

**LEGISLATIVE COUNCIL.**

Tuesday, October 28, 1952.

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

**ASSENT TO ACTS.**

His Excellency the Lieutenant-Governor intimated by message his assent to the Municipal Tramways Trust Act Amendment and Supply (No. 3) Acts.

**QUESTIONS.****SUBSIDIES TO SCHOOL COMMITTEES.**

The Hon. E. ANTHONY—Has the Minister of Education any reply to statements which appeared in the press to the effect that because of shortage of funds subsidies to school committees would no longer be possible?

The Hon. R. J. RUDALL—From memory, £44,000 was allocated for subsidies to school committees under the Estimates this year. That is a larger sum than has ever been allocated before, but it was recently found that because of the praiseworthy activities of school committees there was a tremendous drain on that fund with the result that it became exhausted. The activities of school committees play a great part in school development and I have always encouraged them. I consulted the Treasurer and as a result he, with considerable difficulty, allocated a further £20,000 which will enable me to meet the position.

The Hon. K. E. J. BARDOLPH—In view of the Minister's eulogy of the activities of school committees can he say whether the Government will consider an extension of the subsidy to denominational and private school committees—perhaps on a pound for pound basis—on money raised by them?

The Hon. R. J. RUDALL—That has never been done by any Government in the history of the State. It is a question of policy and if the honourable member desires an answer I would ask him to put his question on notice.

**STATE TIME AND OTHER SERVICES.**

The Hon. E. ANTHONY—Has the Minister any information concerning the question I asked last Tuesday with regard to State time and other services which were previously carried out by the Government Astronomer?

The Hon. R. J. RUDALL—I have received a report which reads as follows:—

Times of Sunrise and Sunset.—An almanac is prepared by the Highways and Local Government Department and published quarterly in the *Government Gazette* setting out the times of sunrise and sunset for the ensuing three

months. No difficulty is anticipated in preparing this information, and arrangements are being made for the Surveyor-General to provide any expert checked calculations as required.

Times of Moonrise and Moonset.—Arrangements are being made for the Surveyor-General to supply any information required in this connection.

Tides and Phases of the Moon.—The South Australia Harbours Board prepares an annual publication of Tide Tables for Port Adelaide and Other Ports. The 1953 publication has been printed and is available at a cost of 2s. This publication includes the phases of the moon. It is available at the board's office.

Rating of Chronometers.—Whilst this work was previously done at the State Observatory, it is not regarded as a function of the Commonwealth Observatory. In New South Wales and Victoria the work is done by private firms. In this State, private firms should have no difficulty in undertaking the service by utilizing radio signals which are accurate to the second and taking second signals from the Postmaster-General's service per telephone. For extreme accuracy a chronograph (a ticker tape machine) could be linked through a telephone line to the Postmaster-General's Department time service equipment. Masters of large vessels check their own instruments by wireless time signals.

No fees have been received by the Observatory this calendar year for rating chronometers; two were collected for each of the years 1949 to 1951, and one in 1948. In view of this information there does not appear to be any justification for expenditure to provide a service by the Government for the rating of chronometers.

**PUBLIC WORKS COMMITTEE REPORTS.**

The PRESIDENT laid on the table reports of the Parliamentary Standing Committee on Public Works on Salisbury North primary school (progress), Enfield high school (progress), and Hope Valley reservoir inlet works enlargement.

**ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL.**

Adjourned debate on second reading.

(Continued from October 22. Page 1014.)

The Hon. F. J. CONDON (Leader of the Opposition)—This is a short Bill of five clauses. Clause 3 amends section 6 of the principal Act and provides that persons over 65 may be re-appointed to the trust, but must retire at the age of 70. When a man reaches 65 years and has been a servant of a department for many years it is essential, in certain cases, that his services should be continued. The Bill does not permit anybody being appointed after attaining 65 years but allows a person's time to be extended if he is a member of the trust.

Clause 5 deals with inscribed debenture stock and confers extra powers on the Electricity Trust. I understand that this provision is similar to Commonwealth legislation. The average rate of interest paid by the trust on debenture capital is approximately 3.7 per cent. During the last few years the trust has considerably increased its output and business. If what is proposed by the Bill eventuates the trust will become of much larger magnitude within a few years. Its total funds at June 30, 1952, amounted to £30,500,000, an increase of £8,500,000 for the year. The revenue statement for the year reveals a surplus of £17,922, after allowing for interest charges on debenture capital, compared with a surplus of £5,813 for the previous year. The income of the trust for the year was more than £5,500,000. I support the second reading.

The Hon. C. R. CUDMORE (Central No. 2)—I support the second reading and was interested to hear Mr. Condon call the Electricity Trust a department. Sometimes it is a Government department and sometimes not, as occasion demands, but obviously people over the age of 65 holding responsible positions can still make decisions and their services should be retained if desired until they reach the age of 70.

The second part of the Bill will enable the trust to issue what will, in effect, be inscribed stock instead of scrip. I have nothing to complain about if the trust considers that is a desirable way of borrowing, but I trust it will not be so red-taped as is the case with inscribed stock issued under the Commonwealth Government, where so many signatures have to be obtained and so much fuss made about accepting anybody's power of attorney. Generally, the issue of Commonwealth inscribed stock is made extremely difficult. I hope that if the trust adopts that method of issuing what is really inscribed stock, it will not be so pernickety and make things so difficult for people to get transfers through and business done.

