that evidence may be given by affidavit because it frequently happens that witnesses have to travel many miles simply to give formal evidence or to prove some fact and unnecessary expense and delay is incurred.

The Hon. R. J. Rudall—There is no objection to that being general.

The Hon. C. D. ROWE—No. Clause 14 reads:—

Subsection (6) of section 14 of the Criminal Law Consolidation Act, 1935-1940, is repealed. Nobody argues that it should not be repealed, but we should do it by an amendment of the Criminal Law Consolidation Act.

The Hon. C. R. Cudmore—There is a Bill amending that Act before Parliament now.

The Hon. C. D. ROWE—I am not aware of that. A solicitor may be asked to advise on a provision of the Criminal Law Consolidation Act and he would never in wildest dreams think of looking in the Coroners Act to see whether the Criminal Law Consolidation Act had been amended. We could amend the Criminal Law Consolidation Act simply by introducing another Bill and it is laziness and indifference on our part to shortcut it in this way. One or two matters were mentioned to me this morning by the City Coroner. He suggests that the form of oath which witnesses have to take at inquests could be improved. The form of oath as set out in the schedule to the Act reads:—

The evidence which you shall give at this inquest on behalf of our Sovereign Lord the King touching the death of A.D. shall be the truth, the whole truth and nothing but the truth, so help you God.

The City Coroner suggests that the words "touching the death of A.D." should be deleted. It seems rather ludicrous that you should take an oath on evidence which you are giving "touching the death of A.D." when one of the purposes of the inquiry is to find out the identity of the person killed. If we deleted those words we would not be reducing the effect of the oath but would be bringing it into line with the oath used in the local court. Another difficulty the coroner mentioned was that nowadays there are inquiries into the deaths of New Australians and the clerks of court in reading the oath to witnesses are called upon to pronounce names which it is almost impossible for them to do. By deleting those words we would overcome that difficulty and I see no reason why we cannot do it while discussing this Bill.

Although Lord Wright's report was brought forward in England in 1936 nothing has been done about it in England since then. I think the answer is not that the people thought the report was not worthy of consideration but that shortly after it was made England became involved in the second world war and has since had her hands full of other matters. Apparently these amendments have not been adopted anywhere else but I feel they are desirable and we can perhaps give a lead in this matter to other parts of the Commonwealth as we did many years ago in connection with our Real Property Act which we pioneered and which has become a model upon which other States and countries have based their laws.

With these comments I have pleasure in supporting the Bill and commend those who have done so much in connection with it. I hope it will lead to the reforms the City Coroner expects. Unfortunately I do not think it will get over one of the most serious difficulties with which he is confronted and that is the question of counsel representing insurance companies and other parties appearing before him on coronial inquiries and seeking to elicit from witnesses information which may tend to prove liability or otherwise of people who have been involved in accidents. That lengthens inquiries but unfortunately this Bill will not alleviate that.

The Hon. E. ANTHONY secured the adjournment of the debate.

URANIUM MINING ACT AMENDMENT BILL.

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

The Hon. A. L. McEWIN (Chief Secretary)
—I move:—

That this Bill be now read a second time.

The Bill deals with two matters affecting the mining of uranium by the State. First, it contains a set of provisions designed to ensure that operations and processes which in the national interest ought to be kept secret, will be kept secret. Secondly, it provides for the establishment by the Government of clubs and refreshment rooms in the vicinity of the uranium mines and for the sale of liquor in any premises so established. Honourable members are aware that the State is being assisted in the mining and treatment of uranium ores by Governments and authorities of other countries. One of the ways in which we are being helped is by the supply of scientific and technical information. This will be disclosed to use in confidence upon the understanding that strict precautions will be taken to ensure that it does not fall into the hands of potential enemies. Apart from our duty to keep this information secret, it is possible that as work on the field progresses, developments may occur which in the interests of national security should also be kept secret.

In this matter of security the State is being helped by officers of the Commonwealth attached to our staff, and it is essential that in carrying out their work these officers should be fortified by stringent legal provisions which will enable them to act effectively.

