

LEGISLATIVE COUNCIL.

Wednesday, October 14, 1953.

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

COLLECTIONS FOR CHARITABLE PURPOSES ACT.

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

That this Council approves of the making of a proclamation under section 16 of the Collections for Charitable Purposes Act, 1939-1947, in the following form:—

South Australia, to wit: Proclamation by His Excellency the Governor of the State of South Australia.

By virtue of the provisions of the Collections for Charitable Purposes Act, 1939-1947, and all other enabling powers, I, the said Governor, with the advice and consent of the Executive Council, being satisfied that moneys or securities for moneys to the amount of one thousand pounds (£1,000) held by Toc H (South Australia) Incorporated, a body corporate incorporated under the provisions of the Associations Incorporation Act, 1929-1935, and a body to which a licence has been issued under the said Collections for Charitable Purposes Act, 1939-1947, for a certain charitable purpose within the meaning of the said Collections for Charitable Purposes Act, 1939-1947, namely, for the purpose of providing huts for returned servicemen on holiday at Winston Dugan Camp at Victor Harbour, are not and will not be required for the said purpose, do hereby by proclamation declare that the said moneys or securities for moneys, together with any interest accrued thereon, shall be vested in and transferred to the Honourable Alexander Lyell McEwin, Chief Secretary and the Minister for the Crown to whom the administration of the said Collections for Charitable Purposes Act, 1939-1947, has been committed by the Governor, to be by him applied to the following charitable purpose, namely, to the payment or transfer thereof to The Soldiers Home League of South Australia Incorporated for the purposes of Myrtle Bank Home. The making of this proclamation has been approved by resolution of both Houses of Parliament.

Given under my hand and the public seal of South Australia, at Adelaide, the..... day of....., 1953.

By command,
Chief Secretary.
God Save the Queen.

The purpose of the motion is to make available money which had previously been made available to Toc H, which does not now desire to proceed with its former project and wishes the money to be made available to the Myrtle Bank Soldiers Home. In 1947, when the activities of the Cheer-Up Society Incorporated were being wound up, its remaining funds were spread over a number of organizations such as the War Widows Guild, Legacy Club,

R.S.S. & A.I.L., T.B. Soldiers Aid Society, and others. The £1,000 now referred to was for the purpose of providing huts for returned ex-servicemen on holiday at the Winston Dugan camp at Victor Harbour to be controlled by Toc H. However, nothing has been done and representatives of Toc H waited upon me last year suggesting that the money be made available for another purpose as they did not desire for practical reasons to proceed with their holiday hut project.

The Hon. E. Anthoney—What was the reason?

The Hon. A. L. McEWIN—Mainly, I think, that £1,000 was not sufficient, for in addition to building the huts it is obvious that someone would have to be kept in attendance to look after them. All of the other organizations which benefited from the distribution of the Cheer-Up Society's funds have utilized the money satisfactorily, and this is the only one of about 17 which has not done so. The Myrtle Bank Soldiers Home is in need of funds and the transfer of the money to this organization was considered appropriate. The Myrtle Bank is a deserving institution in need of money, and I commend the motion to the favourable consideration of members.

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

BARLEY MARKETING ACT AMENDMENT BILL.

Read a third time and passed.

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

Adjourned debate on second reading.

(Continued from October 13. Page 963.)

The Hon. F. T. PERRY (Central No. 2)—Legislation for alteration or revision of the Act has been before this Chamber almost annually since 1942. Prior to that, I understand, control of rents was handled by the Commonwealth Government under regulation.

The Hon. C. R. Cudmore—No. In 1939 we passed the first legislation.

The Hon. F. T. PERRY—I am glad to be corrected because the Bill before us is described as an amendment of the 1942-1952 Act, so it may have been done by regulation or a different Act prior to that date. In any case, it would appear that from the start of the war in 1939 there has been a control over the rent charged by a landlord to a tenant, and this has continued until the present. During that period from year to year the Council has had to

consider and pass amendments tightening up the Act. During the last year or so there has been an easing of these restrictions on rent and ownership. This Bill continues the alleviation that has been promised from time to time to one particular class. We must remember that this legislation must be regarded as dealing with a certain type of investment. Unfortunately, over the years, it has been detrimental to the ownership of rental property. In this period the landlord, by Act of Parliament, has had to receive considerably less in rents and interest than on many other investments of a similar character. The proposed alleviation is welcome. The return from a large number of business premises, let or leased, is not in step with present economic conditions. Many types of businesses have developed to a considerable extent, but the rights of the property owner have remained static. They have been allowed rental increases of only 22½ per cent. On the other hand the costs of most products and the basic wage have increased threefold since this legislation was introduced. The elimination of these restrictions will cause considerable concern to many tenants who have had the advantage of such restrictions. The position of the tenant has grown almost into one of a right, and become part of his economic life. Any suggestion of alteration of this type of restriction is very important and the question arises how it should be done.