The Hon. F. T. PERRY (Central No. 2)—The Bill seeks to allow the trust to retain the services of members of the trust until they reach the age of 70. Parliament has pronounced on that, as a matter of policy, and has recognized it in many cases. I think it applied in the case of the Agent-General in London and the Commissioner of Police, and perhaps in other instances. It seems to me that it generally applies to suit particular persons. I hardly think this measure would have been brought forward unless it was

thought desirable that the services of certain members of the Electricity Trust could be made available for a further period. We seem to be altering an Act for a specific reason; not that I object, because I think that the effective business life and judgment of directors and people who are formulating policy is not affected by their being 65 or 70. I think 70 is a reasonable retiring age for any person who is responsible for a big activity. As we have accepted it in the case of judges I see no great exception in this case. Modern business life, of course, requires directors or members of trusts to keep abreast of conditions and presumably that is the case in respect of the Electricity Trust. It appears quite evident that in no event can the period of service be extended beyond the age of 70 so the position seems to be amply safeguarded and I therefore support that clause. The issue of inscribed stock is a development which has taken place in recent years in quite a number of organizations. It safeguards the debenture holders and it makes it somewhat easier for the issuing authority. It does, however, seem to imply that the trust will have to raise most of its money in this way in the future. Most of the original debentures, at the time the company was taken over, were held by private owners, but most of the new capital required by the trust since that time has been supplied by the Government. I see no reason to object to the trust following a course which is a recognized development in commerce and I therefore support the second reading.

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

#### METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 22. Page 1015.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—This is a small machinery measure to give the board certain powers in respect of the signing of cheques and to remove the present restriction on the killing of stock within the metropolitan area for the use of the Zoological Gardens. As the Act stands it is necessary for the owner of a dead animal to notify the Abattoirs Board, which then removes the carcass to the Zoo, but this provision enables the person concerned to have the carcass taken direct to the Zoo for consumption by the animals. As regards the signing of cheques it is now necessary for the chairman, or two other members of the board to sign cheques

and the secretary to countersign them, but this Bill provides that the chairman, any member of the board or officer appointed by the board from time to time, may sign cheques, and any authorized officer may countersign them. This is a wise provision for there may be occasions when the secretary may be absent and thus make it impossible for the board to carry out its functions in this respect.

I take this opportunity to quote a few figures from the *Statesmen's Year Book* to indicate the growth of the board's activities since 1925. In that year the total slaughtering of sheep and lambs were 1,028,553, but by 1950 this figure had grown to 2,220,071. I mention this because the Council some years ago was very interested in the majority report of a Select Committee which recommended the reorganization of the personnel of the board to include, among others, a representative of the union, and I congratulate the new board on the manner in which it has conducted the affairs of the abattoirs since that time. It can be said that in no small degree has the employees' representative played an important part. Prior to his appointment there was considerable industrial discontent at the abattoirs, but I think that members who are interested in the pastoral industry will agree that since the reconstruction of the board such stoppages have been minimized. As the board was a creation of this Parliament this is the proper place in which to pay a tribute to a work of its own creation. I specially compliment the employees' representative, who has made the working of the board easier by conveying to the board the employees' point of view. I have pleasure in supporting the second reading.

The Hon. R. R. WILSON (Northern)—The provision relating to the signing of cheques has been explained by the previous speaker and should facilitate the work of the board. The second part of the Bill deals with the killing of meat for the Zoological Gardens and, knowing the value of the Zoological Gardens to the public, and particularly to country people, I feel that every member will do all in his power to give the society every justifiable concession. This Bill enables the society to accept animals killed elsewhere than at the Zoo. It may be felt that there is some danger in allowing indiscriminate killing, but I feel sure that in view of the society's reputation we need have no fears in that direction.

The Hon. C. R. Cudmore—Will they kill by up-to-date methods?

The Hon. R. R. WILSON—Yes, because cleanliness has always been considered in the killing of animals there. I have pleasure in supporting the second reading.

The Hon. A. J. MELROSE (Midland)—I listened with considerable interest to some of the remarks of Mr. Bardolph and I do not doubt, for one moment, that the inclusion of a union representative on the board has had good effect. As he introduced that aspect of the abattoirs operations I might say that I consider it a terrible shame that we, who still look upon this as a primary producing State, should be held up to ransom by some body regularly each year in that stock is killed to the capacity of the board at its pleasure rather than that the killing capacity of the abattoirs should be extended to meet seasonal conditions. In the spring every year there is an enormous crop of meat fit to be treated at the abattoirs for human consumption here or for export. Because the supply of meat has to be limited to fit the prearranged killing capacity at the abattoirs the loss in cash to the producer and in actual animal flesh to consumers here and abroad is considerable. I will not be satisfied to say that the abattoirs is a first-class concern until there is no holdup every spring when the lamb crop is ready and there are not enough men to kill it and other surplus stock which fatten in the spring has to be held up because the abattoirs is busy dealing with lambs. We must realize that a lot of stock in the second class is raised in country which has a short fattening season, and they deteriorate rapidly if held up. The bloom goes off the feed and off the stock. If the season is more bountiful there is a grass seed problem and sheep also deteriorate rapidly. We can only be proud of our abattoirs when it can deal with the ebbing and flowing supply of killable stock and stock waiting to be treated without causing holdups to either class. It may be difficult to keep the industry going when a large number of men are required for slaughtering purposes at one time and few at another, but difficulties are meant to be overcome.

