

LEGISLATIVE COUNCIL.

Thursday, October 8, 1953.

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

ASSENT TO ACTS.

His Excellency the Governor intimated by message his assent to the Auctioneers Act Amendment, Vermin Act Amendment, Wild Dogs Act Amendment and Dog Fence Act Amendment Acts.

AGENT-GENERAL ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 7. Page 901.)

The Hon. F. J. CONDON (Leader of the Opposition)—I think no opposition can be raised to this Bill. The salary of the Agent-General is the same as it was 22 years ago. At one time it was £2,000, but it was reduced by 10 per cent in the same way as Parliamentary salaries in the depression years. When it was £2,000 it included an allowance of £800 for expenses and there were two deductions of £200. The Public Service Commissioner has recommended the increase to £3,000 which includes an allowance of £1,000 for expenses. No-one would suggest that the Agent-General has been overpaid for a number of years and, judging by reports, the late Agent-General carried out very valuable work for South Australia and the man who has been acting in that capacity since the death of Sir Charles McCann has also given excellent service. As the Agents-General of the other States are more liberally treated there can be no objection to paying our representative a salary more commensurate with his position and the times. However, there is one aspect of this Bill to which I must draw attention once again, namely, its retrospective provision. This is the third Bill in succession that we have discussed containing such a provision and I hope that that principle will be considered when the Opposition introduces amendments to Bills before the Council.

The Hon. E. ANTHONY (Central No. 2)—I have considerable pleasure in supporting this Bill. The office of Agent-General has been, I think in the opinion of all members, considerably underpaid for some time. Had it not been for his private means I believe

that Sir Charles McCann could not have continued to hold the office. He was an excellent representative of South Australia for many years, a splendid host, most liberal to his guests and of great help to all South Australians visiting London. He filled the office with credit and distinction to himself and great satisfaction to the State. While I was in London a year or two ago I was, however, struck with the number of offices of Agents-General distributed throughout that great city. Australia is represented by six Agents-General and a High Commissioner while great countries like India and Canada have one officer. From an economic viewpoint I wonder whether it might not be better if all Australian representatives were under the one roof. All over London were offices representing every Commonwealth department and it was difficult to locate some of them. Englishmen could not understand why Australian representatives should be so scattered. I frequently visited the Agent-General's office during Sir Charles McCann's occupancy and also saw much of his successor, Mr. Greenham. I pay a tribute to Mr. Greenham, who has a tremendous amount to do. Not only was he engaged on the commercial side of the work while relieving Sir Charles, but on the social side. He frequently had to take work home in order to properly carry out the functions of that office. I was pleased that after his long period as Acting Agent-General the Government should appoint him Agent-General. It was common knowledge in London that greater courtesy and assistance could be obtained from the South Australian office than from any other. It represented good publicity for South Australia. The office had a large display window in Oxford Street and advertised the commodities that this State produced. I recall the occasion when our wine industry was advertised. Much was done to bring South Australia to the notice not only of English people but the millions of visitors to London each year.

I do not think the salary to be paid to Mr. Greenham is liberal. Those of us who have been abroad recently will realize how the cost of living in England has increased. The Agent-General has an important task. He must attend to correspondence, go visiting and hold receptions, and he cannot properly perform those functions without an appropriate salary. I feel sure that the position of Agent-General will be efficiently carried out by Mr. Greenham and South Australian visitors and business people will receive every consideration. I support the second reading.

The Hon. S. C. BEVAN (Central No. 1)—I support the second reading because the position of Agent-General is an important office. The services of past Agents-General have been such that South Australia has benefited considerably. The advertising of our trade and commerce has been greatly advanced in London and elsewhere and the position is necessary. I am gratified to see that the salary is to be increased. I realize that this is retrospective legislation but I do not object to that. The services of the Agent-General should be recognized and the Government has apparently realized its responsibility. The salary of £2,000 and the allowance of £1,000 are in sterling currency and would represent a total of £3,750 in Australian currency.

The Hon. F. J. Condon—That is more than the Premier receives.

The Hon. S. C. BEVAN—That is so, but I do not think the Agent-General is being overpaid. In some instances the Government apparently realizes its responsibility but in others it does not. Although I support the proposed increase in the Agent-General's salary, I feel that salaries of Ministers should be on a comparable scale. I think the expenses incurred by the Agent-General would exceed £1,000, especially during the summer, which is the tourist season in Great Britain, because his services are then in greater demand than during the winter. It is pleasing to see that something is being done to increase the salary and I hope it is a forerunner of the attitude the Government will take regarding the salaries of members and Ministers.

