

LEGISLATIVE COUNCIL.

Tuesday, November 18, 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 following Acts:—Electricity Trust of S.A. Act Amendment, Industrial and Provident Societies Act Amendment, and Metropolitan and Export Abattoirs Act Amendment.

QUESTIONS.**NEW EAST-WEST PASSENGER TRAIN.**

The Hon. K. E. J. BARDOLPH—I understand that a party of Parliamentarians and other notable persons is travelling to Western Australia today on the new train which was imported. Can the Chief Secretary say whether any request was made by the Commonwealth Government for members of this Parliament or for a State representative to be included in that party?

The Hon. A. L. McEWIN—I have not been informed of any request.

SUCCESSION DUTIES.

The Hon. E. ANTHONY—In view of the far-reaching effects of the proposed amendment to the Succession Duties Act and the financial possibilities involved can the Chief Secretary say whether the Government will refer the matter to a Select Committee before proceeding with the measure?

The PRESIDENT—Order! The honourable member cannot anticipate legislation coming from another House.

SUPREME COURT JUDGES.

The Hon. E. ANTHONY—In appointing a sixth judge to the Supreme Court will the Attorney-General consider the advisability of appointing separate judges to the various jurisdictions?

The Hon. R. J. RUDALL—Anything of that nature would have to be effected by legislation and I think such a system would be entirely impracticable.

PARLIAMENTARY PAPERS.

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

That it be an order of this Council that all papers and other documents ordered by the Council during the session, and not returned

prior to the prorogation, and such other official reports and returns as are customarily laid before Parliament and printed, be forwarded to the President in print as soon as completed, and if received within two months after such prorogation, that the Clerk of the Council cause such papers and documents to be distributed among members and bound with the Minutes of Proceedings; and as regards those not received within such time, that they be laid upon the table on the first day of next session.

Motion carried.

APPROPRIATION BILL (No. 2):

Read a third time and passed.

RETURNED SERVICEMEN'S BADGES 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 object is to prohibit the unauthorized wearing and possession of returned servicemen's badges. The Bill has been introduced at the request of the Returned Soldiers' League. Some time ago the league asked the Federal Government to deal with the matter, but the Commonwealth took the view, and no doubt rightly, that it was a State matter. The league has been concerned about the number of persons who wear its badge, although they are not and never have been members. No doubt their object is to obtain some benefit, and some of them actually enter and use the club premises; but under the present law it is difficult in most cases to prove that any offence has been committed. If a person obtains any chattel, money, or valuable security by falsely pretending that he is a member of the league he can be dealt with under the Criminal Law Consolidation Act; but in the cases that come under notice there is usually no evidence that property has actually been obtained as a result of wearing the league's badge, nor is the matter satisfactorily covered by the Police Act. The Police Act makes it an offence to impose upon a charitable institution or a private individual by any fraudulent representation with a view to obtaining money or any other benefit or advantage. In most cases where officers of the league see a person unlawfully wearing the badge there is no evidence that he has imposed upon a charitable institution or a private individual, although no doubt that is his intention in wearing the badge.

From the legal point of view the only satisfactory and effective way to deal with this

matter is to make it an offence if a person to whom a league badge has never been issued wears such a badge or has it in his possession. If this were the law the present difficulties of proof would not arise and the evil could be satisfactorily checked. It is proposed, therefore, to make it an offence for a person who is not a member of the league to wear a returned serviceman's badge or to have such a badge in his possession without lawful excuse. The penalty prescribed for a first offence is a fine of not more than £10 and for a second or subsequent offence a fine of not more than £25 or imprisonment for not more than one month. The Bill, however, will not apply to a person who has been a member of the league and has lawfully obtained a badge while he was such a member. Such a person by not paying his subscription may cease to have any right, as against the league, to retain or wear his badge, but he will not be subject to any penalty under this Bill, although the league may have some legal rights against him. The Bill is limited to persons who have never been members of the league. It may be mentioned also that the Bill applies to the wearing of both genuine league badges and to imitation badges likely to deceive.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time. The Bill makes several amendments of the Criminal Law Consolidation Act. They deal with a variety of topics, but the majority of them arise from the report of the committee appointed by the Government to investigate and report on the appropriate methods of dealing with sex offences. This report is now before members. The committee consisted of Dr. H. M. Birch (Superintendent of Mental Institutions), Dr. Frank H. Beare, Mr. R. R. Chamberlain, Q.C. (now Crown Solicitor) and Mr. C. J. Phileox, a barrister with a long experience of criminal cases. The report is a sound, moderate, and well-reasoned document. It makes very clear the difficulties of the problem of sexual offenders and indicates that there is no simple solution. In particular, the committee discounts the idea that the problem of the sexual offender can be solved by medical treatment. In some cases medical and

psychiatric treatment can achieve good results, but it is a misconception to think that sexual offending in general can be cured by this means. The committee devoted itself to ascertaining what could be done to lessen the incidence of sexual offending, and to improve the existing law and practice as to the punishment and treatment of offenders. This Bill gives effect to almost all the recommendations of the committee as to amendment of the law. In addition it contains some other amendments recommended by the judges and the Crown Prosecutor, or found necessary in the course of legal practice.

It will be convenient to explain the provisions of the Bill in the order of the clauses. Clause 3 deals with the law as to causing death by negligent driving. A person who kills another by such driving may be charged either with manslaughter, or with killing by negligent driving contrary to section 14 of the Act. Clause 3 provides that if such a charge is laid and the jury does not consider the accused guilty of the offence charged, but does consider him guilty of careless, reckless or dangerous driving they may bring in a verdict to that effect. Thereupon the Supreme Court may punish the accused by a fine up to £100 or imprisonment for not more than six months. He may also be disqualified from holding a driver's licence. It has been found, in practice, that juries are often unwilling in these cases to convict of manslaughter or of causing death. No doubt they are influenced by the fact that the accused had no intention of killing anyone. In addition there is sometimes a doubt as to whether the negligence of the accused was sufficiently serious to support a conviction for manslaughter, and sometimes questions arise as to whether the accused's negligence was the substantial cause of the death. These doubts may arise, even if there is no doubt that the accused was guilty of an offence of careless or dangerous driving; and it would be convenient and in the interests of justice if the jury were allowed to find him guilty of such an offence. The clause will enable this to be done. In addition to punishing the defendant by a fine or imprisonment, the Supreme Court is empowered by the clause to disqualify the defendant from holding a driver's licence.

Clause 4 is consequential on clause 3. Clause 5 enacts a provision similar to clause 3 applicable to the case where a person is charged with causing bodily injury by negligent driving. In such a case also it is provided that the accused may be found guilty of

careless or dangerous driving and punished accordingly by fine, imprisonment, or disqualification.

Clause 6 deals with the offence of common assault. Under section 46 of the Act it is provided that this offence may be dealt with summarily when the charge is laid by the person assaulted, and that compensation may be awarded to the injured person, but there are some unsatisfactory features of the present section. Compensation cannot be awarded if the court decides to imprison the defendant. The maximum fine of £5 and the maximum term of imprisonment, two months, fixed by the section, are too low. The maximum term of imprisonment—two months—which may be imposed in default of payment of a fine or compensation is also too low, and is inconsistent with the Justices Act. These and other small anomalies have rendered it necessary to redraft the section, so as to impose appropriate penalties and give the court wider powers to award compensation, or to refrain from giving a decision on the question of compensation, if it feels it is not in a position to decide this matter.

Clause 7 contains consequential amendments. Clause 8 makes important amendments of the law relating to the offence of carnal knowledge of females under 16. These were recommended by the committee. A feature of this offence is that the consent of the female concerned is no defence, except in special circumstances laid down in the Act. Similarly, in cases of indecent assault on females under 17 the consent of the female is no defence except in special circumstances. The offence of carnal knowledge covers some of the more serious cases of indecent assaults on girls, but in several respects the law as to carnal knowledge is more lenient and places the defendant in a more favourable position than the law as to indecent assaults. The result, in practice, has been that defendants are charged with indecent assault when the offence should more properly be described as carnal knowledge. The anomalous differences between these two classes of offence are as follows:—

- (a) The section dealing with carnal knowledge only protects girls up to 16. Under the indecent assault provision girls up to 17 are protected whether they consent or not.
- (b) Charges for carnal knowledge must be laid within six months after the commission of the offence. There is no similar rule for indecent assaults.

- (c) In indecent assault cases where the girl consented the defence that the accused believed on reasonable grounds that the girl was of the age of consent is only available where the girl was 16 years old or more. In carnal knowledge cases this defence is available irrespective of the age of the girl.

It is proposed to abolish these differences between the two offences. The offence of carnal knowledge will be extended to girls up to 17 years old; the six months' time limit for bringing prosecutions will be removed; and the defence that the accused in a carnal knowledge case believed the girl to be of the age of consent will only be allowed in cases where the girl was at least 16 years old.

Clause 9 enacts two further provisions respecting offences against girls. The first is contained in the proposed new section 57a. This section will permit the justices on the preliminary hearing of a charge of carnal knowledge or indecent assault to take a plea of guilty and commit the defendant for sentence without taking evidence. At present the plea of the accused can only be taken at the close of the evidence for the prosecution. The object of the amendment is to make these prosecutions less onerous for the girl concerned. The committee gave a good deal of consideration to the harmful effects suffered by relatively young children as a result of having to repeat the story of the assault three times, as often happens at present, and was desirous of finding ways of avoiding this repetition. It recommended section 57a as one method of achieving this result. Another method is indicated in the proposed new section 57b which creates a new offence of indecent interference with a child or woman. This offence can be dealt with summarily by a magistrate in the police court. It is contemplated that minor sexual offences will be dealt with under this section, thus sparing the child or woman concerned the embarrassment of appearing before a jury.

Clause 10 provides a time limit of three years within which charges for sexual offences must be laid. At present there is no time limit, except in the case of carnal knowledge where the limit is six months. The reasons for this amendment were fully explained by the committee in paragraphs 16 and 17 of its report. One justification for such a time limit is the prevention of blackmail. Another is that unnecessary harm can be done without

commensurate benefit, when sexual offences are brought on for trial and made public years after they were committed, when the circumstances of both the offender and the victim have changed.

Clause 11 makes important amendments to the law respecting the medical examination, detention, and treatment of convicted sexual offenders. Under the present law, as laid down in the Act of 1940, when the court orders that a convicted person be examined to determine whether he is incapable of controlling his sexual instincts, the examinations must be conducted by two medical practitioners. They are required to conduct the examination themselves. The committee recommended that they should have the right to call in the assistance of a psychologist, a social worker, and the probation officer. Clause 11 will enable this to be done. Secondly, the clause widens the classes of persons who may be detained in an institution for treatment during the Governor's pleasure. At present those who are found incapable of controlling themselves, or who are mentally subnormal may be so detained. The committee recommended that a third class of convicted persons should also be subject to such detention, namely, those who, though not incapable or subnormal, need treatment, but whose offence is too serious to warrant their being released under bond. For this reason it is proposed to empower the Supreme Court to order the detention in an institution during the Governor's pleasure, of any person convicted of a sexual offence, if the court is satisfied that it is expedient that such person should be so detained. Any person so detained may be discharged when the Governor is satisfied that he is fit to be at liberty.

Clause 12 enlarges the powers of the Supreme Court to punish convicted persons. By section 313 of the Criminal Law Consolidation Act the court is at present empowered to fine or release on bond any person convicted of a misdemeanour. This punishment can be imposed in lieu of or in addition to any other punishment prescribed by the Act. Magistrates and justices have a somewhat similar power under the Justices Act. The power in the Criminal Law Consolidation Act, however, does not apply to persons convicted of felonies. There is now no reason for distinguishing between misdemeanours and felonies in this matter, because many misdemeanours are serious offences and some misdemeanours are more serious than some of the felonies. The judges have asked for a general power to fine, or release on bond in the case of all felonies and misdemeanours

except treason and murder. Clause 12 grants such a power which will be available in all cases except treason and murder, and except where the power is expressly taken away by any particular enactment. The clause also empowers the Supreme Court, when imposing a fine, to grant time for payment, allow payment by instalments, and fix a term of imprisonment in default of payment.

The Hon. F. J. CONDON (Leader of the Opposition)—This is one of the most important measures introduced this session. I have complained previously about the heavy penalties provided in some of our legislation and I intend, before the session closes, to move in regard to penalties in certain Bills, but this is a Bill where we cannot be too harsh with people who do considerable damage to life and young people. I feel that on many occasions we have been very severe on the question of penalties. For instance, I noticed a report in the press this week to the effect that a person was fined £15 for drinking within 300yds. of a dance hall. I do not know all the circumstances.

The Hon. R. J. Rudall—He had been convicted several times before.

The Hon. F. J. CONDON—I have heard of other cases where the fine has been up to £10. On several occasions people have been fined excessively for betting illegally, and only within the last few years some have been gaoled without the option of a fine. On the other hand, some have been let off on a bond on a charge of indecent assault. Parliament is responsible for the penalties for very often our judges say that Parliament looked upon certain offences very seriously and that consequently they should deal with them severely. Clause 3 deals with careless driving resulting in a trial for manslaughter. If the jury is not satisfied that the accused is guilty of the charge of manslaughter it may bring in a verdict that he was guilty of driving a motor vehicle without due care or without reasonable consideration of others, and the court has the alternative of imposing a fine not exceeding £100, or imprisonment for a term not exceeding six months.

Clause 5 relates to the power to convict for careless driving on a charge of causing bodily harm. Press reports have drawn attention to the number of fatal accidents and, like clause 3, this gives the court power to impose a fine not exceeding £100 or imprisonment not exceeding six months. Clause 6 repeals the present law and the new provision enables a

complaint for assault or battery to be heard and determined summarily. This also carries a penalty of not exceeding £100 or imprisonment for six months. In addition, the court may make an order fixing an amount of compensation to be paid to the injured party. If the court is not satisfied that a case for compensation has been made out this does not debar the injured party from taking proceedings in another court. Clause 8 deals with carnal knowledge and this is a very important matter to consider. This increases the age of consent from 16 to 17 years. The present law provides that no prosecution shall be commenced for an offence under this section more than six months after the commission of the offence. Clause 8 deletes that provision, and another clause in the Bill extends the time to three years. Clause 9 deals with the power to take a plea of guilty without evidence in cases of persons charged with carnal knowledge of a girl under 17 years of age, or with indecent assault. The court may, without taking evidence, accept a plea of guilty and commit the defendant to gaol or admit him to bail. The penalty is increased to not more than one year for the first offence and a fine of £50, or both, if the court deems the case sufficiently serious. Clause 10 extends the time for the laying of information for certain offences to three years. According to press reports some persons have been arrested five or six years after the commission of the offence, and in one case I think, seven years.