The part of the Bill which concerns me is that dealing with the extension of the facilities of slaughtering animals to the Royal Zoological Society. Under the present Act the society is exempted from the provisions which apply to everybody else in the metropolitan area in that it is allowed to slaughter animals

at the zoo for consumption by the animals there. It was felt by the council of the society, in facing up to one of its problems, that the supply of horses which are usually used for feeding carnivora is becoming scarcer and dearer and that it should try to take advantage of what is a waste of that type of meat supply under the present Act. It is not intended that the society would slaughter animals indiscriminately here and there, but the two classes to which it desired access were firstly, where, for instance, a racehorse breaks its neck on the track and secondly, where an aged animal cannot be transported alive from an outer suburb or from some distance away. In the first case it has asked that the victim of the racecourse might be taken to the zoo and fed to the carnivora rather than be taken to the abattoirs. In regard to the aged and crippled animal, instead of it being transported at great physical discomfort or slaughtered at the abattoirs and lost, the society has asked that it be enabled to slaughter that animal on the spot and transport its body to the zoo. They are reasonable requests and I thank the Minister of Agriculture for giving them sympathetic consideration, which has resulted in clauses 3 and 4 of the Bill. The provisions will not apply to the treatment of diseased animals and will not extend in any way the powers the zoological society already possesses of slaughtering animals in their own slaughterhouse. It merely means that if a healthy animal meets an accidental death within the metropolitan area the society may convey its body to the zoo and if an animal is crippled or in advanced old age and cannot be conveyed in comfort then it may be slaughtered on the spot and carried as a carcass to the zoo. I commend the Bill to members and give it my hearty support.

The Hon. F. J. CONDON (Central No. 1)—No-one regrets more than I the holding up of slaughtering at the abattoirs, but I am not going to say that the men are to blame. Fortunately, the troubles at the abattoirs do not last long and both sides are able to get together and fix up their difficulties. I draw members' attention to what has happened at Port Lincoln recently, as that represents the other side of the question. A boat was held up because another boat at the same wharf was discharging phosphate rock and it was impossible to proceed with the loading of lambs because of the dust. Cases like that cannot be avoided and the employees cannot be blamed. I support the Bill and pay a tribute to Mr.

Melrose for the prominent part he has played as president of the Royal Zoological Society. Parliament should give every consideration to that body which, like other institutions today, is up against it because of increased costs and wages. A number of men devote a great deal of time to the Zoological Gardens, which are a great advantage to the community. We should be proud that we have such an institution.

The Hon. E. Anthony—Do you think it is in the right place?

The Hon. F. J. CONDON—Where can we obtain the money to transfer it? I appreciate what the Government has done by way of subsidies to assist the society and I hope it will give every consideration to any claims of the society because if anything happened to the zoo it would be detrimental to the interests of this State. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—“Slaughtering of stock by Zoological Society.”

The Hon. C. R. CUDMORE—In the Address in Reply debate I drew attention to the fact that we were behind times in this State in our methods of slaughtering at the abattoirs and in other places and that in Victoria it is compulsory to slaughter by the captive bolt method. I said that I hoped that something similar would be done here. I would like to know whether the slaughtering will be by the latest up-to-date method or whether it will continue under the old method.

The Hon. R. J. RUDALL (Attorney-General)—This Bill does not deal with the method of slaughtering. The clause only extends the present position to stock that is slaughtered away from the abattoirs. If a racehorse breaks a leg it is promptly slaughtered by a veterinary surgeon on the course.

The Hon. C. R. Cudmore—And by the most humane method.

The Hon. R. J. RUDALL—Slaughtering will probably be done by a person on his property. The clause will simply give the Zoological Society power to use animals wherever slaughtered.

The Hon. C. R. Cudmore—There is no control over the method of slaughtering?

The Hon. R. J. RUDALL—No, except the control exercised by the Royal Society for the Prevention of Cruelty to Animals.

The Hon. A. J. MELROSE—I take it that in street accidents animals are shot by the police with a revolver and on the racecourse by a veterinary surgeon. A humane killer is used at the Zoological Gardens, and if the authorities go to a property to kill an animal they would doubtless use that method.

The Hon. C. R. CUDMORE—A humane killer is used at the Zoo, but that is not the case at the Metropolitan Abattoirs. The R.S.P.C.A. has requested the Government again and again to bring slaughtering methods in South Australia up to date and in keeping with other places. The use of a humane killer is compulsory in Victoria.

Clause passed.

Clause 4 and title passed.

Bill reported without amendment and Committee's report adopted.

#### LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT BILL.

In Committee.

(Continued from October 22. Page 1023.)

Clause 6—"Notice to quit."

The Hon. A. L. McEWIN (Chief Secretary)—As a result of litigation and a court decision in another State, supported by a judgment in our Supreme Court, the interpretation given to "required" was "demanded" or "claimed." In this clause a different set of circumstances arise, such as where a lessee has done certain things without the lessor's permission. I have obtained a report from the Assistant Parliamentary Draftsman dealing with the legal application of the Bill. In view of what Mr. Cudmore has said I think the Committee can accept his opinion.