The Hon. Sir WALLACE SANDFORD (Central No. 2)—I am glad to associate myself with the remarks made by earlier speakers about the work done on behalf of this State by its Agent-General, particularly to the efficient service rendered by the late Sir Charles McCann and to the confidence felt by those who have been recently in London with the standard of service rendered by his successor, Mr. Greenham, who has followed in the footsteps of a man of very high calibre. A year or two ago in this Chamber, when referring to the efficiency of Sir Charles McCann, more than one member pointed out how difficult it would be to obtain a successor—firstly, to find a man who could fill the job and, secondly, to feel that he would be able to carry out that office with the same degree of courtesy and general efficiency shown by the recent Agent-General. Just over a year ago I was privileged to see Mr. Greenham at work when I made several visits to South Australia House, which has

become a London landmark. The courtesy and efficiency of his staff are a compliment to his ability, and something for us to be proud of. I am confident that the Government made a wise selection, and that the representation of this State by the present Agent-General and Trade Commissioner could not be in better hands.

The Hon. K. E. J. BARDOLPH (Central No. 1)—In supporting the second reading, I approach the matter from a different angle from that taken by other members. The position of Agent-General is an important one, not only to this State but to every State in the Commonwealth. It is quite true that the social aspect is part of his duties; however, I had experience with the Industries Development Committee when that body, during the regime of Sir Charles McCann, found it necessary to obtain information concerning overseas products from him, and found on every occasion the information was provided expeditiously. The maintenance of this office is essential both from the business and social viewpoints. I wish to add my tribute to the work done by Sir Charles McCann, who was assisted very ably by Lady McCann, on behalf of the people of South Australia. In Mr. Greenham we have a very able successor and he will carry out his duties on the foundation laid by the late Agent-General and his predecessors. It is fitting that the Government should pass this legislation in order to place the remuneration on a proper level and to provide for retrospective payment. Opposition members have no objection to this, but feel that any increase in members' salaries should also be retrospective. We have a worthy successor to Sir Charles McCann, and I would like to see provision made for his periodical return to South Australia for three or six months so that he might refresh his memory of local conditions and affairs, for in my experience people who are away from the State for a number of years lose that close contact with affairs which is so essential in the office of Agent-General. I have much pleasure in supporting the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—“Salary and allowances of Agent-General.”

The Hon. F. J. CONDON (Leader of the Opposition)—Subclause 2 provides that the Agent-General's salary shall be paid in 12 monthly instalments each year. Has he been

appointed for a specific term, for I have recollections of an Agent-General appointed by a Labor Government many years ago being recalled and a Liberal representative appointed in his place.

The Hon. A. L. McEWIN (Chief Secretary)—The honourable member will find that, under Statute, the Agent-General is appointed for a term and any interference with that would depend upon the attitude of Parliament and not the Government. It would require one Statute to override another, and I think that is quite normal in respect of all legislation.

Clause passed.

Title passed and Bill reported without amendment; Committee's report adopted.

BARLEY MARKETING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 7. Page 902.)

The Hon. F. J. CONDON (Leader of the Opposition)—This Bill deserves the very closest attention of all members, for if it were not approved by Parliament a very awkward situation would be created as it involves the representation of a neighbouring State on the Barley Board. The purpose is to allow the Victorian Government to have an observer on the board, but I would like to know what that means literally, for I have recollections of an observer going to Washington some time ago. I do not know where he sat or what were his duties, but on reading an article by him after his return one might be pardoned for thinking that he was the chairman, and I think the people were considerably misled on that occasion. Under this Bill will the observer carry any weight in the deliberations of the board, or is this merely a way to get over a disagreement between the two Governments? The present chairman is a South Australian. He is an excellent public servant who has rendered valuable service to the State for a number of years. The members comprise two representatives of South Australian barley growers and one of Victorian growers. The Victorian Government issued what was virtually an ultimatum that unless it could have additional representation this legislation would possibly have to lapse. South Australia was asked to amend the Act and refused to do so. However, both sides realized the importance of the matter and after conferring it was agreed to get over the difficulty in this way.