The Government proposes in the Bill that rents on business premises shall not be further controlled. Over the years some members of this Council have tried to get business properties removed from rental control, but there has been no positive statement by the Government until this Bill was introduced that the law shall not apply to business houses after the passing of this legislation. That is all right provided that all restrictions are removed everywhere. After December 31 concerted action can be taken by property owners to adjust what is generally regarded as an alteration to existing values. At that date there will be many surprised people. I only hope that property owners who, over the years, have had their rights restricted will not be vindictive in the use of their new rights. These property owners who over a period of 14 years have had their rights restricted can seek to adjust their rights and obtain an economic return.

The Hon. F. J. Condon—You suggest that they should make up for lost time?

The Hon. F. T. PERRY—I am hoping they will not and that that does not occur to them,

but I am afraid tenants will think they are endeavouring to do that. I doubt whether anyone would blame an owner for trying to adjust his income to present-day economic conditions when he has in mind that tenants have had their income increased threefold.

The Hon. F. J. Condon—You are submitting that there should be further control?

The Hon. F. T. PERRY—I am saying that these controls have lasted too long. If the system had developed gradually over the years the jar which will come to many people when the restrictions terminate would have been avoided.

The Hon. C. R. Cudmore—But the tenant in the meantime has been able to go to the Housing Trust and have the case adjudicated upon.

The Hon. F. T. PERRY—But Parliament has agreed to increases in rent of only 22½ per cent, plus rates and taxes.

The Hon. A. L. McEwin—Do you suggest that there is more danger now than three years ago?

The Hon. F. T. PERRY—It is far better to reach such a position gradually than all of a sudden have adjustments which will be considerable if the property owner seeks—

The Hon. R. J. Rudall—What do you mean by “gradually”?

The Hon. F. T. PERRY—If this Act had not existed during the war business premises would not have been controlled at all, but this Parliament enacted the restrictions to hold them at a certain level on certain conditions. I know of properties in Adelaide the owners of which have struggled to earn one or two per cent on the original value, let alone the increased value that now exists.

The Hon. F. J. Condon—The honourable member has suggested something to me.

The Hon. F. T. PERRY—I am glad to offer the honourable member any suggestion, but I am only trying to make the point that although these restrictions may have been very satisfactory when they were imposed, when they are removed the owners will in most cases seek to obtain a commensurate rate of interest from property in the same way as the owner of other assets.

The Hon. R. J. Rudall—The honourable member has not yet explained what he means by “gradually.”

The Hon. F. T. PERRY—I meant that if the restrictions had not been imposed at all, gradual increases would have taken place over the years quite naturally and would not have had a sudden effect on the community.

The Hon. C. R. Cudmore—That has taken place.

The Hon. F. T. PERRY—It has up to a point, because we have allowed an increase of 22½ per cent in rentals, but I am talking about the general restrictions on house properties as well as business premises. These come into the economy of the tenant in the running of his business or his occupation, and consequently their removal is liable to have a very great effect on him or his business. I am not arguing against a removal of restrictions because I think it must take place; however, it should be done more gradually. In all this type of restriction the Government should give some indication that at a certain period it will be removed, so that, over a period, the owner or the occupier can make adjustments because he will know that only a limited period is available to him. In a case recently brought to my notice an occupier knew that ultimately he would receive a notice to quit, so he bought a nearby property on which he desired to build suitable business premises. On the property he bought there was a house regarded as unfit for human habitation which he intended to demolish to construct his business premises. The Bill does not help this man because he is unable to force the tenants from the property he has bought. Under the Act he cannot get an eviction order and unless the restrictions are removed it will be a severe hardship on him. The Government should give a good deal of preliminary notice to the public that it is the intention to abolish this type of legislation, because 14 years of restrictions on the rights of ownership have had a bad effect on the tenant and we will have to come back to the position in which the owner will have full rights.

Criticism has been made of the control exercised by the Housing Trust over the rentals of properties. Although I am not in favour of control of business premises I have no complaint about the method adopted by the trust in fixing rents. The trust has been criticized in this House; I do not know why. This type of restriction has considerably advantaged one class to the detriment of another. In the early days of the trust's operations a rental house cost 12s. 6d. per week, but now the rental for a similar house is £2 to £3 per week. The basic wage is fixed on average rents, as it must be, so that the man paying a lower rental is obtaining a great advantage over a person who obtains a home at present.