The Hon. K. E. J. BARDOLPH—The clause cuts right across other provisions of the Bill. The Government should be consistent; it either wants controls or does not want them. Members should be given a concise statement of what the exact position really is.

Clause negatived.

Clauses 7 to 11 passed.

Clause 12—"Contracts to evade Act."

The Hon. A. L. McEWIN—I move—

To insert before "whether" where first occurring in proposed new subsection (2) "not being a lease and".

This is a drafting amendment only. Clause 12 is intended to bring within the scope of the Act licences and other arrangements which provide for the occupancy of premises for the purpose of residence. By an amendment made in the House of Assembly a proviso was

added to the effect that, as regards arrangements made before September 17, 1952, only the rent control provisions of the Act are to apply to the premises in question. As drafted, the proviso could possibly be construed to apply to leases of premises. This, of course, was not intended and the purpose of the amendment is therefore to make it plain that the clause does not apply to leases which are defined by section 4.

The Hon. C. R. CUDMORE—This is not an easy clause to understand. It gave me some thought as to whether it did not, in effect, give the lodger who booked a room for a couple of days the right to stay there, because, as I first read this proviso, if an agreement was made before September 17 of this year only the provisions of the Act as regards control of rent would apply, but if the agreement was made after that date the law as to evictions would apply. Therefore, it seemed to me that there was a danger that this would make the person who simply booked a room for a night or a couple of days a lessee and give him the right to stay there. However, I have looked into the matter a little further and find it is based on the question of occupation and if the legislation stands on the principle that "occupation" means occupation to the exclusion of anybody else, and the landlord has the right to deal with the premises as he likes, I think that is all right, but I would like the position clarified.

The Hon. A. L. McEWIN—The Assistant Parliamentary Draftsman informs me that a lodger or boarder is not an occupier and that the meaning of the word "occupier" is set out in the Local Government Act as "any person who, either jointly or alone, has the actual physical possession of any land to the substantial exclusion of all other persons from participating in the enjoyment thereof." I think that covers the point raised by the honourable member.

Amendment carried; clause as amended passed.

Remaining clause (13) and title passed.

Bill reported with amendments and Committee's report adopted.

#### PHARMACY ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 22. Page 1016.)

The Hon. E. ANTHONY (Central No. 2)—After the war, owing to the very disturbed state of Europe, there were millions of dispossessed persons, and Australia and other

countries took great numbers of these people. Some were brought here by various Government agencies to take up employment under certain definite terms, after which they were at liberty to follow their own avocations. Many of them possessed high professional qualifications; some were doctors, some chemists, quite a number were architects, and I think Australia in the main was very glad to welcome them. I pay a tribute to all sections of the Australian community who have so very nobly co-operated with these people and endeavoured to make their lives comfortable in this new land.

With perhaps a few exceptions, eventually Australia will feel the great benefit which has come from association with other cultures. We have a striking example of this in history. A century or so ago people who were driven from France because of their religious or political convictions went to England and set up the weaving and other industries, which eventually brought great wealth to the old country. I feel that our association with these new migrants, provided we can house them comfortably, as we are endeavouring to do, will prove to our advantage as well as making their lot more happy. This Bill aims to extend privileges to certain people who possess qualifications to practise the profession of pharmacy. It could, of course, be very dangerous if precautions were not taken to safeguard the public, but the Pharmacy Board is vested with power to examine these people, not only in regard to their professional qualifications, but their characters, and to ensure that they possess an adequate knowledge of the English language. My view is that migrants who come to Australia from other countries should be bound to acquire a practical knowledge of the English language within a period of, say, two years.

The Hon. F. J. Condon—Would you include the Scotch?

The Hon. E. ANTHONY—Yes. It is often quite difficult to understand them, but the foreigner should make himself familiar with the English language and if he failed to do so within the prescribed time he should be expatriated, for I feel certain that unless he acquires a workable knowledge of our language he will not settle down and become a good citizen. The Bill makes this stipulation and in any case, of course, the applicant must have a knowledge of English in order to take advantage of university lectures. The Bill safeguards the public and pharmacists already

practising against any lowering of the standard. I do not know whether there is a dearth of pharmacists in this country—probably there is with our growing population—but it is a principle we have accepted before. We did it in the medical profession where certain people, after they had satisfied the university and the B.M.A., were allowed to practise.

The Hon. K. E. J. Bardolph—Didn't they have to pass an examination?

The Hon. E. ANTHONY—Yes, and these people will have to do the same. It will be entirely the prerogative of the board to determine who is qualified.

The Hon. F. T. Perry—Who constitutes the board?

The Hon. E. ANTHONY—It is a board of five practising pharmacists which includes, I believe, two university professors. We have been very jealous as to whom we should admit into the learned professions, and South Australia has always set a high standard. In medicine we are proud to say that we have turned out from the Adelaide University some of the finest doctors in Australia. I support the measure in the hope that we shall be able to attract into the important profession of pharmacy people from other parts of the world who will bring with them a professional knowledge which may be of great help to us, and I am sure that we shall not regret what we are doing.