Again I point out that this is retrospective legislation. I do not object to that because

each case should be dealt with on its merits, but I emphasize once more that this is the third time this week we have been asked to pass legislation of a retrospective nature. Yet continually in this Chamber when the Opposition has desired to adopt this principle there has been strong opposition to it. According to some members there is no principle in anything that comes from this side. I favour the Bill because it has merit, but I hope members opposite will consider my remarks because I have a few things in mind of a retrospective nature.

The Hon. A. L. McEwin—That will be determined by the merit of the thing.

The Hon. F. J. CONDON—Merit is not all on the opposite side. The growing of barley in South Australia is of little value to the manufacturing industry because much of it is exported and very little is processed here. Last year the barley crop amounted to 24,500,000 bushels yet only 800,000 bushels were processed here. On the other hand wheat provides considerable work in the processing industry. In 1951 80,000,000 bushels of wheat were processed throughout the Commonwealth, which meant a considerable volume of export flour and large quantities of bran and pollard for the poultry, dairying and allied industries. I am not objecting to the growing of barley because of the higher price obtainable, but in transferring from wheat to barley we are sacrificing an industry that has meant much to the Commonwealth for many years, and particularly to country districts.

The Hon. L. H. Densley—Farmers will transfer more still if Mr. Cain has his way.

The Hon. F. J. CONDON—The honourable member is advocating a fixed price of 14s. a bushel for wheat and he is not concerned about the manufacturing side. All he worries about is getting 14s. a bushel for wheat because if the price of wheat falls he wants the consumer to make up the difference.

The Hon. L. H. Densley—I am concerned about the attitude of the Victorian Premier.

The Hon. F. J. CONDON—I am concerned about an industry and the men who have been employed in it for many years.

The RESIDENT—Order! I remind the honourable member that we are not discussing wheat legislation but the Barley Marketing Act Amendment Bill.

The Hon. F. J. CONDON—I am comparing the difference in prices of the two crops. In the past we have received 16s. to 17s. a bushel for barley, but the present price is 10s. 6d. a bushel. Unless a reasonable price is paid for

wheat, consumers may be obliged to pay 1½d. a loaf more for bread and increased prices for cake. One of the dangers I want to avoid is harming one industry in helping another. One of our biggest flour mills—at Balaklava—is idle today. Those who advocate increased prices are not concerned with the manufacturing industry. The tendency has been to change to barley production because a better price can be obtained for it than for wheat. I am concerned with what might happen in the future. There will be a reversal to wheat production because other countries are entering the barley market.

The Hon. R. R. Wilson—Price is not the only consideration; the fertility of the land must be built up.

The Hon. F. J. CONDON—That may be so and I realize that barley production is easier but the overall position must be examined. The wheat industry was built up by the payment of subsidies when the price was only 1s. 8d. a bushel. Much has been done to assist producers, who are concerned with what they will receive, but no-one has considered the manufacturing industry. I support this legislation because I know what it means to farmers. I regret that a neighbouring Government should endeavour to injure the barley interests, but that would have happened had not both Governments negotiated. Last year the barley yield was 27 bushels to the acre, but it is useless to base calculations on last year's figures. If we take the average over the last 10 years we find it was about 19 bushels which is somewhere nearer the mark. Japan, with an increasing population, will continue to be a consumer of Australian barley because it supplements the rice crop. In other countries barley is used for livestock feeding and if we can continue to produce and sell barley for that purpose our volume of trade will continue. Last year the Barley Board sold 200,000 tons of barley to Europe for malting purposes. That barley was of high quality which we must continue to maintain. Our markets could be ruined if we exported inferior quality. In the majority of instances producers play the game, but there are many who, by producing inferior barley, could affect the trade.

The Hon. E. Anthoney—Do you think there has been a tendency to grow low quality barley?

The Hon. F. J. CONDON—Yes. Low quality barley has been exported for livestock feeding and some farmers may think that

because it is not for human consumption they need not be so careful about the quality.

The Hon. W. W. Robinson—Barley is purchased in bags according to the quality.

The Hon. F. J. CONDON—Yes, but if portion of the amount exported is inferior the price will be based on the inferior portion. Production figures reveal the increased production. In 1949-50, 12,725,240 bushels were produced, in 1950-51, 16,727,030, in 1951-52, 16,825,996 and in 1952-53 about 24,500,000. Last year 850,000 acres were under crop, but the forecast for this year is 1,043,000 acres. Before the war great difficulty was experienced in selling barley overseas. Belgium was a large purchaser, but at one stage it refused to take Australian barley. Barley is not the answer to our problems and farmers should consider sowing increased wheat acreages. Green barley, like green wheat, is susceptible to weevil. Weevil causes much destruction to other commodities. If bulk handling of barley could be a success I ask why Ardrossan is not used, because a lot of money has been spent there. When that installation was first suggested it was estimated that facilities would cost £35,000. Later that increased to £65,000, and when they were completed the cost—according to Sir John Teesdale—was £250,000. Nobody really knows what it cost. This was recommended by the Public Works Standing Committee on the estimate of £65,000.