The Hon. F. T. PERRY—Is that on the recommendation of the committee?

The Hon. F. J. CONDON—Yes. This has been carefully investigated, and all these matters are recommendations of men of high character. Clause 12 affects another important alteration of the law by enabling the court to grant an extension of time for the payment of fines, and permit payment by instalments. This is an important matter and one which members should consider carefully, but it does afford a person a chance to escape going to gaol. It is the duty of Parliament to protect citizens against people who drive vehicles at high speeds, particularly in our main thoroughfares. I often wonder why there are not more accidents. It is more good luck than good management on the part of some drivers. Parliament should do everything possible to minimize the dangers, and the Bill will serve as some deterrent.

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

ADVANCES TO SETTLERS ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time. The purpose of the Bill is to extend the powers of the State Bank to make advances under the Advances to Settlers Act. The Advances to Settlers Act provides that the State Bank may make an advance to a settler for such purposes as making improvements on his holding, stocking his holding or discharging an existing mortgage. Section 7 of the Act lays down various limits to which advances may be made for various purposes but it is provided that the total amount which may be advanced to a settler for these purposes is not to exceed £1,200. Advances of this kind are to be secured by a first mortgage of the settler's holding. It is also provided that this type of advance can only be made to a settler who holds a Crown lease or agreement and, thus there is no power to make an advance to a settler who owns the fee simple of his holding.

In 1944 it was provided by an amendment of the Act that, in addition to making advances of the kind previously mentioned, the bank could make an advance to a settler up to a maximum of £1,000 for the purpose of erecting, enlarging or altering a dwellinghouse on his holding for occupation by himself, a member of his family or an employee. An advance for this purpose can be made up to nine-tenths of the value of the security and, in any case, where the Land Board recommends the making of such an advance, the advance may be made on the security of a second mortgage. Furthermore, it is provided that a housing advance of this kind may be made both to a Crown lessee or purchaser or to a settler who holds land in fee simple. Thus, the Act now provides that a settler may borrow from the bank a maximum of £2,200, made up of a maximum of £1,200 for improvements and £1,000 for a dwellinghouse. It is considered by the Government that these maximum amounts are now inadequate. The amount of £1,200 was fixed by legislation passed in 1927 as the maximum which may be advanced for improvements whilst the maximum advance of £1,000 for housing purposes was fixed in 1944. Obviously, there have been considerable changes in conditions since those times. It is therefore proposed to increase these maximum amounts.

Clause 3 amends section 7 of the Act, which deals with advances for improvements. It is proposed by clause 3 to increase the maximum advance for improvements from £1,200 to £2,400. It is also proposed to delete from section 7 the subsections providing for various limits of advances for various purposes and to provide instead the general limitation that an advance under this section is not to exceed nine-tenths of the value of the security.

Clause 5 deals with advances for dwelling-house purposes and in this case the maximum advance is increased from £1,000 to £1,750. The latter amount is the amount fixed as the maximum for housing loans under the Advances for Homes Act and the Homes Act. Thus, the combined effect of clauses 3 and 5 will be to increase the maximum advance under the Act from £2,200 to £4,150. As has been previously mentioned, the Act now provides that, except in the cases of loans for dwelling-house purposes, advances can only be made to settlers who hold land under Crown lease or agreement.

It is proposed by clause 3 to amend the definition of "settlers" so that this term will include any person engaged in agricultural, horticultural, viticultural or pastoral pursuits on land of which he is the owner in fee simple or of which he is a Crown lessee or purchaser. Thus, the scope of the Act will be extended to include settlers who own the fee simple of their land. Clauses 4, 7, 8 and 9 make various amendments to the Act which are consequential upon the alteration proposed by clause 2.

Clause 6 deals with another topic. As has been previously mentioned, the bank can, in an appropriate case, make an advance to a settler for dwellinghouse purposes which may be secured by a second mortgage. Where the security of a lender is subject to prior mortgage or charge, it is sometimes in the interests of the lender to take over the obligations of the borrower in the case of default in his obligations under the prior mortgage or charge. The purpose of clause 6 is to provide that, where the bank's security is subject to a prior mortgage or charge and the mortgagor defaults in his obligation under this prior mortgage or charge, the bank, if it is satisfied that for the proper protection of its security it should do so, may pay to the person entitled the whole or any part of the amount by which the mortgage is in default. Any amount so paid by the bank is to be added to the amount of the advance made by the bank.

Clause 10 makes a drafting amendment to section 28 of the Act. Clause 11 repeals section 30 of the Act, which deals with the procedure to be followed when regulations are made under the Act. The general procedure in these matters is provided for in section 38 of the Acts Interpretation Act and the effect of repealing section 30 of the Advances to Settlers Act will be that section 38 of the Acts Interpretation Act will apply with respect to regulations made under the Advances to Settlers Act. It is obvious that the Bill is necessary because of the depreciation in the value of money.

The Hon. F. J. CONDON (Leader of the Opposition)—I support the Bill. Clause 2 amends the definition of "settler" to include any person who is engaged in agricultural, horticultural, viticultural or pastoral pursuits. Under clause 3 a settler can obtain an advance not exceeding £2,400. Clause 5 increases the amount which may be advanced for the erection of dwellinghouses and clause 6 relates to the power of the bank to pay off prior mortgages. The Act is administered by the State Bank with power to make advances from funds provided by the State to holders of Crown lands under lease, or under agreement with covenant to purchase, upon the security of first mortgage. Interest is payable at rates fixed by the Treasurer from time to time. The rate applying for the year ended June 30, 1952, was 4½ per cent, subject to a rebate of half per cent if paid within 14 days of the due date. The revenue account deficit for 1952 was £814 as compared with £6,563 for 1951. That improvement, which was anticipated in the Auditor-General's report for 1950-51, resulted mainly from a reduction of £4,493 in administration expenses made up of £2,801 from a reduction in the Lands Department charge, and £1,692 from a reduction in the State Bank charge. During the year ended June 30, 1952, loans amounting to £592 were made and £6,293 was repaid. The amount outstanding on advances was £22,129, of which £265 was due and payable. The amount of interest due and payable was £300. The Bill is for the purpose of meeting increased costs and charges and I support the second reading.

The Hon. E. H. EDMONDS (Northern)—I think the Minister summed up the position in his concluding remarks when he said that the amendments arose largely as a result of depreciation in the value of money. No legislation has been more helpful in contributing

to the development of our rural areas and this particularly applies to settlement in the mallee lands. The Act came into force in 1930 and under it advances were made for the purposes of clearing land, logging scrubland, fencing, improving water conservation, building houses or making structural and other improvements and for stocking the holdings. At that time the limit was £1,200. Those who went to the mallee areas did not have command of much capital and it was difficult to obtain financial assistance from the ordinary sources. Financial institutions were not prepared to accept the leases or agreements under which the land was occupied as securities and the assistance provided under the Act was the only means by which settlers were able to carry on.

The Hon. F. T. PERRY—Is that type of development going on now?

The Hon. E. H. EDMONDS—Not to the same extent because the greater part of our mallee lands have been settled and, except for soldier settlements, there is little land which would come within the category of that which I have mentioned. Provided a settler had initiative he could obtain help. He conducted the initial development and then applied to the State Bank for assistance. A valuation was made and if acceptable to the bank an advance was made proportionate to the development which had taken place. As the settler displayed ability and went ahead so financial assistance was progressively available to him. It was of great assistance in the development of the areas mentioned. Following on Mr. Perry's interjection, it is interesting to note, according to the Auditor-General's report for the year ended June 30, 1952, that advances during the year totalled only £592, a comparatively small amount when compared with the amount advanced in the early years of settlement. The amount repaid amounted to £6,293, demonstrating that people who were assisted had measured up to their responsibilities and were making substantial payments towards reducing their liabilities. The Bill really provides for an increase in the money available and extends the provisions to other avenues of rural production. I support the second reading.

The Hon. F. T. PERRY (Central No. 2)—I inferred from the Attorney-General's introductory remarks that there was a demand for this type of finance, but the outstanding fact is that last year only £592 was advanced. It seems to me that the ordinary methods of finance should meet settlers' demands and I

cannot understand why in these days of money shortage and when Governments are complaining about the amount of loan money required and their inability to get it this type of Bill should be introduced. I think the finance required could have been conveniently left to banks and other lending institutions and the Government should not have gone out of its way to introduce the Bill to double the amount of advances. I have spoken on these methods of finance on previous occasions. People, including Governments, have spent the money offered a little too freely and unless we are very careful with this type of legislation we will be in a worse position. The case presented to members has not been backed up by evidence. It is proposed to double the amount of loans and widen the scope for obtaining money. It is unwise to do so at this stage and I cannot vote for the Bill on the information supplied by the Attorney-General.

The Hon. L. H. DENSLEY (Southern)—I am glad this Bill has been introduced. We have passed through an era in the last few years where the Government has undertaken developmental work in settling soldiers on the land and is getting fewer applications from young settlers who require finance. We have arrived at a stage where private development is again taking place and there will be a continued demand for this type of finance. Contrary to the expectations of some people, finance for farm development today is difficult and I am sure the provisions of the Bill will be availed of in a number of cases for private settlement in new areas. I do not know that we can say the Government is doubling the amount only in so far as it is meeting the added costs, which have mounted greatly. Everybody knows that £1,200 will not provide much for development today. It would be better to leave well alone than to try to develop land with £1,200. The Government is well advised in bringing the Bill forward to assist settlers in new areas and I support it.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the measure and am surprised at Mr. Perry's remarks. Everybody knows that within the next five or 10 years we might have to import foodstuffs. Australia is crying out for increased food production and all the Bill does is to increase advances by the State Bank to people who desire to become settlers and develop virgin country. The Bill does not cut across any other lending bank or institution, or any insurance lending business, but merely

increases the amount provided under the Act. I remind members that from 1939 to 1951 land values were pegged but there has been a general increase since of more than 400 per cent. As the Minister pointed out, the Act provides for assistance only to settlers who hold Crown leases or agreements and not to those who hold land in fee simple. The Bill extends the power to make advances to the latter section. Mr. Perry was not opposed to any proposal for the expansion of industrial undertakings. I am a member of the Industries Development Committee which recommended Government guarantees of large sums of money, ranging from £80,000 to £100,000 to assist industry. He should not differentiate between the small advances involved in the Bill and the large advances recommended by the Industries Development Committee. We cannot have it one way for one section of the community and deny it to another. Every statistician in Australia has stated that unless something is done about rural production Australia will be importing food within five to 10 years. I give the measure my full support.

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

POLICE REGULATION BILL.

(Continued from November 13. Page 1327.)

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Salary of Commissioner."

The Hon. A. L. McEWIN (Chief Secretary)—Mr. Condon referred to this matter in his speech on the second reading and I find that there has been a mistake in the drafting as the salary should be £2,200 instead of £2,300. I therefore move—

In subclause (1) to strike out "three" and insert "two."

The Hon. F. J. CONDON—I am pleased the Chief Secretary has seen fit to move this amendment, which I understand relates to the cost of living allowance. I take this opportunity, however, to point out that public servants receive cost of living increases but members of Parliament do not. Nearly every other Parliament in Australia provides for members to receive these increases and I hope that the Government will give this matter some consideration. It may not be popular, but members are entitled to the same treatment as

those for whom they legislate, and I have no hesitation in expressing my opinion accordingly.

The Hon. C. R. CUDMORE—When Mr. Condon drew attention to this matter on the second reading I tried to explain that it was to meet increased cost of living, but my explanation was queried and I was unable to take it any further. I am glad the matter is now clarified. Mr. Condon stated that members of Parliament do not get cost of living increases but there are many others in a much worse position; they have to struggle on with whatever they can earn, without getting any cost of living increases.

Amendment carried; clause as amended passed.

Clauses 9 and 10 passed.

Clause 11—"Appointment of sergeants and constables."

The Hon. F. J. CONDON—On the second reading I drew attention to what I considered to be certain anomalies and intimated that in Committee I would probably move some amendments. I said that sergeants could be appointed to acting rank at police constables' wages, and I also said I thought consideration ought to be given to certain powers given to the Commissioner and to the Chief Secretary whose approval must be sought for certain appointments, but not others. As usual, however, I find that it is futile to suggest amendments because I cannot get any support for them, so I must content myself by placing my objections on record. I always endeavour to bring our legislation into equality with that of other States, but my remarks fall on deaf ears, and so I will not delay the passage of the Bill by moving amendments.

The Hon. A. L. McEWIN—I find it somewhat difficult to follow the honourable member's remarks. I do not know whether he was merely objecting to appointments to acting ranks or to the method of appointments generally. The existing practice regarding appointments is not altered; that is, the Commissioner has approval for a certain establishment and he selects and appoints officers to fill that establishment up to the rank of sergeant. From the rank of sergeant to that of inspector the Chief Secretary's approval is required and for ranks above that of inspector the appointment is a matter for the Government. No powers are given to the Commissioner which he does not already exercise. Acting rank is most desirable. An appointment may be made

and upset on appeal, and this device of acting appointments obviates embarrassment in such instances.

The Hon. K. E. J. Bardolph—Will the passing of this measure upset the provisions of the Appeals Board?

The Hon. A. L. McEWIN—No.

The Hon. E. ANTHONY—This is a principle which has applied throughout the Public Service for a number of years, and it is a good one. By appointing an officer to acting rank the Commissioner can ascertain whether he has the qualifications for the position and if not the officer can be returned to his previous position. It also avoids embarrassment when an appeal is successful.

The Hon. F. J. CONDON—I do not think Mr. Anthony's interpretation is correct. During the second reading I referred to the Appeal Board. I have been approached by some of those interested with a view to an alteration of this provision to put the board on the same basis as those in other States. I suggested that a judge should hear all appeals—

The Hon. C. R. Cudmore—That is not in clause 11; it comes later.

The Hon. F. J. CONDON—The matter has been raised and I am referring to it as one of principle.

Clause passed.

Remaining clauses (12 to 54) and title passed and Bill reported with an amendment. Committee's report adopted.

STIRLING NORTH TO BRACHINA RAILWAY (LAND AND MATERIALS) BILL.

Adjourned debate on second reading.

(Continued from November 11. Page 1203.)

The Hon. F. J. CONDON (Leader of the Opposition)—The Bill is introduced as the result of an agreement following upon the promise made by South Australia to grant to the Commonwealth Government free of charge certain Crown lands and materials necessary for the construction, maintenance, and working of the railway between Stirling North and Brachina. In 1950 this Parliament passed the Brachina to Leigh Creek North Coalfield Railway Agreement Act, which was assented to on November 3, 1950. An agreement between the Commonwealth and the State was executed substantially in accordance with the form contained in the schedule of that Act. Section 4 of the schedule provided that—

The Commonwealth will commence to construct the said railway as soon as practicable

after the approval and consent mentioned in clause 2 hereof are given.