The Hon. C. R. CUDMORE (Central No. 2)—I only rise because I feel there is some misunderstanding occasioned by the fact that we are unfortunately dealing with two boards. One board is the Pharmacy Board which is mentioned in this Bill and which will have the power to register New Australians when they have gone through the procedure set out in the Bill. The other is the Board of Pharmaceutical Studies at the university which will carry out the examinations as they do at present. I read Mr. Bardolph's speech with interest. He gave a deal of information and I always applaud honourable members who have a special knowledge of any subject for giving the House the benefit of their knowledge. It would be better if that were more generally done. Under the 1935 Act the Pharmacy Board which registers people as chemists was established. It is obvious when discussing two boards that there is difficulty. The other point I want to make clear is that we did not pass an Act to enable the incoming

New Australian medical people to be registered. In that and the legal professions they are admitted to practice purely on their degrees.

The Hon. E. Anthony—There was a special Bill to include one member of the medical profession.

The Hon. C. R. CUDMORE—That was an isolated case and honourable members will recollect that some members said then that hard cases make bad law. This is not the same as the medical profession, whose members are registered on their university qualifications and are permitted to practise, because under the Pharmacy Act they have to study as an apprentice with another chemist for four years in addition to passing examinations. In the medical profession if New Australians satisfy the examiners at the university they are permitted to practise. In this Bill we are providing that in accordance with their knowledge, which will be ascertained by examination and in accordance with their knowledge of English and their experience, they may be told that they must serve an apprenticeship in a chemist shop of up to three years. I point out the differences so that members will be clear. I agree with Mr. Anthony that there are sufficient safeguards in the legislation and we will be doing no harm by allowing these people to be registered under the methods prescribed in the Bill.

Bill read a second time and taken through Committee without amendment.

Committee's report adopted.

#### MARGARINE ACT AMENDMENT BILL.

The Hon. F. J. CONDON, having obtained leave, introduced a Bill for an Act to amend the Margarine Act, 1939-1948.

Read a first time.

The Hon. F. J. CONDON (Leader of the Opposition)—I move—

That this Bill be now read a second time.

The effect of the Bill is as follows:—Subsection (3a) of section 20 of the Act (which was enacted by the amending Act of 1948) now provides that the declaration to be made by the Minister under section 20 fixing the quota for the manufacture of margarine during any calendar year is not to provide for a greater aggregate quantity than 312 tons. The Bill increases this to 624 tons. By a declaration under section 20 published in the *Government Gazette* on November 1, 1951, the Minister fixed the following quotas for the calendar

year 1952:—Golden Nut Margarine Ltd., 156 tons; Vidale Products Ltd., 156 tons. The Bill provides that this declaration is to be read as if the quotas were increased by 100 per cent., thus each quota of 156 tons will be increased to 312 tons. Subsection (2) of section 20 provides that, when a declaration is made under section 20 fixing the quota of any person for any period the quota shall be not less than the quantity of table margarine manufactured by that person during the last previous period. Thus, if in fact the two companies concerned take up their quotas as increased by the Bill, they will be automatically entitled to the same quota in future years. The 1939 Margarine Act fixed the quota at 312 tons per annum. During the war an interstate agreement was arrived at which reduced the weekly quota by half a ton, but after the war this quota was restored, and today it is 312 tons. Owing to the demand this quota is exhausted and the firms operating here are closed until next year. Governments in other States have met the demand by increasing the quotas considerably. In Queensland the quota has been more than doubled and now exceeds 3,800 tons. In New South Wales it was increased from 1,248 tons to 2,500 tons per annum, in Tasmania from 208 to 416 tons, and in Western Australia from 360 to 800 tons. This month Tasmania and Western Australia passed legislation increasing their quotas. The legislation was passed with the assistance of both parties and in Western Australia the voting in the House of Assembly was 35 to 5 and in the Legislative Council 19 to 9.

The Hon. F. T. Perry—Was it a Government Bill?

The Hon. F. J. CONDON—Yes. In introducing this legislation I am strongly of opinion that it will not in any way interfere with the dairying industry, and in support of this I quote from statements of two Ministers of Agriculture. The first is a letter from the New South Wales Minister of Agriculture addressed to Mr. W. G. Northcote, the managing director of the Golden Nut Margarine Coy. Pty. Ltd. and reads:—

With reference to your recent letter regarding the increase in the amount of table margarine permitted to be manufactured in this State following the recent amendment of our Dairy Industry Act, I desire to inform you that under this amending legislation the aggregate amount of table margarine which may be manufactured per annum was increased from 1,248 tons to 2,500 tons. This increase has not had any adverse effect whatsoever on the

consumption of butter in New South Wales. In fact the position is that with the growing population butter production has not been keeping up with the demand for edible fats, and in order to fill the gap it was necessary to introduce this amending legislation to permit the increased manufacture of table margarine. Naturally, as a primary producer myself, and one who has been closely associated with the dairying industry, I am most concerned that no action is taken which will adversely affect that industry. I believe, however, that with proper control over the manufacture of margarine and provided it is only manufactured in sufficient quantities to meet normal demands, it will have no such adverse effect on the dairying industry. In fact the position is that margarine does meet a real demand by the poorer sections of our community who have to meet their family requirements from their limited cash resources. While we are having a very good season in this State and production of butter is at its top, we still find that considerable quantities of table margarine are required to meet normal demands for this product, and it may even be necessary for us to consider increasing still further the quantities of margarine in order to meet the requirements of the general public.