The Hon. R. R. Wilson—Are any other States bulk handling barley?

The Hon. F. J. CONDON—I could not say. Our only competitor, Victoria, produces only 5,000,000 bushels as against our 24,500,000. The Barley Board has a scheme under consideration and if it is more economical it should be considered. Bulk handling of barley is more economical than bulk handling of wheat, because handling barley in bags is more expensive than handling wheat in bags.

The Hon. E. Anthoney—Can the honourable member explain the discrepancy between those estimates?

The Hon. F. J. CONDON—All I can say is that the scheme was recommended by the committee at a cost of £65,000. The board has not come out in the open with the truth because it says that today the cost is 5d. a bushel whereas it is over 9d.

The PRESIDENT—The honourable member is getting further away from the Bill than I can permit; it is a Bill dealing with the constitution of the Barley Board and does not relate to the price of wheat or other matters.

The Hon. F. J. CONDON—The board is offering to sell barley for 10s. 6d. a bushel, free on board at shipping ports, compared with 17s. last year. I ask members to consider the difference between this year and last year. A few moments ago the action of the Victorian Government was criticized; however, just as wheat has reeded in price so will barley. That is a point I emphasize, and it is public information. I suppose it is only natural that if the home consumption price for wheat is 14s., and 10s. 6d. is the price for barley, the farmer will revert to wheat production.

The Hon. R. R. Wilson—It all goes back to the question of world supply and demand.

The Hon. F. J. CONDON—That is so, but we must realize that we may be injuring an industry in trying to get the last penny, and that it may never recover again. Simply because an extra 2d. or 3d. a bushel can be obtained today, we should not do anything which would be detrimental to any other industry. Unfortunately, many people only look 12 months ahead. We have built up markets for our barley, flour, and wheat. We want to keep those markets and should not do anything to injure them, because once we lose them they cannot be easily recovered. I support the second reading.

The Hon. J. L. S. BICE (Southern)—When this matter was before this Chamber last year much information was given regarding the growing of barley and the intricacies of its marketing. I am sure members listened with interest to Mr. Condon, who is my colleague on the Public Works Standing Committee, when he referred to the evidence Mr. Tomlinson submitted two days ago. That evidence was very valuable and at the conclusion of the meeting, when asked whether his evidence could be made public, he said very definitely that it could. I will not go into details because they were given by Mr. Condon; however, I emphasize that the barley grower is faced with many difficulties in the handling of his product. Mr. Tomlinson suggested that it was important that it should be handled in bulk.

Perhaps later we will have ample opportunity to discuss the question of handling wheat, and if this opportunity arises the Leader of the Opposition will, I am sure, make a very valuable contribution to the debate. We had all this information when the Barley Marketing Bill was before us in 1952. We are fortunate in having a representative of the Barley Board in the House of Assembly, in having

a practical agriculturist in the Minister who controls this product, and also having as chairman of the Barley Board Mr. Spafford, who was at one time a Director of Agriculture. We are also fortunate to have the services of Mr. Tomlinson. He has had vast experience, and was trained from early manhood in the marketing of grain. Barleygrowers in the southern districts desire to retain the barley marketing legislation, and the existing board, including its manager. These people have a great deal of business integrity and, because of their statements, I will support this measure, which I believe is going to be of value to the State. The growing of barley is one method used in the rotation of crops, and has been a tremendous factor, because it has increased the carrying capacity of the land. When similar legislation was before the Victorian Parliament on September 9 there were, I think, three speakers, and while one was a little critical, it was generally accepted because the observer, who is an officer of the Department of Agriculture, will no doubt be able to furnish information to the representative elected by the growers of that State.

The Hon. E. Anthoney—What does the observer do?

The Hon. J. L. S. BICE—He has a right to speak at the meetings of the board and comment but has no voting power. I support the Bill.

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

CONSTITUTION ACT AMENDMENT BILL (MINISTERS).

In Committee.

(Continued from October 7. Page 910.)