The security provisions are contained in a number of proposed new sections of the principal Act set out in clause 3 of the Bill. The first of these is the proposed section 4a under which any person employed under the Uranium Mining Act may be required to take an oath or declaration of faithful service and secrecy. It has been found in practice that the obligation to take an oath of this kind is of considerable value to those whose duty it is to enforce security provisions and section 4a has been included in the Bill at their request. The proposed section 4b enables the Governor by proclamation to declare what are called "prohibited areas" and to vary them from time to time. A prohibited area may be a tract of land, or it may be merely a particular building or office. When a prohibited area is declared, a suitable person will be appointed as the officer in charge of it and the restrictions mentioned in the Bill will come into operation. The first of these is that a permit will be required to enter or be in or fly over the area. This requirement will be binding on everyone, including employees, and is subject to two exceptions only, namely, that no permit will be required for flying over a prohibited area which consists solely of a building, office or other like premises, and a permit granted to an aircraft operator will be sufficient authority for all passengers and crew in his aircraft to fly over a prohibited area. While a person is within a prohibited area he must comply with any directions given him by the officer in charge as to his movements within the area.

The next proposed new section 4c provides that no person is to make a record of anything within a prohibited area, or of any operations or work within such an area without the permission of the Minister or of a person authorized by the Minister to give such permission. The term "record" has a wide meaning and includes any written description, photograph, sketch, plan, or other representation or likeness. It is also an offence to have any such record in one's possession or deliver any such record to another person without the prescribed permission. Further, it is an offence to communicate to any person information concerning any work, operation or thing in a prohibited area, without permission. These provisions, however, do not prevent the communication of information given to Parliament by a Minister or contained in a Parliamentary paper. Another restriction imposed by the Bill in relation to prohibited areas is that it is forbidden to have in one's posses-

sion or carry or use a camera in any such area, except with the permission of the officer in charge. The proposed section 4g is an important section making it an offence to destroy, damage or interfere with any real or personal property forming part of or being within or upon a prohibited area. Section 4i empowers the officer in charge of a prohibited area, or any person authorized by the Minister, to search any person in the neighbourhood of a prohibited area or leaving or entering any prohibited area and to seize anything made, obtained, collected, recorded or possessed in contravention of the Bill.

Section 4j enables any court in any proceedings to make orders for ensuring that evidence concerning operations under the Uranium Mining Acts will not be made public. The Attorney-General is empowered to appear before a court in any legal proceedings and apply for such orders as he thinks necessary. The powers of the court extend to ordering persons out of court and forbidding the publication of the evidence and of the name of any witness. Section 4k deals with penalties for breaches of the Act. Offences may be dealt with either in courts of summary jurisdiction, or in the Supreme Court. If a prosecution is brought in a court of summary jurisdiction the maximum penalty is a fine of £200 or imprisonment for not more than 12 months. If a prosecution is brought in the Supreme Court, the maximum penalties are a fine of £500 or imprisonment for seven years. It may be thought that these penalties are high, but they are in line with those recently prescribed for similar offences by the Commonwealth Parliament and that of the United Kingdom.

In addition, the Bill provides that these penalties shall only apply in cases where it is proved that the accused contravened the Act for a purpose prejudicial to the safety or interests of the State or the Commonwealth. Where this intent is not proved against the defendant a lower scale of maximum penalties is fixed, namely, £100 or six months' imprisonment for a summary offence, and £200 or two years' imprisonment for an offence tried in the Supreme Court. Offences against the Bill will vary in seriousness according to the intent with which they are committed and the amount of harm done. Some may be committed by spies or traitors for whom a high penalty is justified. Others may be committed by persons whose loyalty is not questioned, from motives of gain, or curiosity, or even out of carelessness. Thus a wide range of penalties with a

high maximum is necessary and these considerations justify the provision giving the prosecutor the option of proceeding either in the Supreme Court or in a court of summary jurisdiction.

The proposed section 41 deals with the establishment of clubs and canteens and the sale of liquor in the vicinity of uranium mines. It is a provision on the same lines as one already passed by Parliament in connection with the Leigh Creek coalfield. In that case the clubs and canteens are run by the Electricity Trust. Under this Bill the Government has no option but to confer the proposed powers on the Minister of Mines, since it is essential in this case that the premises should be under the control of a responsible public authority and the Minister is the only suitable authority operating in the area. The

times for selling liquor will in the first instance be those fixed in the Licensing Act, but different hours may be fixed by regulation. As in the case of Leigh Creek the profits derived from the clubs and canteens will be applied by the Minister for purposes beneficial to the persons residing in the mining area. This legislation is of an unusual nature and because of the far-reaching nature of the industry under consideration and its national importance I feel sure that the Bill will receive the support of members.

The Hon. S. C. BEVAN secured the adjournment of the debate.

ADJOURNMENT.

At 5.5 p.m. the Council adjourned until Wednesday, October 1, at 2 p.m.