It is interesting to note that the Ministers of Agriculture who introduced similar legislation in the four States I have mentioned are all farmers representing country districts and it is not likely that they would do anything detrimental to the interests of the dairying industry. This month the Western Australian Minister for Lands (Mr. Thorn), who is probably one of the largest men connected with the dairying industry in that State, in introducing the Bill said he would do nothing to injure the dairying industry.

In the Legislative Council on October 18, the Minister for Agriculture (Sir Charles Latham), said that the drift in the dairying industry was away from butter production. One of the big South-West dairy co-operative firms had written to him asking for a permit to produce margarine. Although the shareholders of that firm would be dairy farmers, members were trying to tell the House that the dairying industry did not want an increased margarine production. Dr. J. G. Hislop, M.L.C., said he believed that if the price for export butter under the trade agreement with Great Britain was equivalent to the home consumption price there would not have been the outcry against the increased margarine production. He believed that the time would come when margarine would be used more and more in the household and scientists would find means of making it spread like butter. I received a wire from the Tasmanian Minister of Agriculture stating that the margarine

quota had been doubled this month. No legislation has been introduced in Victoria yet; members will understand why. In four other States the quota has been doubled.

Since the price of butter was increased from 3s. 2d. a pound to 4s. 1½d. there has been a heavier demand for margarine. Restrictions have been imposed on the margarine industry, but the pressure of economic necessity and the fact that there is a social need for margarine, which must be satisfied, are being realized. In order to protect the dairying industry various States passed legislation limiting the quantity of margarine to be manufactured for sale in Australia, the respective quotas being based upon the approximate sales at the time. This action prevented damaging competition with butter and avoided placing hardships on margarine manufacturers. The dairy industry will still receive protection under the terms of the Bill, which does not go as far as some parties desire by removing all restrictions. The Bill means that Parliament will still have control. If the legislation is found to do an injustice to another section of industry there is nothing to prevent Parliament from altering it.

The Hon. E. Anthoney—By how much will the quota of margarine be increased?

The Hon. F. J. CONDON—It will be doubled, but it will still be lower than in any other State.

The Hon. C. R. Cudmore—Are the figures for table or commercial margarine?

The Hon. F. J. CONDON—Table margarine. Since the Act was passed in 1939 South Australia's population has increased by about 130,000, but there has been no increase in the margarine quota. The price of butter to the producer has been maintained partly by realization from sales, with the addition of the Commonwealth subsidy. The subsidy has been partly removed and an extra burden has been thrown on to consumers. It is not my intention to do anything detrimental to the dairying industry. This is borne out by the fact that the manufacture of margarine will still be controlled. The high price of butter prevents housewives from using it for cake making and also affects the consumption of eggs. If margarine is made available to the public it will assist in other directions, too. There is a big difference between the retail price of butter and margarine.

Many large families cannot afford to put a full supply of butter on the table. They use only the quantity they can afford and reduce

their housekeeping expenses by substituting margarine to make up the balance of their needs. Moreover, pensioners and thousands of people who receive the basic wage, or a little more, with large families to keep find that 4s. 2d. is an excessive amount to pay for a pound of butter when they can use margarine, which serves the same purpose and can be bought for 2s. 6½d. a pound. Certain sections of the community are more or less compelled to buy the cheaper commodity because of their economic circumstances. The manufacture of margarine is of importance and manufacturers should not be penalized, neither should the large majority of consumers. South Australian manufacturers are as capable of supplying the needs of the people as interstate manufacturers. No law compels consumers to purchase margarine if they do not want to, but if the Bill is passed it will give them the opportunity of buying it.

The Hon. E. Anthoney—How many are employed in the industry?

The Hon. F. J. CONDON—I do not know. Of the two firms which were operating, one closed down in September and the other in October. They cannot manufacture any more until January 1.

The Hon. C. R. Cudmore—Can they export it?

The Hon. F. J. CONDON—They have none to export; they can sell it all in South Australia. However, they can import it by virtue of section 92 of the Constitution. If it were reasonable to manufacture margarine in 1939 what is wrong with manufacturing an increased quantity today?

The Hon. L. H. Densley—You realize what steps have been taken to bolster up the dairying industry and the effect that margarine manufacture will have on it?

The Hon. F. J. CONDON—What effect can it have in South Australia if it has had no effect in other States? There is nothing in that argument, especially when other States have passed legislation increasing the quota. The Bill is not a Party one as members of all Parties in other States have agreed to this legislation. They are men who represent the farming community and I am sure they would do nothing detrimental to the dairying industry. I honestly believe that the Bill will not interfere with the dairying industry in any way.

The Hon. L. H. Densley—You said it would cut down butter consumption.

The Hon. F. J. CONDON—We can sell all the butter that is manufactured. During certain times of the year we have to import butter from other States. Should margarine manufacturers in South Australia be penalized?

The Hon. L. H. Densley—You are championing manufacturers in preference to producers.

The Hon. F. J. CONDON—Ninety to 95 per cent of the people in South Australia have as much right to be considered as a minority section. We have gone out of our way to assist the dairying industry and are still prepared to do so. Why should people not have the right to manufacture margarine?