Clause 2 of the agreement provided—

This agreement shall not have any force or effect and shall not be binding on either party unless and until (a) it is approved by the Parliament of the Commonwealth and the Parliament of the State; (b) the State has given the consent required under the Commonwealth of Australia Constitution Act for the construction in the State of the said railway which under this agreement is to be constructed by the Commonwealth.

Therefore, it is necessary that we should agree to the Bill in order to honour the agreement entered into in 1950. Section 5 of the schedule provided:—

The State will grant to the Commonwealth free of charge—

- (a) any Crown lands and any leased lands of the Crown in respect of which the Commonwealth shall have acquired the rights of the lessees; and
- (b) any stone, soil and gravel upon any Crown lands or leased lands of the Crown from which the State has a right to take the same,

certified by the Commonwealth Railways Commissioner to be required by the Commonwealth in connection with the construction, maintenance or working of the said railway.

Where Crown lands required by the Commonwealth are subject to a lease, the Commonwealth must acquire the interests of the lessee before the grant will be made. I support the second reading.

The Hon. R. R. WILSON (Northern)—The Leader of the Opposition has given full details of the Bill and it leaves little more to be said. Having traversed that part of the State twice recently, I was pleased to notice that from Brachina to Leigh Creek North coalfield much foundation work for the new railway has already been done. Pastoralists in the area are concerned because the new line will bear four miles north from Parachilna, and at one point five to six miles west of the present line, therefore sidings will have to be shifted. Pastoralists desire the Beltana siding to be shifted almost due west but would like the Copley Station, where most of the trucking takes place, left where it is. Another problem confronting pastoralists relates to where the railway line will pass through boundary and subdivision fences. They want to know who will be responsible for stock which is bound to get through these openings unless ramps, which would be expensive, are made. A novel idea has been adopted in this district where roads pass through boundary fences. They construct a fence through the division fences about one chain in length on each side

of and parallel with the road and place four old used motor tyres painted white in position. The result is that sheep will not pass between two of these tyres. It would be a good idea if the authorities co-operated with the Stock-owners Association from which they would get much help and advice on problems confronting the pastoralists because of the construction of the railway. I have much pleasure in supporting the Bill.

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

PROHIBITED AREAS (APPLICATION OF STATE LAWS) BILL.

Adjourned debate on second reading.

(Continued from November 11. Page 1204.)

The Hon. F. J. CONDON (Leader of the Opposition)—The Bill deals with the application of State laws in prohibited areas such as Woomera. There appears to be some argument as to the legal position between State and Commonwealth laws on the matter. The question is whether any roads or streets at Woomera are public thoroughfares. As the position was in doubt an appeal was made to the Supreme Court for a ruling. The doubt still exists, and no one knows when the hearing is likely to come on, therefore, we are called upon to place a law on the Statute Book dealing with the position. Clause 3 makes clear what is regarded as a public place, and clause 4 deals with the application of certain Acts to prohibited areas. There is nothing in the Bill regarding the application of licensing laws in prohibited areas. In Woomera apparently the liquor laws are to be controlled by the Commonwealth pursuant to Commonwealth regulations. The legal position should be clarified, and if the Bill does that it will meet the position. I therefore support the second reading.

The Hon. C. R. CUDMORE (Central No. 2)—To me this is one of the most interesting Bills we have had before us for some time, but I have no idea what the real position is. For instance, I do not know whether our police force operates at Woomera. If they do not, I see very little point in our saying that we are going to declare certain places public thoroughfares. Who will deal with the situation? We are saying that certain places shall be deemed to be public places within the meaning of the definition of "public places" in the Police Act. If our police do not operate there, and I am waiting to be told whether

they do or not, what is the good of the provision? Frankly, I do not understand it. In clause 3 we say that this Bill is introduced in order to remove doubts. To me that sounds rather like Canberra drafting. I always hate drafting which says there is an excuse for doing something. We should declare the law. I do not think these words are of any use or value in the Bill. There may be some point in putting the words in the preamble, but not in the Bill itself. The measure may be necessary, and if it is I suppose we had better pass it, but at the moment I am in a complete fog and do not know what it means if we do pass it.

The Hon. R. J. RUDALL (Attorney-General)—I cannot say with any degree of accuracy whether there is a police station at Woomera at present but undoubtedly there will have to be and the Bill is necessary to give any officer stationed there the power to act.

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

LOANS FOR FENCING AND WATER PIPING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 12. Page 1262.)

The Hon. F. J. CONDON (Leader of the Opposition)—This is a short Bill. The Act is administered by the State Bank which is empowered to make loans for fencing material and water piping to holders of land under lease or agreement from the Crown. In the revenue account the deficit of £1,496 was £423 less than for the previous year and that improvement was the result of a reduction of £836 in costs, partly offset by a reduction of £413 in income. It is pleasing to note that in a number of Government institutions there is a reduction in expenditure which shows that there is close administration. During the year ended June 30, 1952, loans amounting to £2,090 were made, £5,610 was repaid, and £248 was written off. The amount outstanding on advances at June 30 last was £35,950. Members will realize that the operation of this Act has extended over a long period during which several bad seasons were experienced. The remainder of the amount outstanding, amounting to £27,784, represented money advanced on leases cancelled by the Department of Lands. In many cases those leases have been re-allotted subject to a charge for all or part of the loan liability under this Act, usually with an extended period for repayment. The amount of interest due and

payable at June 30 was £453. The State Bank desires the suggested alterations and I support the second reading.

The Hon. E. ANTHONY (Central No. 2)—I support this measure. I notice that the fund is in a healthy position. The advances made have contributed to the settlement of our rural areas and have been of great assistance to new settlers. It is pleasing to see that the settlers are standing up to their obligation and the amount outstanding is largely represented by new loans. Most of the old loans have been wiped off and where leases have been cancelled and the land re-allotted the charges have been included in the capital liability on the new leases. Eventually with the right type of settler the whole of the amounts will be liquidated.

The Hon. E. H. EDMONDS (Northern)—This legislature has also been helpful in the development of our rural areas, particularly in the initial stages of development. There was a time when the administration of this Act was vested in councils and the procedure then was that the lessee applied to the local council for an advance. If the council thought it desirable it passed a recommendation on to the State Bank for the necessary funds to be made available. Under that set-up the council was then held responsible for the repayment of the instalments of principal and interest and at the end of each financial year councils received accounts for the full amount of the instalments due. It may readily be seen that there was a time when that represented a considerable sum and during the earlier years of settlement and in the depression the original allottees experienced difficulty in meeting commitments and by the same token the district councils had difficulty in collecting rates, consequently there were no funds available to meet the amounts due to the State Bank. During the period of reconstruction a large sum was written off but with the readjustments and the subsequent taking over of administration by the State Bank the position was gradually improved until we reached the stage mentioned by Mr. Condon.

These loans are made under the credit foncier system. The advances are repaid in instalments which are spread over a long term. This method of finance was not available from any other financial institution. In many cases the best that could be done in the way of advances on mortgage from a financial institution was to get a mortgage payable on call. That was of practically no value to those

who were battling and had to more or less earn money from their capital expenditure but the material that was supplied to them under the Act enabled them to meet their commitments. Having the repayments spread over a long term assisted the settler to a degree that was impossible under any other system. The Bill provides for an adjustment in relation to any instalments of principal and interest that may be due on any loan that still has a period to run and where a lease is forfeited and the land re-allotted. Under the old set-up the arrears of principal and interest had to be borne by the incoming lessee but now the State Bank can make a valuation of the existing improvements and establish a new loan with instalments extending over such a period as is necessary to enable the settler to meet his obligations. I support the second reading.

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

BARLEY MARKETING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 12. Page 1270.)

The Hon. F. J. CONDON (Leader of the Opposition)—There was a considerable difference of opinion as to whether the Bill which was introduced in 1947 should be passed and I understand that there is some opposition to this measure from some quarters. The original Act was assented to on December 11, 1947. On that occasion a poll of barley growers was held to decide whether they wanted the scheme, but that procedure has not been followed in this instance. In 1947 a majority of growers voted in favour of the scheme. A Barley Board was set up consisting of a chairman, two representatives of South Australian barley growers and one representative of Victorian growers. Another person was appointed to represent brewers and maltsters. The growers' representatives were elected for three years and if a vacancy occurred the Governor had power to appoint a successor. Prior to 1947 every barley grower who harvested not less than 30 acres was entitled to vote. The Act applied to barley grown in 1948-9 and each of the following years. Although some members favour the appointment of a Barley Board they are opposed to wheat stabilization.

The Hon. L. H. Densley—That is entirely different; this is only marketing legislation.

The Hon. F. J. CONDON—It is amusing to note that it is all right in one case, but not in another. A strong effort has been made

to abolish wheat stabilization, but that does not apply to barley marketing, notwithstanding that the Barley Board is representative of growers in exactly the same way as the Australian Wheat Board is representative of wheatgrowers. Wheat farmers have seven representatives out of 12 on the Australian Wheat Board and they determine how the board's policy shall function. Barley growers want to know why they cannot get the same price for barley consumed in Australia as for barley sent overseas. This appears to be one-way traffic. An opinion was expressed in 1947 that growers would welcome a change and should be able to deal with their products in their own way and not be controlled by a board. Is there any reason or demand for a change? There is no evidence that growers desire the present position to be altered. I desire to help the growers all I possibly can and it will be interesting to see the attitude of several members here to this Bill compared with the vote they recorded on another measure recently. Clause 4 deals with the payment of allowances to members of the board, the rates to be determined by the Ministers of Agriculture in South Australia and Victoria. I cannot understand why this should not be done by the board, as it knows the position. All the members are experienced men who have devoted much time in the interests of producers. If the two Ministers cannot agree upon the rate a person is to be appointed to determine it, but no mention is made in the Bill who that person shall be.

The Hon. L. H. Densley—I think the Ministers' decision will be final.

The Hon. F. J. CONDON—We should state definitely in the Bill to whom an appeal lies.

The Hon. R. J. Rudall—Isn't it the arbitrator appointed by both parties?

The Hon. F. J. CONDON—The Bill does not say who the person is to be. Clause 5 deals with the powers of the board as regards experimental and research work, the chartering of ships and the transporting of barley. In 1948-9 the board received a little less than 11,000,000 bushels of barley in South Australia. The following year the figure increased by 500,000 bushels. By 1950-51 the quantity had increased to 15,000,000 bushels, and last year to 16,000,000. In 1951-52 Victorian barley growers produced 1,000,000 bushels less than in 1950-51, and it is proposed to grow only about 3,500,000 bushels this year. Although South Australia is increasing her barley acreage Victoria is reducing hers. The answer is that in Victoria the wheat

acreage is being increased, but it is being reduced in South Australia. In 1950-51 twice as much barley was sold overseas as was consumed locally. The selling price in Australia was 11s. 10d. in 1951-52 as against an overseas price of 18s. 6d.

The Hon. R. R. Wilson—There was the same difference between South Australia and Victoria six years ago.

The Hon. F. J. CONDON—I am merely pointing out the difference in price received in Australia and overseas.

The Hon. L. H. Densley—Australian consumers have had a wonderful run under this legislation.

The Hon. F. J. CONDON—That may be so. There is a Liberal Government both in South Australia and in the Commonwealth sphere, and if a change is required why not allow it? The whole thing is in members' hands. If they think they have a justifiable case why not advocate it publicly? Unfortunately some people are afraid to speak their minds because they fear what someone in the street may say. Members who are elected to this place should take full responsibility for their actions and not be afraid of public opinion. I support the second reading because I consider the Bill is in the interests of primary producers.

The Hon. J. L. S. BICE (Southern)—As the result of inquiries I have made from barleygrowers in the south since this Bill appeared on the Notice Paper in another place, I am certainly going to support the second reading. I have heard nothing but commendatory remarks about the operation of the Act over the past four years. From near Morphett Vale to the city one sees small paddocks of barley everywhere; immediately south of St. Mary's Church on the South Road one can see a small allotment of about one acre sown to barley, which is a good illustration of the general outlook on barley production. It is one of those kindly crops which gives farmers a big return, not only by its yield of grain, but by its subsequent feed value. I said in the debate in 1947 that I knew of a paddock sown every third year that produced up to 63 bushels to the acre. At, say, 15s. 6d. a bushel this represents a considerable sum and gives a good idea of the value of a barley crop to the farmer.

The board is entirely a producer board, consisting of Mr. Pearson, a member of another place, Mr. Coleman of Maitland, and Mr. Shannon of Victoria, all barleygrowers, under the chairmanship of the one-time Director of Agriculture, Mr. Spafford, whom everyone

knows to be an agriculturist of the highest standing. The general manager, Mr. Tomlinson, has proved to be a first-class officer and I have heard members of the board pay the same tribute to its secretary, Mr. Angel. We know that the board has functioned exceedingly well and I am sure that barley producers desire that it should continue. I have a lot of information regarding the volume of production in various counties, but I believe it would be merely waste of time to give it, beyond saying that I am amazed at the production on Yorke Peninsula, for I had always held the opinion that the hundreds of Noarlunga and Willunga were the outstanding producing areas in the State, the average yield there being consistently around 30 bushels to the acre. Clause 5 enables certain moneys to be used by the board to conduct experiments in order to discover means of improving the quality of seed barley, and this may cause some comment in the Committee stages. If barleygrowers really want to improve their seed it is up to them to meet some of the cost of experimentation, and I am sure that the Department of Agriculture and the Waite Research Institute will be very happy to carry out the work provided the cost is met. I have much pleasure in supporting the Bill.

The Hon. L. H. DENSLEY (Southern)—I am very happy to hear the eulogies of the board and I am sure that the primary producers have been very fortunate in the chairman and the general manager. The chairman is an outstanding agriculturist and all the members of the board are practical men. The expeditious handling of the crop and the early payments have been much appreciated by barleygrowers, and although it has been said that a poll has not been taken on this occasion I think I can confidently say that there is not a barleygrower who is not desirous that the board should continue, and I speak for the many barleygrowers in my district, as well as being a grower myself. The volume of barley production has almost doubled since the inception of the board and I am sure it will go from strength to strength, as it has been found to be a very payable crop over large portions of the Murray mallee and the upper South-East. Although Yorke Peninsula has been the greatest producer in Australia I believe it will have to look to its laurels as the production in the upper South-East, within the next few years, will be very great; the quality is also very good.