The Hon. K. E. J. Bardolph—The Housing Trust has increased its rentals by 100 per cent.

The Hon. F. T. PERRY—That is what I am approving and the honourable member is opposing. I think that the averaging of its rents is the only method it could have adopted in order that all tenants should pay somewhere near an average rate, and that some will not benefit to the disadvantage of others.

The Hon. F. J. Condon—But wages are pegged now.

The Hon. F. T. PERRY—The honourable member does not suggest that wages have been pegged since 1942? The averaging of rents is quite equitable and the Housing Trust has adopted a method that is fair to its tenants.

The Hon. K. E. J. Bardolph—But it has not applied that principle to property owners.

The Hon. F. T. PERRY—We have given the trust two responsibilities, namely control of the properties it owns, and the fixation of rents for private property, and I am talking of the averaging of rents of the trust's own property.

The Hon. E. Anthoney—How did the trust arrive at the average?

The Hon. F. T. PERRY—I do not know; but we can quite understand that one goes up and the other comes down and they meet at a certain point which repays to the trust interest on the money it has invested in rental property. I am glad to see this easing, but I fear that the community will suffer from the suddenness of it. It would have been far better for the public and business people generally to have paid some increase rather than that a section should be charged a very great increase quite suddenly. I suggest that if there is to be an easing people should be given ample notice. If the Government has in mind at the end of next year that the control of rents of dwellinghouses should be further eased ample notice should be given so that the public has an opportunity of adjusting its affairs. I support the Bill and hope that soon this type of legislation will be removed altogether because it can so influence the economy of certain people who have these low rental places that it becomes a very great shock to them when they have to adjust themselves to the economic conditions now existing.

The Hon. C. D. ROWE (Midland)—For the past five years since I have been a member there have been two types of Bill each session which, perhaps, cause more interest than others. One has been the successive amendments to the Building Materials Act and the other amendments to the Landlord and Tenant Act. However, we have progressed during that period and

conditions have altered so that, fortunately, we have reached the stage now where we will not be asked to consider any further control of building materials. We still have with us the Landlord and Tenant (Control of Rents) Act, but it is pleasing to notice that it is possible to ease controls considerably without creating any hardship upon tenants who have been protected since this legislation was first introduced some years ago. We have tried to do away with controls as much as possible, but sometimes we have been compelled to increase them, as for example, when we brought business premises under control a few years ago.

Looking over past debates I notice that in 1951 I moved an amendment to facilitate the serving of notices to quit in cases where it was difficult to locate the tenant and this was carried. That year we also had an amendment before us to provide that where parties entered into a lease of a house for more than two years it should be exempted from the provisions of the Act. It was not carried, but it is suggested in this Bill that such leases should be excluded from the Act. I am inclined to think that three years is rather too long and that we might consider a shorter period. In 1952 I supported an amendment to release business premises from control, but that was defeated. This Bill deals first with the releasing of business premises from control, which I think is desirable and I support the point made by Mr. Perry, namely, that some reasonable notice should be given to landlords and tenants as to when the relaxation will take effect. In the ordinary course it would become effective immediately the Act was assented to, which might be one day later this year, and this would mean the people would have very little notice. I should like to see an amendment to provide that the release of business premises should take effect as from a specified date, and I suggest June 30 next year. The intervening period of six or eight months would enable landlords and tenants of business premises to negotiate for longer leases or make arrangements for other premises.

The Hon. A. L. McEwin—An amendment has just been circulated.

The Hon. C. D. ROWE—I believe the matter is under consideration. As regards dwelling-houses, there are many clauses in the Bill which provide for minor matters and I think they are better dealt with in Committee. Therefore I do not propose to go over them all, beyond saying that I shall examine each carefully to see that it does, as far as possible, afford the maximum degree of freedom of the

landlord consistent with the situation as we find it today, for the sooner we get out of this type of legislation the better it will be for all. I will support the second reading and will probably move an amendment, if it is not done otherwise, to provide that the release of business premises from control shall take effect as from a specified date.

The Hon. E. ANTHONY (Central No. 2)—This type of legislation was made necessary because of the dislocation caused by the war and its aftermath, and it has brought in its train many anomalies both from the point of view of the landlord and the tenant. Business premises did not come under control in the earlier stages and would not have done so but for the act of an unscrupulous person who was not satisfied with a fair thing. Once imposed the control has remained ever since and I am in perfect agreement with Mr. Perry that the sudden easing of conditions will cause a great deal of trouble in business circles.