The Hon. E. Anthoney—It is a very modest request.

The Hon. F. J. CONDON—I have given four instances where the margarine quota has been increased—in Western Australia, in Queensland, in New South Wales, and in Tasmania. I rest my case on that argument. I am ready to help all sections of the community and ask members to give the Bill their favourable consideration.

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

#### LOCAL GOVERNMENT ACT AMENDMENT BILL (CITIES).

Read a third time and passed.

#### NARACOORTE TOWN SQUARE (PRIVATE) BILL.

Second reading.

The Hon. N. L. JUDE (Southern)—I move—  
That this Bill be now read a second time.

The purpose of this Bill is to give the Corporation of the Town of Naracoorte limited powers to erect certain buildings on the town square, which is situated in the centre of the town between Ormerod and Smith Streets. The land was originally dedicated to the public in 1871 by George Ormerod, one of the founders of the township. It was then vested in private trustees, but it is now vested in the Corporation of Naracoorte under the same trusts as originally imposed. One of those trusts is that no building shall be erected on the square. This has been a definite handicap to the corporation because it is desirable to have some buildings on any reserve, square, or parkland. For instance, there is a rotunda and cafe on Elder Park, public conveniences in Victoria Square, and grandstands and dressing sheds on the parklands. Examples could be given almost indefinitely.

The immediate need on the Naracoorte square is for a bandstand. The Naracoorte town band has been in active existence for five years and upwards and is now a very considerable and enthusiastic body. It has no place in which to give its concerts, and these, in the past, have been given in the open air. This has many undesirable features—there is no protection for the players from the weather, the band is not elevated above the level of the spectators, and so on. A very well-known South-Eastern family, namely, the children of the late Mr. W. E. A. Schinckel, have now offered to donate a bandstand to the corporation in memory of their father, who was one of the pioneers and was closely connected with the history of the district. It has been indicated that the bandstand will be a substantial structure in keeping with the prosperous appearance of the town. It is in the interests of the town and the district generally that this generous offer should be accepted. However, the corporation is not in a position to accept it at the moment, because there is no place, other than the town square, on which the bandstand can be conveniently erected, and, at present, the corporation has no power to erect or permit the erection of a bandstand on the square. It is to cure this defect that this Bill is being introduced. Clause 3a provides that the bandstand must be erected within five years of the passing of the Act and that the plans and specifications must be approved by the Minister of Local Government before the erection is commenced. This provides all the safeguards in relation to the bandstand that are reasonably necessary.

While the erection of the bandstand is the immediate object of the Bill, it is realized that other small buildings may be desired on the town square in the future, and the corporation does not want to set in motion the machinery of a private Bill every time it wants to erect a small shed. On the other hand, it is realized that some safeguard must be provided, because a future council might so cover the town square with buildings as to defeat the object for which it was dedicated to the public—namely as an open space in the centre of the town for the relaxation and pleasure of its citizens. The safeguard, therefore, provided in Bill is that any future proposal for the erection of a building on the square must receive the approval and consent of the Minister of Local Government. This sort of safeguard is well known in local government legislation and

occurs more than once in the Local Government Act itself. Section 412 of the Act is one example. The Bill contemplates that the corporation, if it desires to erect any other building, must apply to the Minister, who would then have the powers of investigation conferred on him by section 412 of the Local Government Act before giving his consent. It is felt that this machinery is both flexible and safe: it enables the corporation to erect buildings on the square without resort to Parliament on each occasion; on the other hand, it ensures that no frivolous or objectionable building is erected, and that the object, for which town square was given, is preserved.

I assure members that I would not be sponsoring this measure unless I felt certain that the provisions of the trust were being properly safeguarded. I feel that all members will laud the very generous gift made by the pioneering family associated with the original benefactors of the town, and the family would be among the first to deprecate the idea of unnecessary building on this area. A bandstand, however, properly constructed is ornamental; it is an erection associated with gardens and parks and the pleasure and recreation of the people. Members may look somewhat askance at clause 3 (b), but it was thought that while seeking permission to break the trust in order to erect a bandstand the opportunity should be taken to provide for the future erection of public conveniences on this square. For the moment that is out of the question, but with the advent of deep drainage, now being planned, this amenity would become desirable. The Bill of necessity will be referred to a Select Committee, and I am anticipating that it may recommend either the amendment or deletion of this subclause. I therefore ask members, realizing that this subclause will have the most careful consideration of the Select Committee and an opportunity will be given to take evidence regarding it, if they will be good enough to expedite the passage of the Bill as much as possible in view of the late stage of the session.

The Hon. R. J. RUDALL (Attorney-General)—The sponsor of the Bill has made it perfectly clear that it involves the over-riding by Parliament of a trust imposed by the donors some years ago. That procedure has to be treated with great care by any Parliament and I have no doubt that the Select Committee will be aware of that fact. Mr. Jude referred to clause 3 (b) and every member will have to be furnished with complete evidence before

agreeing to such a clause. As this is a matter for a Select Committee and members will have a full opportunity of dealing with the provisions in Committee I feel that this is not the time to discuss the matter in any detail and I support the second reading.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the second reading and although I do not deny private members the right to introduce measures of this nature, I suggest that the Corporation of Naracoorte should have ascertained from ratepayers and citizens of the municipality by poll whether the wishes of the benefactor should be over-riden by an Act of Parliament. We are establishing a dangerous precedent.