Some reference has been made to the price for local consumption. The actual price has

been only about 60 per cent of the overseas price, but that has been governed by the Prices Commissioners in collaboration with the board, which has been quite happy about the position. I understand, however, that the Prices Commissioners will no longer have any say in the matter, and I believe that it is entirely right that the board should determine the home consumption price. When we debated this measure five years ago I said that while the overseas price was high and above cost of production in Australia there was an opportunity for the board to build up goodwill in Australia so that if the price ever fell below cost of production we would probably get a better deal from Australian malsters. At that time I also mentioned that two Ministers were involved. In the event of dispute the Minister may give the aggrieved person an opportunity to bring forward evidence, and the Minister's finding shall be binding on the board. I have always maintained that is a disadvantage because the board should have been thrown back on its own resources to carry out its job in a businesslike way, free from any Ministerial control. The Government was not finding any money and consequently should not have made any attempt to control the board. We find now that the Ministers are to fix the salaries of the board, but immediately the problem arises as to what will happen if the respective Ministers disagree. It would be better to leave the fixing of salaries to the board, for if they did not do it to the satisfaction of the barleygrowers I have not the slightest doubt that they would take suitable action. The local trade has had the pick of the barley at the cheapest price and so the producers should have gained the goodwill of the malsters and Australian consumers.

Clause 5 empowers the board not only to charter ships to move barley, but to carry other goods on the return journey, and it also enables the board to spend money on experimental work. I am completely opposed to those two provisions. It has been said that if you give a man a title and an office he will quickly build a staff around himself. We do not want the Barley Board to be cluttered up with other activities. The Commonwealth Government on one or two occasions has deemed it advisable not only to charter ships but to buy them, and I think we all know pretty well how badly it has burnt its fingers in the ventures.

The Hon. R. R. Wilson—In competition.

The Hon. L. H. DENSLEY—The Commonwealth Government was competitive, just as

the Barley Board will be; we will find that it will have to go out looking for freights as it will not want to run boats empty. Section 9 (e) of the principal Act provides that the board may—

Do any other acts or things and enter into and carry out any transactions (including the purchase or sale of any property) which are necessary or convenient to be done entered into or carried out for giving effect to this Act, or which are incidental to the exercise of any power or function of the board.

I think that section could have been stretched to cover the requirements of new clause 5. I am sorry that the board is to be given further powers. South Australia has an excellent agricultural department with research officers capable of carrying out any experiments and the Waite Institute and the C.S.I.R.O. have also performed good work in this regard. It would be highly undesirable to set up another branch for experimental work in this State when all of those organizations can act on behalf of the barley growers. I would be sorry to see the board cluttered up with experimental work and with controlling shipping other than for the marketing of barley and I hope the Council will seriously consider eliminating clause 5. Mr. Condon asked why members would support this measure when they were opposed to similar legislation regarding the Wheat Stabilization Act. There is no similarity between that Act and this legislation. Under the Wheat Stabilization Act wheatgrowers were paid a certain price and a percentage was paid to a fund to be used for stabilizing the price of wheat. Under this Act the barley is sold and the money paid forthwith to the growers. The board has done an excellent job in the best interests of the barley growers of Victoria and South Australia and I trust its activities will not be increased to a stage when it will be experimenters and shippers of goods in competition with other companies. I hope Parliament will permit the board to fix the salaries and any other matters incidental thereto, for it is a competent board and it will act without any possibility of disagreement between Ministers of the two States. I support the second reading.

The Hon. R. R. WILSON (Northern)—This is a simple Bill to continue the operations of the 1947 Act which established the Australian Barley Board. I thoroughly endorse what has been said about the excellent work of the board since its inception and I pay a tribute to the chairman, Mr. Spafford, who has a wealth of knowledge as an administrator and producer. The general manager, Mr. Tomlinson, has made

a great success of his work. At present he is returning from Japan. He has obtained a three-year contract with Japan but as yet no price has been fixed. The other officers of the board, Mr. Angel the secretary, Mr. Martin the assistant manager, and Mr. Seymour the treasurer, have all done sterling work. The same applies to the growers' and consumers' representatives. Meetings were recently held in various parts of the State to ascertain whether growers desired a continuation of the board and all those meetings unanimously decided that the board should continue. In some instances resolutions were passed that the period should be for 10 years instead of five but I prefer a five-year period because it meets the situation better and all boards should be reviewed occasionally. The Bill does not change the powers of the board but contains minor amendments to machinery matters. The operations of the board have proved that some things are lacking and the Bill will remedy the position and enable the board to more successfully carry out its work.

The Hon. F. T. Perry—Has there been a dispute about the salaries of board members?

The Hon. R. R. WILSON—Not to my knowledge. Clause 5 deals with improving the quality of barley. Mr. Bice referred to 60-bushel crops; there are a number of such crops this year but I do not favour high yields. The Japanese market does not mind inferior quality, but with heavy producing crops it is most unusual to get quality. The average crop this season will be in the vicinity of 10 bags to the acre and that is a good yield.

The Hon. R. J. Rudall—It is not in the bag yet.

The Hon. R. R. WILSON—No. Barley is one of the most risky cereal crops because it has a bad habit of snapping off at the head. The scheme to obtain better quality has my support, particularly as the Department of Agriculture will assist in the experiments. In recent years we have been able to sell all our barley irrespective of its quality, but recently the United Kingdom market has sought good quality barley. If we neglect the quality of our crops we may be affecting the future markets. Mr. Densley referred to the authority concerning transport between ports. I understand the Bill gives the board authority to trade between South Australian ports and beyond if necessary, but on a non-competitive basis. The board desires the right to charter its own ships and I see no reason why it should

not. In the four years of the board's operations 69,910,000 bushels of barley have been produced and 54,600,000 were grown in South Australia. I mention these figures because of what Mr. Condon said. An amount of £40,400,000 was paid to growers, of which South Australian growers received £32,000,000. It is estimated that this year's price will be 15s. 6d. a bushel which will represent £12,300,000 for the 1952-3 season. The increase in production is not due to growers cutting their wheat production. Members have suggested that farmers have gone on strike because of the low wheat price. Figures do not bear out that statement. In 1945-46 the wheat yield was 9.72 bushels an acre and the barley yield 17.12 bushels. In 1948-49 the wheat average was 12.67 bushels and the barley crop 17.35. In 1950-51 the wheat yield was 16.74 bushels and barley 21.8. The average over the last five years was 13.63 bushels for wheat and 20.29 for barley. The producer is not sacrificing wheat entirely but is giving prominence to barley growing and that is only natural because it is more profitable. Barley is a cheaper crop to grow and does not require half the superphosphate of a wheat crop. It produces excellent stock feed and is beneficial to the soil.

The Hon. K. E. J. Bardolph—Didn't you say it was a risky crop because it broke off at the heads?

The Hon. R. R. WILSON—It is risky but not difficult. The risk is being overcome because of a new method. When a crop comes out in head it is rolled and when it grows up again the heads do not fall off. Japan wishes to import 880,000 metric tons of barley. Korea and Formosa used to supply Japan with rice but they have been unable to do since they have engaged in the cold war and Japan has sought some other type of food. Japan has fared badly since the war and has had a problem in feeding its population. By processing barley and blending it with rice Japan has discovered that it makes an excellent food. I believe that market is here to stay and I have pleasure in supporting the Bill.

The Hon. C. D. ROWE (Midland)—I would like to see the marketing and sale of produce handled by private enterprise in the normal way, but because of particular circumstances which affect the sale of barley it is appropriate that it should be handled by a board. As regards the sale of barley to Japan and the British Ministry of Food, I remind members that there

is a single buying authority in those countries and it is only logical that there should be a single selling authority in Australia. If several merchants were operating here, all trying to sell to one buying authority, it would not assist in their obtaining a satisfactory price. The justification for the Barley Board is not that it can do better than private enterprise, but that world circumstances are such that where we are dealing with a composite buying authority it is only logical that a composite authority should sell.

The Hon. S. C. Bevan—I thought you subscribed to free competition?

The Hon. C. D. ROWE—I do, but it is not possible in these circumstances. I think Mr. Bardolph asked if it were not the Chifley Government that placed the barley industry on a stable keel, but I have no knowledge of that Government ever doing anything like it. I should like Mr. Bardolph to tell us of that Government's sale of wheat to New Zealand. That brings me to another point—that the Barley Board is entirely free from interference by or under the control of any Minister. It was an extremely unfortunate and costly experience that all farmers had at the hands of the Chifley Government over the sale of wheat to New Zealand, and it is important that we should keep the sale of barley out of the hands of Governments. I think it will prove wise for farmers to have the legislation drawn in this way as it will protect them from people who may wish to do them some harm. The question of giving the Barley Board a life of 10 years was raised at some meetings of farmers in the country. In some respects I am inclined to favour 10 years because there are moves which the board might like to make in the interests of growers that cannot be accomplished in five years. One such move is the installation of a bulk handling system for barley at, say, Ardrossan where a scheme is to be put into operation for the bulk handling of wheat. That would mean that Yorke Peninsula farmers would have to provide equipment to deliver barley to the port in bags and at the same time find equipment to deliver wheat in bulk at the silo at Ardrossan. If a silo is to be established by the board the cost would have to be met by it and it may not be possible to recoup that cost from growers in five years. The board could not undertake such installation if complete payment could not be made in that time and that might make it advisable to extend the period beyond five years.

It has by no means been established that barley can be handled satisfactorily in bulk form. Everybody knows the effect that a small quantity of green barley would have in a stack of barley and damage would undoubtedly occur through the generation of heat. Much experimentation must be made before we can seriously contemplate the bulk handling of barley. It surprised me to know that the average quality of barley from Yorke Peninsula was approximately 5 per cent lower than the average sample from Eyre Peninsula and the Murray mallee lands. I was always under the impression that Yorke Peninsula could grow barley of a quality equal to anywhere in the State, but the result last year shows that barley from other areas was of a higher quality. That is a challenge to Yorke Peninsula farmers to try to ascertain what has been the cause of the depreciation in quality. The price for barley has increased tremendously during the last few years. In 1948-49 the price on the Australian market was 6s. 3d. a bushel and overseas 9s. 8d. In 1951-52 the prices had increased to 11s. 9d. and 18s. 5d. respectively. I do not think that barley growers can expect these prices to remain; the tendency for the world price of barley is to decrease and when that happens quality will become important. It is essential that everything possible should be done to ensure that only the best quality will be produced.

The Hon. F. J. Condon—Where will you send barley if Japan withdraws from the market?

The Hon. C. D. ROWE—There will still be sufficient markets. I think certain Continental countries will be interested. I support the second reading.

The Hon. K. E. J. BARDOLPH (Central No. 1)—In view of certain remarks by Mr. Rowe and Mr. Bice I feel it incumbent on me to add my quota to the debate. I support the Bill because it is in conformity with Labor's policy in establishing marketing boards for the purpose of acquiring a just price for all primary products. I was pleased to hear Mr. Rowe say that he knew nothing about what the Chifley Labor Government had done for barley growers. He has characterized himself as a modern Rip van Winkle and is apparently so steeped in the L.C.L. policy of private enterprise that he cannot see around him the progress that has been made by a Labor Government. It was a Commonwealth Labor Government which set up these

boards; it was also a Labor Government which obtained an increased price for wool during the war.

The PRESIDENT—The Bill deals with barley and not wool and I ask the honourable member to confine his remarks to barley.

The Hon. K. E. J. BARDOLPH—Some member asked what had been done by the Chifley and Curtin Governments for barley growers. Mr. Robinson and Mr. Rowe might recall that, because of the price ruling a few years ago, the Hon. R. S. Richards, then Leader of the Opposition in the House of Assembly, journeyed to Canberra to seek aid for South Australian barley growers. It was through the magnanimity of the Federal Labor Government that barley growers were placed on an equitable basis with other primary producers. No member should object to wheat being sold to New Zealand, which was badly in need of it, at a price to which Mr. Rowe takes exception. On the other hand he lauds the fact that we are to establish the barley trade with Japan. When wheat was sold to New Zealand we were in the aftermath of war, yet some members are lauding the fact that the agreement now being entered into with Japan will be a lasting one and that about 8,000,000 bush. of barley will be taken by Japan annually in order to supplement that country's rice quota. Where is their consistency; on the one hand they advocate private enterprise and on the other, Mr. Densley in particular, lauded the fact that this Government was going to charter ships and not buy them.

The Hon. L. H. Densley—I did not say that.

The Hon. K. E. J. BARDOLPH—The honourable member said that the Government was going to charter ships and not purchase them as had been done by other Governments.

The Hon. L. H. Densley—I did not say any thing of the kind.

The Hon. K. E. J. BARDOLPH—Primary producer members will recall that when the Bay line of steamers was established Australian wheat and other produce was carried to Great Britain at a much lower rate than could be obtained from private companies, but despite that fact the wheat was sold on the London market in competition with Russian wheat at 1s. 6d. a bushel. Some members here today went through the throes of that depression, yet Mr. Rowe, by his advocacy of private enterprise in dealing with the sale of primary production, desires to return to the condition that obtained in 1930-31.

The Hon. C. D. Rowe—The honourable member ought to quote me fairly.

The Hon. K. E. J. BARDOLPH—I do not want to be unfair, but I thought the honourable member made very heavy weather in attempting to divorce himself from supporting this Bill—which is Labor's policy—in contra-distinction to his ideas on private enterprise. Mr. Wilson said that Labor members had stated that the wheat farmers had gone on strike. That is not true. We simply quoted statements by Mr. Badman, secretary of a wheatgrowers' organization, and Mr. Stott, a member of another place and secretary of another organization. I think my friend is a member of that organization.

The Hon. R. R. Wilson—Which one?

The Hon. K. E. J. BARDOLPH—That is what I want to know. Both said, in effect, that unless the wheatgrowers received a higher price for wheat for local consumption they should go on strike. When the workers, who have only their labour to sell, use the strike weapon—

The PRESIDENT—I must again draw the honourable member's attention to the fact that we are discussing the Barley Marketing Bill.

The Hon. K. E. J. BARDOLPH—In 1945-46 South Australia produced 7,556,146 bushels of barley, and in 1949-50 12,725,240. The record crop was in 1947-48, when it reached 15,363,461 bushels. I want to know whether the barleygrowers in the South-East market their barley in Adelaide or send it to Victoria.

The Hon. L. H. Densley—They please themselves where they send it.