Clause 3—“Number of Ministers and salaries payable.”

The Hon. F. J. CONDON (Leader of the Opposition)—For years I have considered that a city representative should be a member of the Cabinet. When the Labor Government was in office in 1924, and again in 1930, it was strongly criticized by the Liberal Party because it had only two country members and four city representatives. It would not be surprising if there were a reshuffle of Cabinet following the passage of this measure. On reflection, I recognize that it is a domestic matter; that it is the prerogative of the Party in power to select its Cabinet, and consequently I do not intend to move any amendments. It was put forward yesterday that the selection should be on the basis of

qualification and ability and I have no doubt the Premier will consider that when appointing his new Ministers.

The Hon. E. Anthoney—Does the honourable member think that is the only consideration?

The Hon. F. J. CONDON—That was the arguement submitted yesterday and probably that is why there are six country members in the Cabinet today.

Clause passed.

Title passed, and Bill reported without amendment; Committee's report adopted.

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

Adjourned debate on second reading.

(Continued from October 7. Page 912.)

The Hon. S. C. BEVAN (Central No. 1)—I had not intended speaking upon this measure today, but there are some clauses in it which cause me some perturbation. I am convinced that a continuance of this legislation is necessary for longer than the 12 months proposed, for there is still a considerable shortage of houses. I understand that there are 12,500 applicants for permanent Housing Trust homes, and about 3,000 applications for emergency homes, apart from applications for homes for sale, although I believe the number in the last-mentioned category is diminishing because of the high cost. However, I am sure there will be a demand for rental homes for some years. At Mansfield Park alone there are about 500 emergency homes and some of the occupiers have had applications for permanent homes before the trust for considerable periods; I have interested myself in deserving cases for some years. This is an indication that there is still a considerable lag and therefore I feel somewhat concerned about some of the provisions of this Bill. For example, clause 4 exempts from control any dwelling-house erected after the passing of this measure, or not let for the purpose of residence since 1939 and premises in respect of which a lease of three or more years is entered into. I feel, however, that because of the shortage many people, in their anxiety to get a home, will be liable to exploitation as they may be willing to pay exorbitant rent simply to get a permanent roof over their heads. Rent has always been considered in fixation of the basic wage, but now that the Arbitration Court has ruled against quarterly adjustments wages are virtually pegged, and therefore I feel that rents should continue to be under some supervision.

As long ago as 1942 it was considered that a fair weekly rent was the equivalent of one day's wage at the basic rate. But we have departed from that principle and the main offender is the Housing Trust. The basic wage today is £11 11s. a week, or 46s. 3d. a day, whereas the trust is letting the flats it built at Plympton, which I understood were to give some security for aged people, at £3 5s. to £3 10s. a week. The unfair part is that private landlords have not been able to obtain increases in their rentals in the same proportion as the Housing Trust, and they have a justifiable complaint. The Government established the Trust as an authority to determine rentals and immediately charged rentals out of all proportion for its own properties. I believe there should be some relaxation in rent control. I know of instances where aged persons have left their homes to reside with members of their families, but later when they wanted to regain possession they were unable to do so although their homes were not let for speculative purposes. The legislation should be relaxed in that regard. An authority should determine the rents of all homes irrespective of whether they are new or not.

The suggestion that there should be some relaxation of rents because of the increased costs of building is not sufficient argument for a complete relaxation. I realize that the Government's intention is to gradually get away from this type of legislation. Members of the Opposition hold the same view but we should wait until the time is opportune and not relax controls during an acute housing shortage. This legislation could lead to exploitation. There are still many people who are attempting to obtain homes. They are living in deplorable conditions and would gladly pay an exorbitant rent. If there were open competition the person successful in obtaining a home would be the one prepared to pay the highest rent. The Bill excludes dwellings leased for a period of three years or more. A person may enter into a lease to ensure security for himself and his family but, when the lease expired, under this provision he may be required to pay an exorbitant rent or be evicted.

A landlord who has let him home since 1939 is still covered by the provisions of the Act and his rental is pegged. A new house may be erected next to his and the rental for that house may be out of all proportion to what he receives.

The Hon. E. Anthoney—His home may be better than the new one.

The Hon. S. C. BEVAN—Yes. Older homes are more substantially constructed because during storms those damaged are usually modern homes. I do not think that one landlord should be restricted whilst another can charge an exorbitant rent. Many of the relaxations provided are overdue. Where a tenant has not lived in premises for a period of six months or more the owner may obtain immediate possession. Seasonal workers, who may be absent for a period following their occupation, are safeguarded. However, a person who is renting a home and not living in it and has no intention of doing so can be evicted.