The Hon. R. J. Rudall—It has been done before.

The Hon. K. E. J. BARDOLPH—Yes, but the fact remains that if the personnel of the corporation changed the council might want something else done in the town square and there would be a series of amendments. Mr. Jude has not convinced me that this Bill expresses the wishes of the people. We should be wary in permitting corporations to over-ride the will of people who are gracious enough to present a town square and establish it in trust. Their intentions should be conserved in the same manner as we are attempting to satisfy the wishes of the Naracoorte corporation.

The Hon. C. R. CUDMORE (Central No. 2)—This is one of the most interesting small Bills we have had before us for some time, not only in its provisions but in its drafting. The draftsman was apparently in doubt whether to call Naracoorte a town or township because he refers to it in both ways alternatively in four different clauses. I suggest that it will some day, under legislation we have passed this afternoon, attain the honour of being a city. Mr. Bardolph's remarks also interested me because his memory seems to be exceedingly short. I remind him that the Bill was introduced following a petition from the people in the district. Undoubtedly, it is a serious matter to take responsibility for altering a definite instruction because that contained at the end of the preamble is definite and reads:—

Provided always that the said trustees should not permit or suffer any house or houses, building or buildings of any kind whatsoever to be erected on the said reserve or any part thereof.

I am glad Mr. Jude referred to clause 3 (b), which members should examine carefully. I have no doubt the Select Committee will call

evidence not only from those who signed the petition but from others in the district to decide and make recommendations back to this Council as to whether it is desirable to leave that clause in its present state or to make it more definite as to what, if any, other buildings shall be erected upon the reserve. I support the second reading and look forward to hearing the report of the Committee.

The Hon. N. L. JUDE (Southern)—Honourable members have heard Mr. Cudmore, Mr. Bardolph, and the Minister, and I think we can safely leave the matter in the hands of a Select Committee.

Bill read a second time and referred to a Select Committee consisting of the Hons. R. J. Rudall, S. C. Bevan, L. H. Densley, E. H. Edmonds, and N. L. Jude; the Committee to have power to send for persons, papers and records, and to report on Wednesday, November, 5.

#### INDUSTRIAL AND PROVIDENT SOCIETIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 22, Page 1013.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—This is merely a machinery measure to facilitate the working of the Act and I support the second reading.

Bill read a second time and taken through Committee without amendment; Committee's report adopted..

#### EARLY CLOSING ACT AMENDMENT BILL.

Second reading.

The Hon. J. L. COWAN (Southern)—I move—

That this Bill be now read a second time. Clause 3 provides the opportunity for any country hairdresser in any country shopping district to ask the Minister of Industry to exclude his business from the provision in the Early Closing Act restricting the hours he may remain open. In certain country areas the interests of both the barber and his clients would be served by evening work. In fact, in most country areas not proclaimed shopping districts this is now the custom. I wish to make it clear that the Bill does not compel any hairdresser to seek this exemption; nor, under it, could any employee be compelled to work other than during the hours and at the rates of wage fixed by the courts. In brief, this is an attempt to give the self-employed barber an opportunity to work during such hours as,

according to his judgment, suit his clients. Surely, to encourage people to earn an honest living by giving the public the service they want is no crime.

In one area nearly 300 persons have signed a petition asking Parliament to pass this Bill. In that area it is not uncommon to have to wait over two hours on a Saturday morning to get a hair-cut. A large majority of the signatories to the petition are men employed in industry; small mixed farmers are also well represented. In answer to the expected objection that this Bill would break down the principle of early closing, I point out that the Early Closing Act already contains a list of exempted shops, and that until 1945 this list included hairdressers' shops. The Hon. R. S. Richards, when Leader of the Opposition in the House of Assembly, was responsible for their removal from the list at the request of metropolitan barbers; and I point out that objections to this Bill emanated from the same source. The list of shops now exempted includes chemists and druggists' shops, restaurants and eating houses, cooked meats other than tinned meats, bakers, smallgoods and bread, fish and oyster shops, confectionery shops, non-alcoholic drink shops, fruit shops, flower shops, vegetable shops, bookshops, newsvendors' shops and bookstalls, undertaker's shops or places of business, public-houses and licensed wine shops, and milk shops.

The second amendment made by the Bill (inserted in the House of Assembly on the motion of the Premier) gives the Minister of Industry discretionary power to grant or reject petitions for any class of exempted shop to be removed from the exempted list. Under the existing law he "shall" grant such petition, provided the Registrar assures him that the signatures to the petition are *bona fide* and that the signatories comprise a majority of the shopkeepers and shop assistants in the particular class of shops in the area. It was Parliament that decided the list of exempted shops in the third schedule to the Act, and it is obvious that these exemptions were designed to make it possible to give the public services that it needed. A study of Division IV. of the Act, which sets out the procedure under which any class of shops can cease to be exempted, will disclose how a small group of interested people in one class of business can override the wishes of Parliament. It is to safeguard the public interest in this respect that this amendment is sought.

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

#### ADJOURNMENT.

At 4.13 p.m. the Council adjourned until Tuesday, November 4, at 2 p.m.