The Hon. K. E. J. BARDOLPH—We are dealing with a purely South Australian measure. The average value per acre of wheat in 1949-50 was £7 12s. 11d., and of barley £10 9s. 4d. In the record year 1947-48 it was £23 6s. 4d. The total value of all wheat crops in 1949-50 was £14,500,000 and of barley £7,262,000. Labor takes a great credit for supporting primary producers and that is why we are supporting this legislation. We believe in the orderly marketing of primary products; that has been our policy for years, and if we are not in Government we support a Government which borrows, for the time being, planks of Labor's policy in the interests of the people. In view of that Labor wholeheartedly supports this measure.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed!

Clause 4—"Salary and allowances of members of the board."

The Hon. F. J. CONDON—I take it that this measure will be passed by the South Australian Parliament but, in view of the political situation in Victoria, is there any possibility of a similar Bill being carried there?

The Hon. C. R. Cudmore—Will the legislation stand if the Victorian Parliament does not pass a Bill?

The Hon. F. J. CONDON—That is the question.

The Hon. J. L. S. Bice—The 1947 legislation does not expire until after this season's crop is harvested.

The Hon. F. J. CONDON—Subclause (2) provides that if the Ministers of Agriculture of Victoria and South Australia do not agree within three months after they have been requested to determine the rates of remuneration they shall jointly appoint a person to determine such rate. There is no suggestion who that person may be. Reverting to the alleged statements by members on this side about farmers going on strike, we simply repeated statements appearing in the press; in one instance a statement by a member in another place.

The Hon. R. R. Wilson—They are not the mouthpieces of the farmers.

The Hon. F. J. CONDON—They claim to be. They are officers of their organizations and they made those statements at conferences.

The Hon. L. H. DENSLEY—I would like the Minister to explain the reason for the change in the method of fixing the salaries.

The Hon. R. J. RUDALL (Attorney-General)—Under the existing law the allowances for members of the board are fixed by arrangement between the Governments of South Australia and Victoria, and both Governments thought that it would be far better if the respective Ministers of Agriculture were given this power.

The Hon. E. Anthoney—Can this Bill operate until the Victorian Parliament passes similar legislation?

The Hon. R. J. RUDALL—I do not think it can, but I have no doubt that the Victorian Parliament will pass a similar measure in due course. In reply to the Leader of the Opposition, I do not see anything wrong with the Ministers determining the rate of remuneration because it is extraordinarily like the provisions in many agreements of this description—no person is specifically mentioned, and there is no need for it. The Ministers of Agriculture are entrusted with the task and if they

disagree someone must settle the matter. As long as the Ministers agree as to who shall do that there can be nothing wrong.

The Hon. F. T. PERRY—This clause has given me some concern, for I do not like this type of legislation. We are accustomed to the Government fixing the salaries of members of boards. I do not see any great objection to the Minister of Agriculture doing it, as this is not a Government board, but I have strong objection to the appointment of an umpire to settle a dispute between two Ministers.

The Hon. R. J. Rudall—Supposing they don't agree.

The Hon. F. T. PERRY—To do as suggested would appear to be showing disrespect to the Government and the Minister. I suggest that the whole clause should be deleted. Most boards are competent to fix their own allowances.

The Hon. C. R. Cudmore—Fix their own salaries?

The Hon. F. T. PERRY—Yes, with a governing board over them. These men have to stand for election. I do not object to the salaries being fixed by the Minister, but to the appointment of an arbitrator to settle such a trivial matter.

The Hon. C. D. ROWE—Discussion on this clause might tend to create the impression in the minds of the public and barley growers that some difficulty has arisen on the amount of remuneration paid to members of the board. As far as I know, no such difficulty has ever occurred and the amount paid to members of the board has never been questioned. I have not heard any suggestion that it has been excessive. From my knowledge of the work done by members of the board and the amount of money they handle each year, I would say that they are not paid sufficient. Normally we could expect it to be left to the Minister to fix the remuneration. That would be a better arrangement, but we are faced with a difficulty in that this is a Bill which requires complementary legislation in Victoria and therefore the two Ministers must agree on the salaries of the members of the board. Although we may not like the idea of Ministers appealing to an arbitrator, it is feasible there may be a difference of opinion and there must be a method of resolving that difference. We cannot leave it in the position where there may be a deadlock. In the absence of a better suggestion I think we must accept the clause as it stands.

The Hon. C. R. CUDMORE—I cannot imagine that the Minister of Agriculture and

his department would have put before Parliament a clause like this without having conferred with the corresponding Minister and department in Victoria. If it has been agreed between the Ministers that this is a suitable arrangement, then I think we should accept it.

The Hon. F. J. CONDON—I do not know that we can take much notice of the Minister of Agriculture in Victoria during the last 18 months, because we hardly know who he is at any given moment. This is not a Government board but one elected by the growers. Are they not capable of saying what their remuneration should be without coming to Parliament? If the two Ministers agree, will the board or the growers have any say in the matter? A magistrate or some other person should be appointed to make a decision if there is a difference of opinion.

Clause passed.

Clause 5—"Powers of Board."

The Hon. C. R. CUDMORE—I move—

To delete new paragraph (d2).

I am not clear on the necessity for empowering the board to charter ships and to move barley about. This board is appointed for the purpose of marketing barley. I draw members' attention to new paragraph (d2) which is as follows:—

Charter ships, or other vessels, and transport therein barley and other cargo between ports in the Commonwealth: provided that cargo other than barley shall not be so transported except on a return voyage after delivery of barley.

Obviously that can mean only one thing—on a return voyage the board will compete for trade of any kind. I agree that it would not be economic to have ships carrying freight only one way, but under the paragraph we are authorizing the board to enter into charters to run ships in competition with other ships. I am not at all satisfied that that is necessary.

The Hon. E. ANTHONY—I was impressed with Mr. Densley's statement regarding the necessity of experimenting in the production of improved seed barley, but we have the Waite Research Institute and the Roseworthy College to undertake such experiments. There is no necessity for the board to want to set itself up as an experimental body. My views are just as strong on the question of the board chartering ships. I understand that it now charters ships to carry barley from port to port, but now it is proposed that its powers should be extended to enable it to carry general cargo. I do not like any part of the clause.

The Hon. C. D. ROWE—I can understand the anxiety of some members regarding new paragraph (d2), but the reason for it will be found in the explanation given by the member for Flinders in the House of Assembly which appears in *Hansard*, page 921. I cannot remember an instance where this has occurred, but it could happen that the board has an overseas vessel loading at Edithburgh but there is not sufficient barley to fill it and it may be necessary for some to be obtained from, say, Port Vincent. In that case it would be necessary for the board to arrange to have the barley carried to Edithburgh. Experience has shown that the board has been unable to secure vessels to meet such circumstances in taking barley from small outports to an overseas port. It has therefore become necessary for it to go into the chartering business and get vessels to move barley. I understand that the board's policy is, wherever possible, to secure a vessel through the ordinary channels. It is not economic to secure a vessel to carry goods only one way and that is the reason for the provision in new paragraph (d2). Its necessity will disappear when we get back nearer to normal conditions with adequate shipping available. I hope the Committee will not insist on the deletion of the clause.

The Hon. A. J. MELROSE—Under new paragraph (d1) it would appear that it is an instance of an organization which was set up to do one job slowly but inevitably trying to expand its operations. There is not the slightest doubt that in South Australia the improvement in the quality of barley is amply attended to by the Waite Research Institute and Roseworthy College. I see no necessity for the board spending money in the same field. The clause appears to give the board power to enter into the overseas chartering business, therefore I must support Mr. Cudmore's amendment.

The Hon. R. J. RUDALL—The Barley Board exists purely for the benefit of barleygrowers and I cannot imagine any reason why it should not be permitted to expend a proportion of its money in what must result in benefit to barleygrowers.

The Hon. E. Anthony—Why duplicate all these matters?

The Hon. R. J. RUDALL—It does not necessarily mean duplication. When experiments have to be conducted by the Waite Institute it costs money and the expenditure of an amount by the board to a department conducting experiments on its behalf cannot

reasonably be objected to. Barleygrowers elect the board which would not expend in any unjustifiable way money which belongs to the growers and which is only used to improve the quality of barley.

The Hon. A. J. Melrose—Isn't that already well attended to?

The Hon. R. J. RUDALL—There are institutions where it can be well attended to, but I suggest that some financial assistance from the board can do no harm.

The Hon. L. H. Densley—Why not confine the clause to that?

The Hon. R. J. RUDALL—I do not think it is necessary because it can be left to the discretion of the board. As I have explained, the board has already had to charter ships and it probably has power to do so under the Act, but in order to make it clear this provision has been inserted in the Bill. The board can only carry barley in one direction and the clause has been inserted for the specific purpose of preventing the board coming into general competition with other shippers because the board can only carry other cargo as back-loading. It would be impossible to run any sort of chartering business unless the concern had the right to back-load.

The Hon. F. T. PERRY—I have not much respect for this board in as much as it has to have two methods of arbitration to fix its salaries. The intention of the clause appears all right on the surface but it gives the board powers far beyond what have been suggested and that is why I oppose it. It would be reasonable to permit the board to make donations to institutions which carry out research on its behalf but the clause enables the board to conduct its own experiments. Shipping charters can be made in many forms and no doubt the board could charter a vessel for one way. It would all depend on the amount paid for the charter. Unless minor amendments can be made to confine the board's activities to what the Minister suggests I will support Mr. Cudmore's amendment.

The Hon. L. H. DENSLEY—I am concerned that Mr. Cudmore's amendment is only for the deletion of (d2) and not the whole clause. I would like a ruling as to whether at this stage I can move for the deletion of the whole clause.

The CHAIRMAN—The honourable member cannot move for the deletion of the clause but can vote against the clause.

The Hon. L. H. DENSLEY—I thank you, Sir, for your ruling. It would be undesirable for the board to conduct experiments. There

are already institutions which cater for the requirements of barley growers. They have staffs of properly qualified men to conduct the work and these men are readily available to any other organization. I am almost amused at the idea that the board can only compete in shipping freight one way. If it has a monopoly over barley freight one way and has a right to compete on the return journey it is receiving a monopoly, or very close to it, both ways. The board will have an unfair advantage over shipping companies in competing with back-loading and I hope the committee will not agree to the clause.

The Hon. F. J. CONDON—Similar legislation was introduced in Victoria on October 1, 1952, and clause 3 of the Victorian legislation is exactly the same as this clause.

The Hon. N. L. Jude—Has that Bill passed?

The Hon. F. J. CONDON—No, not yet. If we delete this clause and the Victorian Government passes it what will be the position? There are 80 outports in South Australia and there is a considerable amount of trade between them. The question of bulk handling of barley has been discussed and at one time consideration was given to storing barley in bulk at Ardrossan, but there was objection to the proposed storage capacity as compared with wheat. Today when a vessel is chartered to lift a cargo it may be three weeks late in arriving at the port and on arrival all ketches and other craft might be engaged in other activities and the loading of the vessel is delayed. If that happened to the vessel the board chartered that would represent an obstacle to the barley grower. It may be better to empower the board to have a boat of its own but I support the clause as it stands.

The Hon. A. L. McEWIN (Chief Secretary)—I listened with some interest to the remarks concerning paragraph (d1) which refers to the board's spending money on research and other work. From certain remarks it makes one think that this is something which has not been done before. I remind members that woolgrowers have been contributing a levy for carrying out research into wool and payments have been made to the C.S. and I.R.O. for investigation. It is somewhat trivial for members to object to money being spent in an endeavour to obtain a uniform quality of grain for overseas markets.

The Hon. R. R. WILSON—I think when reference was made to outports the board had in mind ports like Streaky Bay, Venus Bay

and Elliston. There is no rail connection to those ports which have to depend on water borne traffic and there is nothing wrong with the board chartering a vessel to lift barley from them. I cannot see any danger in that.

The Hon. L. H. DENSLEY—The Commonwealth Government has imposed a compulsory levy on wool.

The Hon. A. L. McEwin—Yes, at the request of woolgrowers.

The Hon. L. H. DENSLEY—Much experimental work has been handed over to scientific organizations, but I object to the Barley Board establishing an organization to undertake research work that is being carried out by other organizations.

The Committee divided on the Hon. C. R. Cudmore's amendment to delete paragraph (d2)—

Ayes (7).—The Hons. E. Anthoney, C. R. Cudmore (teller), L. H. Densley, N. L. Jude, A. J. Melrose, F. T. Perry, and W. W. Robinson.

Noes (12).—The Hons. K. E. J. Bardolph, S. C. Bevan, J. L. S. Bice, F. J. Condon, J. L. Cowan, E. H. Edmonds, A. A. Hoare, A. L. McEwin, C. D. Rowe, R. J. Rudall (teller), Sir Wallace Sandford, and R. R. Wilson.

Majority of 5 for the Noes.

Amendment thus negatived.

The Hon. C. R. CUDMORE—I ask the Committee to vote against the whole clause. Nobody except Mr. Rowe took the trouble to discuss paragraph (d2); they discussed paragraph (d1).

The Hon. E. ANTHONY—I discussed paragraph (d2) and said I objected to the whole clause.

The Committee divided on the clause—

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

Noes (7).—The Hons. E. Anthoney, C. R. Cudmore (teller), L. H. Densley, N. L. Jude, A. J. Melrose, F. T. Perry, and W. W. Robinson.

Majority of 5 for the Ayes.

Clause thus passed.

Remaining clauses (6 and 7) and title passed.

Bill reported without amendment and Committee's report adopted.

Sitting suspended from 5.45 to 7.45 p.m.

SALE OF GOODS ACT AMENDMENT
BILL.

Adjourned debate on second reading.

(Continued from November 12. Page 1269.)

The Hon. C. R. CUDMORE (Central No. 2)—Many years ago in the sale of wool there was a draft allowance to allow for the uncertainties in weighing, but in 1938 it was abolished by general consent because of the improvement in the scales used for weighing wool. However, it was not abolished in regard to selling of sheepskins. This draft is allowed to overseas buyers and is of no benefit to anyone, except, possibly, fellmongers; stock-owners, woolbrokers and everyone else is agreed that, having abolished the draft allowance on the sale of wool, it is only sensible that we should do so in respect of sheepskins, and I therefore have pleasure in supporting the second reading.

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

ROAD TRAFFIC ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 12. Page 1268.)

The Hon. F. J. CONDON (Leader of the Opposition)—Although this is a small Bill of only eight clauses it raises some important points. Clause 3 relates to the registration fees payable on sanivans and other vehicles used by councils for the removal of household refuse. It will be remembered that last year the registration fees on diesel-driven vehicles were increased by 100 per cent and as the sanivans are diesel-driven this has fallen heavily upon some councils, who have made representations to the Government to be relieved of this hardship. Clause 4 removes some ambiguity from the existing law. It is doubtful whether if a trailer more than 7ft. wide is drawn by a motor vehicle more than 7ft. wide both should be fitted with mechanical signalling devices. This clause provides that if a motor is so fitted the trailer need not be. Those who travel in the country know how dangerous it is to pass heavily loaded vehicles and how necessary it is that they should be properly equipped with signalling devices. Under clause 5 a motorist who is charged with an offence will be required to produce his driving licence to the court on the hearing of the charge.