The Hon. E. H. Edmonds—Doesn't that provision relate to persons who are subletting?

The Hon. S. C. BEVAN—I should think it would. No person should be in a position to exploit another and under this legislation it will no longer be possible and a landlord in such a case can immediately regain possession and relet to a *bona fide* tenant. Another provision relates to employers who provide houses for employees. Where an employee leaves the service of his employer possession can be regained in a short time and another employee accommodated. No-one could object to that. Provision is made for an almost complete relaxation of controls on business premises. There is still an acute shortage of offices and no new offices are being erected in the metropolitan area. There is very little room for that type of structure unless old-type buildings are converted to more elaborate premises.

I appreciate the necessity for the extension of this legislation for a further 12 months but I believe it will be necessary to re-enact it for some considerable time. There is still an acute housing shortage which may be more pronounced in the near future if the assisted migration scheme is developed. There are numbers of British migrants who desire to come to Australia and South Australia would naturally receive its quota, but they will probably have to be accommodated in hostels for a long period because they will not be able to obtain homes or build them, and there will be unrest among people who normally would be an acquisition to the country and would be rapidly assimilated. The trust cannot meet the demands of those already here and the position will become worse if there is any considerable increase in our migration policy. I hope that sufficient safeguards will be provided to stop the exploitation of persons who desire to obtain a home and that the principle contained in the original enactment in 1942, that is, that

a fair rental should be the equivalent of one day's pay, will be followed, because if this is given effect to and policed I do not think any landlord or tenant would have just cause for complaint. I support the second reading.

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

OFFENDERS PROBATION ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time. Its purpose is to enable a court of summary jurisdiction to release a defendant on a bond under the Act after proceeding to a conviction. The Act enables a court of summary jurisdiction to release a defendant on a bond, if, after having regard to the character, antecedents, age, health or mental condition of the defendant, the trivial nature of the offence or the extenuating circumstances under which the offence was committed, the court thinks it expedient to do so. However, the court can only exercise the power without proceeding to a conviction. The attention of the Government has been drawn to the fact that in a number of cases it is desirable to release a defendant on a bond and at the same time to record a conviction. The offence may be sufficiently serious to require that the defendant should not escape the stigma of a conviction. Or the circumstances may be such that the defendant should not be entitled to escape any increased penalty provided by statute for a subsequent commission of the same offence, by reason of the fact that no conviction is recorded against him for his first commission of the offence. A Court of summary jurisdiction has power under the Justices Act to release on a bond after conviction, but this power can only be used where the offence is trifling. The offence is hardly likely to be trifling in the circumstances now under consideration, and in any event the court may wish to use a bond under the Offenders Probation Act.

In a recent case a magistrate found a serious case proved, and in the particular circumstances wished to release the defendant on a bond, under the Act, containing the condition that the defendant should enter a mental institution. The magistrate found that if he released the defendant on the bond he could not, despite the seriousness of the

offence, record a conviction against him. The Government considers that a court of summary jurisdiction should have the power to release on a bond after conviction under the Offenders Probation Act if the court believes it desirable, and accordingly is introducing this Bill, which has been recommended by the Crown Solicitor and the Police Magistrate. There is nothing foreign in this proposal to the notion of release under a bond. A Court of summary jurisdiction already has the power under the Justices Act. It has the same power, too, under the Commonwealth Crimes Act, where the offence is an offence against the law of the Commonwealth. The power of the Supreme Court under the Offenders Probation Act is to release after conviction; in fact, the Supreme Court can only release after conviction. Clause 3 amends section 4 to give the proposed power, whilst still preserving the equally useful power to release without proceeding to a conviction. A power to discharge without penalty after conviction is added as

a corollary of the new power to release on a bond after conviction.

The Bill removes what to my mind is an anomaly. It is only right that a magistrate, where an offence is serious enough yet he wishes to release on a bond, should have the power to record a conviction—a power which he has not got at present; under the existing law the man is released. Although his offence may be a serious one, no conviction can be recorded against him if the court wishes to invoke the provisions of the Act.

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

FOOD AND DRUGS ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

ADJOURNMENT.

At 3.53 p.m. the Council adjourned until Tuesday, October 13, at 2 p.m.