The next provision relates to stolen vehicles. If a person is injured by the negligence of

the driver of a stolen vehicle the insurance company is obliged to compensate the injured person. This clause provides that where a person is convicted of having driven a stolen vehicle the insurance company may recover any claim for which it is liable from him. Although in theory this is a wise step I do not know what chances they will have of recovering anything, for usually that type of person has nothing. One can only regret the increasing number of this type of case before the courts. Usually youths are involved; I do not know whether it is because they are not properly brought up, but some effort must be made to curb this propensity.

Clause 7 enables the Railways Commissioner to continue to erect "Stop" signs on land which has ceased to be part of a road, provided they are clearly visible to approaching traffic. The Port Road is one of the busiest thoroughfares in the metropolitan area and, especially during the morning and evening rush hours, it is very difficult to cross it. Opposite General Motors-Holdens works a bowling green has been established for the employees and a brush fence about 4ft. high put around it. This completely obstructs the view of oncoming traffic and constitutes a traffic danger. I regret that some action was not taken to prevent those responsible for erecting the fence. I support the second reading.

The Hon. C. R. CUDMORE (Central No. 2)—I am glad to be able to support the second reading of this small amendment to the Road Traffic Act. Last session I had a considerable amount to say on the Road Traffic Act and I have not changed my opinions since then. I welcome the provision made in clause 3. Some corporations were badly hit when we increased the licensing fees on diesel-driven motor vehicles last session by 100 per cent, and the main point of this Bill is to remedy that. The only other clause to which I wish to refer at this stage is clause 6 which amends the right of insurance companies to claim against drivers of stolen vehicles. At this stage I would like to pay a tribute to the Leader of the Opposition, Mr. Condon. Of all members who do their homework he is outstanding. Today he has spoken on five or six Bills and has given us clause by clause what the amendments mean. It is an example to the rest of us, including myself, that we should be as ready as he is to facilitate the work of the Council.

I think Australians generally are just awakening to the fact that the youth of 18 or

19 who has learnt all the tricks of starting a motor car without a key should no longer be treated merely as an inoffensive boy and sent to a reformatory. We have all along treated those people who use other people's cars in a different way from that in which we treat those who steal other property; they are just as much thieves and criminals, and the sooner they are heavily punished the better it will be for the community. They are nearly all youths who have just left school and been at work for a little while who think they can do what they like. I hope the penalties will be more severe and that discipline will restrain persons. One thing which will be of great benefit is the compulsory military training of youths in camps. Anyone who has seen the boys who have undergone three months' discipline in these camps will realize that the training has done a lot of good and corrected what should have been taught them by their parents—that what is theirs is their own and what belongs to someone else is that person's. Thieving should be called by its right name and not termed "joy riding" in someone else's car.

The Hon. C. D. ROWE (Midland)—After two excellent speeches to which we have listened there is little more that need be said. This Bill does not propose any major amendments to the law but there are one or two points I would like to raise. The first relates to clause 3 which provides that any motor vehicle which is owned by a corporation or council shall be registered without fee if it is used solely or mainly for the collection and transport of household rubbish. While this clause was introduced for the benefit of some metropolitan councils I wonder what the interpretation will be in the case of a vehicle which is owned by a country corporation. For instance, the corporation of Maitland has a vehicle which is used for the collection of garbage but for at least 50 per cent of its time it is used for other purposes. I take it that it will be left for the Registrar of Motor Vehicles to consider evidence and decide whether it comes within the purview of the clause. To me it would seem reasonable that if it applies to a corporation which is sufficiently large to warrant a full time vehicle then it should also be feasible for a corporation which does not employ a vehicle full time to enjoy a similar benefit. The words "solely or mainly" are used in the clause but in recent months many corporations in country areas have purchased vehicles of a design particularly suited for the purpose of collect-

ing garbage and I hope the interpretation of the clause will be sufficiently wide to enable them to benefit.

Clause 4 clarifies a point which was left in doubt last year when we provided that a vehicle more than 7ft. wide must have an extended mechanical or electrical signalling device. I have experienced the effect of these devices when travelling on main roads behind large vehicles and they are of great assistance and have prevented many accidents. Clause 6 relates to the right of an insurance company to recover damages from a person who has stolen a car and I endorse Mr. Cudmore's comments in this regard. Anybody who takes another person's vehicle which may be valued at up to £2,000 certainly needs to be dealt with on a different basis from a joy rider. Within my experience I have come across an unfortunate case of a person who purchased a motor car valued at £1,300. He drove the car for approximately 12 months and then the true owner from New South Wales turned up and my client was obliged to return the car. One of the difficulties we are faced with today is not only the joy rider but the person who steals a car in one State and sells it in another. The law cannot treat these people too severely. I warn anybody today who is buying a motor vehicle to be extremely careful and to make sure that the person selling it has a good title to it.

The Hon. C. R. Cudmore—*Caveat emptor!*

The Hon. C. D. ROWE—Exactly. In other words people must protect themselves and see when they purchase that they get a good title. As a matter of interest I have never considered the point, but if a person buys a stolen motor vehicle he acquires it from a person who has no title and therefore has no title himself to the vehicle and what his position is if he took out an insurance policy on the vehicle to which he has no title could lead to some complicated legal questions. The only other point I make is that those selling vehicles should make sure they are selling to persons capable of paying for them. A client of mine brought a vehicle to Adelaide and sold it and obtained a cheque only to find that it was not worth the paper it was written on. I support the second reading.

The Hon. A. J. MELROSE (Midland)—I do not quite agree with Mr. Rowe that there is nothing further to be said on this matter. Whenever a Road Traffic Bill comes before the Council I feel it is a matter on which everybody could say a great deal. An opportunity

like this should not be missed if anyone has anything to say, because *Hansard* has a wide, interested audience in the people who are directly and indirectly connected with any department to which we may refer. This is an opportunity to make a few observations on the effect of the Road Traffic Act as we see it generally. I will not say anything about our old friends the turning trams because I believe they are on the way out. They are still far from being completely free from offence. In that connection I feel there is a great laxity in control in allowing all vehicles to cross any intersection against the lights. The trams do not take off until the last second and today I saw one travel across an intersection against the lights. At any intersection one can see anything from a boy on a bicycle to a heavily laden quarry truck race across on the amber light when there is no possibility of their crossing before the lights change. They are a grave danger and one day there will be such a colossal accident that the matter will be a scandal.

One proposal is to dispense with a mechanical signalling device on a trailer if it is drawn by a truck which has such a device. However this evening I was behind a long semi-trailer proceeding up a main street and which intended turning into a narrow street on the left. I was the second vehicle behind it and it pulled out into the middle of the road and gave every indication of turning to the right, but as the driver in front of me pulled in to pass it it turned its prime mover to the left and scared him and also gave me an opportunity to make a few comments tonight. Trailers should have something to indicate whether they are going to turn left. On this occasion a passenger on the left put his hand out but had the driver been alone he would have had no means of indicating what his intention was.

I would like to say a few words concerning hoot-happy motorists. I had considered introducing an amendment on this subject, but my suggestion is so important that, although I have spoken to some members of the Traffic Advisory Committee and my suggestion has their blessing, I do not think it is wise to launch an amendment except through the proper formal channels and I hope in the next session my suggestion will be considered. My proposal is that the use of warning instruments on all motor vehicles shall be prohibited except in emergency. I call these people "hoot happy" because those of us who live in the quieter streets of the suburbs are

familiar with motorists who tear down an empty street honking at every intersection and consider thereby that they have the right of way. I hope some day to see two of these "honk happy chapies" meet because the sounding of a hooter affords no protection to a driver or to anybody. The other offender is the driver who comes down a quiet suburban street in the wee small hours honking at every corner and disturbing the peace also the driver who stops outside a house and honks until some person joins him.

The Hon. C. R. Cudmore—You never hear a hooter in London.

The Hon. A. J. MELROSE—All these people are offenders against the privacy and quiet life of persons. Mr. Cudmore has reminded us that in London this "honk happy" business is prohibited. In Tasmania, under regulations published in the *Government Gazette*, it is laid down that no person shall drive or permit to be driven in any public street any motor vehicle that has not attached to it a sounding instrument other than a bell capable of giving sufficient warning. It provides that every motor vehicle must have some warning instrument. It is also laid down in the regulations, that if a motor car approaches a blind intersection the driver must sound a warning instrument in order to give sufficient warning of approach to protect the public or property, but all this is overridden by a regulation which says that no person shall, in any city or town, sound a horn or other like instrument attached to a vehicle between the hours of 8 p.m. and 8 a.m. Again, he must not sound it between 8 a.m. and 8 p.m. other than in the case of an emergency reasonably to prevent injury to persons or property. That means what we have in London, where during the night people must not sound a hooter and during the daytime only in the case of an emergency. It also means that people driving motor cars must drive with care and not tear madly down streets thinking they have the right-of-way. If we can overcome this hoot-happy habit we will greatly minimize the danger on our roads. I propose, at the next opportunity, when we are considering amendments to the Road Traffic Act, to use all my influence to obtain support to get amendments to this effect incorporated in the legislation. I support the Bill.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I was pleased to hear Mr. Melrose's statement in reference to the Tasmanian Labor

Government and its control and conduct of traffic in that State. I agree with what he has said, but go further and draw attention to the number of accidents in South Australia, which are reaching extraordinary proportions. In 1949-50 there were 651 motor cycle accidents, in which 545 persons were injured and 29 killed. There were 3,014 accidents involving trucks and motor cars in which 1,058 people were injured and 59 killed. We seem to be passing traffic legislation piecemeal. We have a State Traffic Committee, with dual control by two competent authorities—the Police Department and the Adelaide City Council. I have urged at different times that control of traffic should be placed under one authority—the Police Department. We have provided stringent penalties for persons stealing vehicles, but seem to have lost sight of the fact that many accidents could be eliminated if there were more rigid control over road hogs.

Many people driving cars and riding motor cycles today take possession of the centre of the road and, irrespective of oncoming traffic, proceed merrily along as if the roads were made specifically for their use. The majority of accidents can be attributed to their reckless abandon. Legislation should be introduced to provide severe penalties for road hogs and those who disregard traffic laws. At present penalties are provided for those who steal cars, and intoxicated drivers. Road hogs are as great a menace on the roads as any of the ones I have mentioned. They seem to think they are the monarch of all they survey. I support the proposals submitted and hope that, irrespective of the Government in power after the next elections, legislation will be brought down along the lines advocated by different speakers.

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

Committee's report adopted.

LAND TAX ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 13. Page 1325.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the Bill and was struck by the Attorney-General's opening remarks in his second reading speech. He said:—

In formulating its financial proposals for the current year the Government has been faced with an unescapable increase in expenditure and no equivalent expansion of revenue. As it is most unlikely that loan funds will be

forthcoming to finance a deficit the Government is compelled to look for additional sources of revenue. It is particularly necessary to do this in view of the possible reactions of the Commonwealth Grants Commission to any failure by a claimant State to use its available taxation resources to a reasonable extent.

The Australian Labor Party has always had in the forefront of its platform the imposition of a Federal land tax in order to break up large estates and permit of their development. I am surprised at the Government coming along with this proposal, with the excuse that it provides the only means of recouping our Treasury coffers by increased income, a totally different purpose from that to which Labor subscribes.

The Hon. R. J. Rudall—You should have heard the debates in the Federal Parliament.

The Hon. K. E. J. BARDOLPH—I do not bring Federal politics into this Chamber. The present Government comes along unabashed and says, in effect, that it is not concerned with the breaking up of large estates, but has introduced the Bill because the Commonwealth Grants Commission may refuse to give to South Australia and other small States their just rights under Federation and that unless we extend these taxation powers we will not receive the consideration to which we are entitled.

The Hon. C. R. Cudmore—Do you say that the Labor Party only supports land tax in order to break up large estates?

The Hon. K. E. J. BARDOLPH—It was for the purpose of breaking up large estates.

The Hon. N. L. Jude—Have you read Mr. Clyde Cameron's speech on this matter?

The Hon. K. E. J. BARDOLPH—I am not concerned with Federal matters at this juncture; I am viewing the matter purely from a State point of view and trying to show that the Government is using circumstances to increase taxation because the Menzies Government has failed to assist the smaller States and is not following the cardinal principle established by Labor. The Attorney-General also said:—

A number of alternative methods of doing this have been investigated and after full consideration the Government has decided to increase the present rate of tax on land having an unimproved value in excess of £10,000.

I am concerned that the Government is forced to use this method because the Menzies Federal Government is not following the principles

established by previous Federal Labor Governments in granting loan moneys to the smaller States for developmental purposes. The development of each State of the Commonwealth is an integral part of the Australian economy. I am not concerned with the incidence of this taxation; some of the larger estates could afford to pay it, but the treatment meted out by the present Federal Liberal Government stands out in striking contrast to that of the Governments led by John Curtin and Ben Chifley. I remind the Attorney-General of the public pronouncement by Mr. Chifley in the Adelaide Town Hall when he paid a compliment to the Premier of this State for the manner in which he presented his statements, and said he was always prepared, as Federal Treasurer, to assist the smaller States in their development. No similar statement has been made since the present Menzies Federal Government has been in power. Over £60,000 was given to the South Australian Government as a gift for the purpose of developing the Leigh Creek coalfield by the Chifley Labor Government.

The Hon. C. R. Cudmore—Where does this free money come from?

The Hon. K. E. J. BARDOLPH—Our Premier, the Hon. T. Playford, has said that national credit could be used in Australia and extended to the States, as was done by other Federal Labor Governments, for the purpose of carrying out public reproductive public works. The money comes from the nation's credit resources and the confidence engendered in the control of the affairs of the nation. No-one can say that there is any evidence of confidence in the present Federal Menzies Government, because the last loan fell short of the required amount.

I desire to compliment the Government on its attitude towards charitable and religious institutions in granting exemptions. This is a very just and equitable approach to the problem. Whatever creed we embrace we all agree that we must build up a Christian democracy, for unless we develop that Christian atmosphere it is anybody's guess what the beliefs of the people will be 10 or 15 years hence. With those few remarks I support the second reading.

The Hon. C. R. CUDMORE (Central No. 1)—I was very interested in Mr. Bardolph's opening remarks because he had picked on exactly the same points as I had chosen in the Minister's introductory speech on the Bill, but he went on, as was natural, in exactly the

opposite way from that which I propose to follow. I also had noted that the Minister said:—

As it was most unlikely that loan funds would be forthcoming to finance the deficit the Government is compelled to look for additional sources of revenue.

Mr. Bardolph then proceeded to blame the Federal Government for not providing loan funds, apparently with the idea that loan funds are to fill up the gap between income and expenditure. I think that both Parties are entirely wrong. There is a difference between capital and income, and it is about time that somebody examined it to see where we are going. It is quite wrong for the Government to suggest that it should be able to get loan money to spend as income.

The Hon. K. E. J. Bardolph—On reproductive works.

The Hon. C. R. CUDMORE—I say we have got on to the wrong track altogether; we are losing all idea of what is capital and what is income. Early this season we dealt with the Loan Estimates covering money which the Government proposes to borrow for developmental works—the building of schools, the extension of water schemes, the rehabilitation of the railways and so forth—capital expenditure upon which we have to pay interest. That is what loan moneys are intended to be for. We have heard the argument that the State wanted so many millions of loan money and the Commonwealth would not let us have it. It does not grow on trees, and quite rightly the Federal Government put a limit on it. The State Government perforce had to restrict certain of its projected development schemes, but that has nothing whatever to do with our year to year income. After we had passed the Loan Estimates the Treasurer, in the ordinary way, brought down his Budget showing how much he expected to get by way of income and how he proposed to spend it. Budget day, prior to the introduction of the pernicious uniform taxation system, used to be looked forward to as an important date when the Government announced how it was going to tax the people and how it proposed to spend the money. It has often been said that "Government is finance and finance Government," but on the last day of sitting we discussed the Revenue Estimates—not the Loan Estimates—and therefore I take this opportunity to say that I think the Government, the Opposition and everybody else seems to be

losing sight of the fact that there is a difference between loan expenditure and ordinary revenue expenditure; if the Government cannot get the money to spend it must do what all the rest of us have to do, namely, not spend so much, but we did not hear much about that.

We are short of money, but are spending tremendous sums. I have my own views on the fact that we are spending too much on, for instance, secondary education and other things, but the public is still screaming for more schools and hospitals. What is the Government to do? After all the public calls the tune and is clamouring for more Government assistance, at the same time complaining about taxation. I am not objecting to some increase in land tax. I disagree altogether with the idea that the Commonwealth Grants Commission would be offended if we did not increase our land tax. I think the Commission consists of very sensible men who take everything into account. However, if we must have more land tax we must face it; it has not been raised from the old rate of three-farthings for a long time, but any increase should be equitable. We should not exempt some people who own small areas of land, but who are much better off now than they have ever been in their lives, while other are not, therefore everybody should be taxed. I agree that it does not pay to collect land tax of less than 5s. That represents land valued at £80 or less. The people with £80 worth of land or less will pay nothing and I agree with that, but I suggest that on land valued above that amount the increase in tax should be equal. If the tax is to be increased it should be a general all-round increase and not simply put on to the people who have more than £10,000 worth of land.

I also congratulate the Government on clause 6. Under the State laws educational institutions have always been subject to land tax but they have never been subject to Federal land tax and in certain circumstances it would make a great difference to them if they were brought under this increased State land tax. I am pleased to see that institutions which are used entirely for educational, benevolent, religious and philanthropic purposes are to be exempt. I am sorry the Government has not seen fit to exempt what remains of our green belt in the metropolitan area and I refer to golf clubs and other places which form part of the green belt which it is necessary and desirable to retain. I support the second reading but

regret that if it was necessary to provide extra land tax it was not equitably applied to everybody who owns land.

The Hon. N. L. JUDE (Southern)—I remind members that the basis of this Bill is related to the imposition of Federal land tax in 1910. That was introduced by the Fisher Government—one of the few Labor Governments of that period. It was maintained at that time for the purpose of splitting large estates. I am a little cynical about this matter and am prepared to accept the other contention that it was brought in for the purpose of securing revenue. A few months ago Sir Arthur Eadden stated that this was purely a tax upon capital assets and should be removed. Mr. Calwell said that Labor, when back in office, will be obliged to reimpose this tax and, what is more, to increase it. I suggest that it seems a most extraordinary thing that we—the most solid Liberal Government in Australia—should be leading the way in this type of legislation.

The Hon. K. E. J. Bardolph—Are you opposing the Bill?

The Hon. N. L. JUDE—I am bitterly opposing it. I go further and suggest that this is a deliberate sectional tax. Some 47,000 people are to be excused from this additional tax and in many cases will pay no tax whilst 850 will carry the whole burden. Mr. Clyde Cameron has promised that if Labor is returned the Federal tax will have to be re-introduced. He states that it is a proper kind of taxation for obtaining revenue. The present atmosphere in the Commonwealth sphere suggests that this legislation is intended to split up large areas but that claim is not being made here. The claim is being made, quite rightly, that it is purely to increase revenue. In other words, if we can't get it this way how can we get it? My reaction is that if we have not got it we cannot spend it and someone has to go without.

In the last two years a new assessment has been made for the purposes of State land tax. It would be a reasonable contention to suggest that it had been trebled in the last two years. In many cases it would have been increased more but I am taking a reasonable assessment of the position. In addition the Federal land tax also reached astronomical increases by virtue of increasing small amounts. For instance, a small amount of approximately £5 has been increased to £250 whereas an amount of £100 has been increased

to £500. There was a tremendous outcry about the Federal assessments which were not made in a practical manner. The Federal assessors never came near hundreds of properties and the assessments were merely book entries for the purpose of increasing revenue. The citizens of the State viewed that seriously and undoubtedly when under pressure the Federal Government decided, in its promise to reduce taxation, to remove that tax. To place the burden on 850 people while excluding 47,000 is sectional taxation and nothing else. I make no excuses for saying so. It was suggested that a large portion of this taxation will come from city properties. People derive income from city properties in varying manners. Some may have £5,000 a year and others £50, but the tax hits them solidly in a block if they are included in the 850 whereas some farmers who are in a position to pay £50 or £100 a year are exempt. Not enough consideration was given to the incidence of these assessments which will affect the people concerned. I remind members that the Building Materials Act in the last few years has prevented many owners of city properties from building revenue-producing assets on them compatible with the unimproved values of the blocks. Will anyone suggest that the Federal land tax and the re-imposition of a further State land tax is not a hardship when they have been prevented from building?

I have traced the history of this legislation of abolition and reimposition very carefully and have quoted what Sir Arthur Fadden said. I have also carefully studied what the chairman of the Taxation Committee, Senator Laught, said. Mr. Corser said that it was an iniquitous tax. Mr. Cramer said that the States should also desert this field and leave it to local government. He suggested there should be no duplication or triplication of the same tax and therefore duplication and triplication of the means of collecting it. Mr. Hulme said it is a sectional tax and if he thought that of Federal land tax I do not know what he would think of this Bill. Mr. Brimblecombe was totally opposed to it and Mr. Crean also said it was a sectional tax. Mr. Drummond said it was fundamentally unsound and Mr. Turnbull reminded the House that Labor had promised to re-impose and increase it. I am endeavouring to let members know what members of the Party represented by the Government here have said on this subject within the last few months. The principle of increasing both the rate and the assessment of a capital levy is unsound. When one looks at it

from the political angle, which Mr. Bardolph always appreciates, goodness knows who will follow and do a better job than we are doing. I wish to be dissociated from anything to do with it here.

The Hon. A. L. McEwin—What is the alternative?

The Hon. N. L. JUDE—Let us cut our cloth according to the money we have. In view of the political assurances that have been given, I should like to see clause 18 amended to provide that the Bill shall be limited to one year, otherwise we shall have to withdraw our land tax in favour of one to be re-enacted by the Commonwealth Government. That appears to be playing political football too much. It is a great pity that this Parliament is considering the re-imposition of further land tax at such an early date after the field was vacated by the Commonwealth. I oppose the Bill.

The Hon. F. T. PERRY (Central No. 2)—I desire to dissociate myself from any attempt to increase taxation at present. Land tax has been selected by the Government because this field was vacated by the Commonwealth, but whether it will again re-occupy that field we do not know. The Government proposes the imposition of a further land tax on an increased assessment which was imposed two years ago. Consequently, land taxation has been heavily increased over that period. I notice that last year's revenue from land tax amounted to £413,000. With the additional taxation the return will be about £600,000, whereas a few years ago it was only about £200,000 or £300,000. Land tax in itself is imposed independently of income. It is a tax on capital whether a profit is made or not. This taxation is directed at commercial people. Businesses mainly in the city area are called upon to pay this tax although it is called a land tax, from which one would infer that it would apply to country areas. There may have been some reasonable excuse for the tax originally, when it was devised to break up large holdings, but it did not accomplish that.

The Hon. C. R. Cudmore—Why?

The Hon. F. T. PERRY—Firstly, because the tax was not sufficient, and secondly because of the development of the country. Also it was more profitable for the bigger holdings to be cut up—for reasons other than the land tax. The result has been that the tax has been shifted from that quarter back into the industrial and city areas. That is one reason why I cannot support it. Another reason is

the Government's excuse that increased expenditure must necessarily mean an increased charge to someone else. That is the very thing we are trying to fight to hold our cost of living and our economy. If we are faced with increased costs, we should do everything possible to carry through without increasing the charges on the other fellow. Everyone preaches that, but not everyone follows it. The authority which should follow it is the Government.

I feel that the excuse that because costs are heavy the taxpayers necessarily must be charged more is not reasonable without every attempt at economy being made in the current year's expenditure. I do not think that land tax is a common tax everywhere, even in Australia. It has been abandoned by the Commonwealth Government, and, according to Mr. Jude, many members of the Federal Parliament are against it. There was the suggestion that it might be reimposed by another Federal Government if the opportunity offers. The prosperity of the country is high, and if the Government and municipal authorities and private persons cannot make ends meet under present conditions, what opportunity will they have if they are taxed to the limit, as is proposed in the Bill? We should not go to the limit in taxation at present. I support the Government in most things, but for it to continue to increase taxes is not the way to face the position, and consequently I do not favour an advance in the land tax. It is true that the present tax is not equal to the combined land taxes of the Commonwealth and the State, but that is about the only excuse the Government has.

The Hon. E. Anthony—Will the people be worse off?

The Hon. F. T. PERRY—No, they will be better off than under the combined State and Federal tax, but I do not regard that as an excuse. Decreased taxation should be one of the means adopted for putting our economy right. I am sorry the Government has seen fit to adopt this method of balancing its Budget. If taxation is to be increased, it should have some relation to income and should not be a tax on capital, entirely independent of income.

The Hon. A. J. MELROSE (Midland)—I voice my disapproval of the Bill. The more I examine it the less I seem to be able to find any justification for it. In the first place, Mr. Cudmore's salutary remarks were most fitting. I have felt, as other honourable members have, that if the State, because of the almost tidal wave of prosperity in which we have been living in the last few years, is per-

turbed because it cannot make both ends meet, we have a sorry day ahead of us when markets fall. Although wool is only about half the price it was two years ago, other primary products sell readily at high prices. It would be a very short-sighted or a short-memory man who would think that those prices will continue at the present level. Those of us who are connected with the land remind ourselves daily that having had five or six years in succession of bountiful seasons we are undoubtedly in for some tough years in the immediate future.

There is very little difference between a government and the individual. It is only a matter of size. The Government is perturbed about deficiencies in these times; but if private business men pursued the course followed by the Government it would lead to their ruin when markets slip from under them. Therefore, I think it is rather with unseemly haste that the State Government has rushed in to grab the small field of land taxation that was vacated by the Federal Government. Had that Government seen fit to say "We propose to abandon land tax in order that the States might derive some revenue from that field" it may not have been so bad, but unfortunately for us the Federal Treasurer gave the field a blessing with some very scathing words which would not encourage us to feel that we had every right to step in merely for revenue raising purposes. We all know that the object of the Federal land tax in the first place was to break up large estates. We are all aware that it has long achieved its purpose and that there are no large estates left. Some have increased in value because of inflation. The land is still there, but the areas are small compared with what they were at the beginning of the century. I am not sure what is the largest freehold estate in South Australia held by one person, but it is probably only 10,000 or 12,000 acres. That is very much smaller than most people realize.

I do not like the salve that has been poured by the Government on my frazzled nerves by its saying that the bulk of the tax will be borne by the metropolitan area. So far as taxation that is levied for the purpose of raising revenue is concerned, we must all play our part and I think I can take my medicine as well as anybody else. If I supported this measure I would not find any comfort in knowing that it will fall more heavily on people in the city than on those more directly associated with it. In the first place, I believe that land tax is wrong, because it strikes at the very source of our food supplies and is a capital levy on

assets. But if we must have it, although a certain amount can be raised by a capital levy on land, the progressive elements should be abandoned. If there is to be any exemption it should be lowered and not raised. A small tax imposed on many people is easier borne than a heavy tax levied on a few. I am sure that the time will come, from the landed proprietor's point of view, when heavy land tax might be one of the straws that will prove a real burden on the camel's back. I cannot see that any good purpose will be served by levying a large tax on the big stores in the metropolitan area. Does the Government expect them to fall to pieces and form a number of small shops? If we must have land tax it should be borne by all, rather than as at present an unjustifiably high tax on a few.

I recognize the fact that taxation must be levied in order to produce revenue. I am convinced that we are living in an age when people have been encouraged to hold out their hand for Government assistance. We have promised people so many things and have given so many hand-outs to admirable projects, such as education and care of the aged and sick, that we can ill afford. We are trying to live today very much like a private individual who looks with pleasurable anticipation to the time he will own a mansion and a couple of super Rolls Royce motor cars. In order to do that he borrows money and buys the lot straight away. We would say he is living in a fool's Paradise and I am inclined to think we are doing the same. Every type of tax we raise should be justified for our present needs and not for the purpose of giving amenities which might be expected in another generation.

I mention the inequalities of the pay roll tax. Members of the Labor Party never lose an opportunity of mentioning the difficult years, now known as the depression. If there is any cure for depression it is employment, but the pay roll tax strikes against it. The more men who are employed the higher the wages bill and the greater taxation collected. Every time there is a rise in the basic wage up goes the already colossal pay roll tax. The pay roll tax and land tax are hard to justify. I hope I have made it perfectly clear that I do not approve of land tax in any inequitable form or of the reasons advanced for the introduction of this particular tax.

The Hon. Sir WALLACE SANDFORD (Central No. 2)—This measure must give every member a lot of thought. I was pleased that Mr. Cudmore made it clear; to some of us at

least, that there is a considerable difference between capital investment and the system of paying our way collectively and that of building up an organization in which we live and move through obtaining Loan money. In any case, we must live within our income. It has been said so frequently that it is almost trite for me to say so. It is not necessary to remind us of the origin of Federal land tax. It must be 40 years since it was imposed.

The Hon. C. R. Cudmore—In 1910.

The Hon. Sir WALLACE SANDFORD—That is 42 years ago. I can recall innumerable resolutions which were passed. Throughout the Commonwealth, wherever a few Australians collected, they objected to what was regarded as an iniquitous form of obtaining revenue.

The Hon. F. J. Condon—They were pious resolutions.

The Hon. Sir WALLACE SANDFORD—They were not; they were honest expressions of opinion and frequently of annoyance and were indications to the people responsible for the form of taxation that the object for which it was said it was imposed would not be attained. It might be claimed by those who are intimately acquainted with land values that the tax has created a lot more harm than it has secured benefits. After nearly half a century of these resolutions the time came when we thought that this burden had been lifted from our shoulders, but what do we find? Almost before it has been taken off our back and we have stretched our limbs and felt some degree of freedom it is imposed in another form.

The Hon. F. J. Condon—The same thing will apply if we revert to State taxation.

The Hon. Sir WALLACE SANDFORD—It is a pretty dim outlook if relief from taxation is given in one place only to be imposed in another. It will take away the incentive to exert one's self and we will lose the benefit, not only to ourselves, but to those who come after and the advantages of thrift that our fathers taught us and enjoined us to practise and which we know in our hearts is the only way for either individuals or collections of individuals to be happy and progressive will disappear. In any case, it is most regrettable that so important a step as represented by the Bill should be taken in what are literally the dying hours, not only of the session, but of this Parliament. It has been said that the Commonwealth Grants Commission would look disapprovingly upon the

State that did not conform to certain suggestions it had laid down. The commission has been in existence for nearly 20 years and I do not think that the experience of any claimant State justifies that imputation. The commission tends to lean towards the requests of the claimant States and I would be far from thinking that it was at all proper to suggest that any punishment would be exacted upon the States because they did not conform to certain suggestions—I would not call them requirements.

I have not had an opportunity to examine enough figures to be able to work out how the tax provided in clause 5 works out, but the very fact that the numbers who will be required to pay the tax is small, as against the overwhelming number who are exempted, does not seem to be a very sound principle on which to build democracy. The benefit secured to nearly everybody should, at any rate, be paid for, and as I said just now, much more time should have been given for the consideration of this measure.

The Hon. K. E. J. Bardolph—Does not the honourable member believe he can make out a strong case?

The Hon. Sir WALLACE SANDFORD—If time allowed, but one has hardly seen the Bill in the short space of time afforded us. I am sorry but I cannot support it.

The Hon. E. ANTHONY (Central No. 2)—I suppose it comes ill from one who will not be affected to have much to say about the Bill, but I have listened with great interest to most of the members who have spoken on it and I ask myself, "If the Government cannot get revenue this way how can it obtain it?" The Minister said that the Government was faced with an inescapable situation.

The Hon. K. E. J. Bardolph—He also said that the Government feared that the Commonwealth Grants Commission would not grant us our just rights.

The Hon. E. ANTHONY—I am not worried about what the commission may or may not do; it has for some time been particularly generous. At least it has not treated this State badly, and I should think that the next time we will not receive worse consideration than we have always had. It is a body which takes evidence and weighs it very carefully. It knows; as well as can be known, the State's economic position, and after weighing the evidence thoroughly it makes what it considers a just allotment, and I think it will do so again.

The Hon. K. E. J. Bardolph—Why the fears of its decision?

The Hon. E. ANTHONY—I do not fear it myself, for I do not think it will come down heavily upon this State. No-one likes taxation of any sort; judging by the utterances of members tonight one would have no doubt whatever but that taxation is not popular. Many years ago Gladstone said that the Government should not take out of the pockets of the people any more than was absolutely necessary to enable the Government to function.

The Hon. S. C. Bevan—They tell us that is what they are doing now.

The Hon. E. ANTHONY—Taxation in those happy days was very light indeed, but today it is becoming increasingly high. The functions of Government have increased and expenditure has grown with it. It is elementary to say that the Government cannot function without money. It has none of its own and can only spend the money it takes from the pockets of the taxpayers—yours and mine. Who asks for all these innovations? Can members cite one instance where a deputation has told the Government that it did not want anything, but would give it something? I have never known a deputation which did not ask for something.

The Hon. F. J. Condon—What do they get?

The Hon. E. ANTHONY—A great deal. The State gives the people far too much.

The Hon. K. E. J. Bardolph—Where would you use the pruning knife?

The Hon. E. ANTHONY—I recently suggested one place—Roseworthy College, where it costs £700 a year for each pupil.

The Hon. F. J. Condon—It costs £10,000 to put one man on the land.

The Hon. E. ANTHONY—I know it does. It is not altogether the Government's fault that costs have gone so high. Repeated requests are made to the Government for all kinds of social amenities.

The Hon. K. E. J. Bardolph—Are not the people entitled to them?

The Hon. E. ANTHONY—If they can be paid for, but when faced with the bill it is no use complaining.

The Hon. K. E. J. Bardolph—Should not some of these debts be handed down to posterity?

The Hon. E. ANTHONY—If I am any judge many millions will be handed down to posterity. Some years ago a Canadian newspaperman visited this country and I asked him what impressed him most on his trip. He said,

“The size of your capital cities. How do you do it?” I replied, “Largely on borrowed money,” to which he said, “Do you pay your interest?” and I replied “Yes, by borrowing more money,” and I think that is about the situation. It is useless trying to shirk our obligations. The public departments have to function and the expenses have to be met.

The Hon. F. J. Condon—And you cannot get a rabbit out of a hat.

The Hon. E. ANTHONY—I have seen some conjurers do it, but we cannot. I find that the average taxpayer will not be any worse off under this Bill than he was under the Federal taxation.

The Hon. S. C. Bevan—Then what is the outcry about?

The Hon. E. ANTHONY—It comes, I suppose, from those who think that the tax should not be levied. I am as much opposed to heavy taxation as anyone, but I think the complaint is coming in the wrong place. We complained bitterly when our taxing powers were taken from us, but now that the State has an opportunity of taxing in one of the few remaining avenues left to it members are complaining. Those who will be taxed under this measure will be taxed lighter than they were under the Federal taxation.

The Hon. R. J. RUDALL (Attorney-General)—The first two speakers on this Bill built their arguments upon certain remarks I made when introducing it. I said, “As it was most unlikely that loan funds would be forthcoming to finance the deficit the Government was compelled to look for additional sources of revenue.” Upon that somewhat harmless statement Mr. Bardolph built up political propaganda—with which I am not concerned—and Mr. Cudmore suggested that the Government did not seem to know the difference between loan money and revenue. All that sentence does is to state an exact truth as sometimes in the revenue Estimates if there is a deficit one knows that there will be Loan moneys to meet it because the only way in which a deficit can be paid is out of Loan money. All I emphasized was that this year we must be particularly careful to see there is no deficit because there will be no Loan money available. I do not think that sentence justifies the statement that this Government is not fully appreciative of the difference between Loan money and revenue.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—“Exemption of educational institution.”

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

After “owned” in line 1 of paragraph (g) to insert “or occupied without payment.”

The clause deals with the exemption of educational institutions from land tax. The Bill at present exempts land owned by an educational institution and used for the purposes of the institution. The Government, however, is advised that in some cases land used for church schools is not owned by the persons who conduct the school but by a separate body which has been created for the purpose of holding church lands. In these circumstances the schools in question would not be entitled to the exemption under clause 4 as it is now worded. In order that the exemption may be granted in these cases the Government proposes an amendment so that where the land is occupied without any payment for the purpose of a school it will be exempt in the same way as if it were owned by the persons conducting the school.

Suggested amendment carried.

Clause as amended passed.

Clause 5 passed.

Clause 6—“Partially exempt land.”

The Hon. R. J. RUDALL—I move the following suggested amendments:—

After “used” in line 1 of paragraph (a) of new section 12a to insert “or has been acquired for the purpose of being used and is intended to be used.”

After “used” in line 1 of paragraph (c) of new section 12a to insert “or has been acquired for the purpose of being used and is intended to be used.”

These amendments are for the purpose of granting partial exemption from land tax for land which has been acquired as a site for a charitable, educational, benevolent, religious or philanthropic institution, and is intended to be used for that purpose. The Bill at present only grants the partial exemption to land actually used as the site of one of the institutions mentioned. Some of the churches are holding vacant land for building new churches and Sunday schools, and the Government has agreed to grant the partial exemption for this land also.

Suggested amendments carried.

Clause as amended passed.

Clauses 7 to 9 passed.

Clause 10—“Land tax in case of trustees.”

The Hon. K. E. J. BARDOLPH—I suggest that a new clause be inserted to provide exemption to hospitals which are not run for pecuniary gain. There are some hospitals

which admittedly make a charge for services but all money derived is paid back into the hospital and used for providing equipment. Those controlling the hospitals receive no pecuniary gain and in view of the gracious manner in which the Government has exempted other institutions it may extend the provisions to these hospitals.

The Hon. R. J. RUDALL—The matter has been considered and I think the member must realize that the Government has been extremely generous but directly it entered the field mentioned it would open too wide the gate, therefore the Government cannot approve of the suggestion.

The Hon. F. T. PERRY—I cannot think of many hospitals which would have unimproved land valued at £10,000 or more unless they were owned by corporate bodies whose assets were all put into one account. A hospital so owned is penalized against the independently owned hospital and some consideration should be given to such institutions.

Clause passed.

Remaining clauses (11 to 18) and title passed.

Bill reported with suggested amendments and Committee's report adopted.

MAINTENANCE ACT AMENDMENT BILL.

The Hon. R. J. RUDALL, having obtained leave, introduced a Bill for an Act to amend the Maintenance Act, 1926-1950.

Read a first time.

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

That this Bill be now read a second time.

The Bill deals with a number of matters arising under the Maintenance Act, in particular with the amount of maintenance which may be ordered against a near relative for the support of a child and the amount which may be ordered against the father of an illegitimate child for confinement expenses. As the matters are disconnected, it will be convenient to deal with them in the order in which they appear in the Bill.

Clause 3 repeals and re-enacts section 25 of the principal Act, which is an evidentiary provision enacted many years ago placing the onus on the defendant to prove (*inter alia*) that he is not a near relative in proceedings against a near relative for recovery of relief given by the Children's Welfare and Public

Relief Board to a necessitous person. In many cases the construction of the section requires a wife to be called to give evidence against her husband while husband and wife are living together, and this is regarded as tending to aggravate already strained relationships. Clause 3 deals with the problem by making certain matters *prima facie* evidence, the usual method employed now in enactments designed to dispense with the need for calling evidence to establish a case against a defendant.

Clause 4 amends section 48 of the principal Act dealing with the making of orders against near relatives for the maintenance of children. The section fixes a maximum of £1 5s. a week which can be ordered against any one person for future maintenance of a child. This maximum was fixed in 1950, prior to which the maximum was one pound. Since 1950 the fall in the value of money has rendered £1 5s. inadequate, and in addition there is an anomaly in that the court, in making an order for the maintenance of children in proceedings under other provisions of the Act, is not restricted by any such maximum. The Government considers that, rather than raising the maximum, the better course will be to remove it altogether and give the court a full discretion as to the amount of maintenance. Clause 4 amends section 48 accordingly.

Clause 5 amends section 54 of the principal Act which at present limits the amount which may be ordered against the father of an illegitimate child for confinement expenses to £15. This figure has not been altered since 1950, when it was raised from £10 to £15. Since 1950 the fall in the value of money has made £15 insufficient. Clause 5 raises the amount to £25, a figure recommended to the Government by the Children's Welfare and Public Relief Board.

Clause 6 enacts new section 182a. At present it frequently happens that a child of tender years is charged with being destitute or neglected and is remanded to an institution on account of the illness of a parent or for some other reason. If a further remand is necessary, the law requires that the child must be present before the court during the hearing of the application. No purpose is served by bringing the child to court for a further remand and some inconvenience is caused. The new section dispenses with the need for the presence of the child.

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

NARACOORTE TOWN SQUARE
(PRIVATE) BILL.

(Continued from November 12. Page 1251.)

Report of Select Committee adopted. Bill read a third time and passed.

MARGARINE ACT AMENDMENT BILL.

In Committee.

(Continued from November 12. Page 1261.)

Clause 2 "Control of amount of margarine to be manufactured."

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

Before "The" first occurring in new subsection (3b) to insert "The Minister may by notice in the *Government Gazette vary*".

The Hon. F. J. CONDON (Leader of the Opposition)—The Attorney-General, when speaking on the second reading, pointed out what the exact position was. I have an amendment on the file, but know I would be ruled out of order if I attempted to move it because it is a direct negative to the Attorney-General's amendment. In the circumstances there is no alternative but to accept what the Government wants.

Amendment carried.

The Hon. R. J. RUDALL—I move—

To strike out the last three lines of new subsection 3 (b) and to insert—The notice so varied may permit to be manufactured during the year to which the said notice relates an aggregate quantity of table margarine not exceeding four hundred and sixty-eight tons.

That is only the completion of my amendment and I do not think that members will want an explanation.

The Hon. C. R. CUDMORE—Is it the Government's intention to extend to margarine manufacturers, other than those already holding a monopoly in this State, permission to manufacture margarine which may or may not be all the output in this State?

The Hon. R. J. RUDALL—I cannot give any explanation of what the Government's intention might be. I am only desirous of giving the Minister a discretion which must be used at the time that the quota is allotted. It is unreasonable to expect him or the Government to state now how he will exercise the discretion next year.

Amendment carried.

Clause as amended passed.

Bill reported with amendments and Committee's report adopted.

The Council divided on the motion for the third reading—

Ayes (12)—The Hons. E. Anthoney, K. E. J. Bardolph, S. C. Bevan, F. J. Condon (teller), C. R. Cudmore, E. H. Edmonds, A. A. Hoare, A. L. McEwin, F. T. Perry, C. D. Rowe, R. J. Rudall, and R. R. Wilson.

Noes (7)—The Hons. J. L. S. Bice, J. L. Cowan, L. H. Densley (teller), N. L. Jude, A. J. Melrose, W. W. Robinson, and Sir Wallace Sandford.

Majority of 5 for the Ayes.

Bill thus read a third time and passed.

ADJOURNMENT.

At 10.18 p.m. the Council adjourned until Wednesday, November 19, at 2 p.m.