The Hon. F. J. Condon—Why not extend the Act for another 18 months?

The Hon. E. ANTHONY—It looks as though it may go for considerably longer than that, but I have always felt that business premises should not be controlled. I feel, too, that longer notice should be given to business people before they are required to vacate premises. Very few offices have been built for many years and there is a great demand for them, so I feel certain that once the controls are taken off rents will increase—

The Hon. F. J. Condon—By 100 per cent.

The Hon. E. ANTHONY—The honourable member may be right.

The Hon. C. R. Cudmore—What sort of premises has the honourable member in mind and where are they?

The Hon. E. ANTHONY—I could tell the honourable member in confidence of two or three people who have had their rents raised already and who are in fear and trembling that if this legislation passes they will go up considerably further, and the result will be that they will not be able to carry on.

The Hon. C. R. Cudmore—You have not given me an answer.

The Hon. E. ANTHONY—I do not know that I am called up to specify where these premises are, but I could tell the honourable member privately. One person told me that an offer had been made by a new Australian to pay £25 a week for a very small business place. He said that if this kind of thing goes on rents will be increased considerably. There

will be considerable trouble if controls on rents are removed without reasonable notice. I commend the Government for introducing this legislation, because it shows its *bona fides* in its desire to have it removed gradually from the Statute Book. I consider that the Housing Trust has done a particularly good job in fixing house rents, although there has been criticism of its function as the rent-fixing tribunal.

The Hon. K. E. J. Bardolph—Justified criticism, too.

The Hon. E. ANTHONY—I have made a close investigation of its activities in that field and find that out of more than 44,000 rents it has fixed there have not been more than 68 appeals. That is a fair indication that it has given satisfaction, and therefore I do not consider the criticism is justified.

The Hon. A. L. McEwin—There is the right of appeal to the court if a person is not satisfied with the rent fixed.

The Hon. E. ANTHONY—That is so, and it has been taken advantage of. I am satisfied from my inquiries that the trust has done and is doing a very good job. I have an amendment which will deal with certain hard cases. I have in mind a person living in her own home, on which there is a fairly heavy mortgage, and who is nursing an invalid husband and has no help. I have much pleasure in supporting the Bill, as it will ease the position of the landlord and tenant and make the position much clearer. I do so in the hope that next year we will be able to see the complete abolition of this legislation.

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

OFFENDERS PROBATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 13. Page 964.)

The Hon. C. R. CUDMORE (Central No. 2) —There is very little which can be said about this legislation. I am not surprised that Mr. Condon found it so difficult to follow, because our legislation seems to require a little more co-ordination. As the Attorney-General pointed out in his second reading speech, there is in the Justices Act a somewhat similar power to the one proposed in the Bill. However, there seems to have grown up a general system rather separate in the way it is handled by the

magistrates under the Act, and this Bill will bring it more into line with the procedure laid down in the Justices Act. Section 4 (2) of the Offenders Probation Act provides:—

When any person has been convicted, otherwise than by a court of summary jurisdiction, of any offence punishable by imprisonment, and the court is of opinion that, having regard to—

(a) the character, antecedents, age, health, or mental condition of the person convicted, or

(b) the trivial nature of the offence, or

(c) the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment, or any other than a nominal punishment, or it is expedient to release the person convicted on probation, the court may, in lieu of imposing a sentence of imprisonment, make an order discharging such person conditionally on his entering into a recognizance, with or without securities—

(i.) to be of good behaviour, and

(ii) to appear before the Supreme Court or a Judge thereof for sentence when called upon at any time during such period, not exceeding three years, as specified in the order.

That section is similar to subsection (1) of section 75 of the Justices Act which provides:—

(1) Upon the hearing of any complaint under this or any Act, whether past or future, and notwithstanding the provisions of any other enactment to the contrary, a court of summary jurisdiction shall have the powers conferred by this section: Provided that nothing herein contained shall affect the powers conferred upon the court by the Offenders Probation Act, 1913.

That is the connection between the two. It is rather difficult and confusing when it is provided in the Justices Act that "nothing herein contained shall affect the powers conferred upon the court by the Offenders Probation Act." The object of the Bill is to bring it into line more or less with the provision in the Justices Act and give the court power to record a conviction, and then provide for the person to enter into a bond to appear before the court upon certain conditions. Mr. Condon objected to the power and the necessity to record a conviction before the privileges of the Offenders Probation Act were extended. I think it is the proper thing to do. Surely if a person commits the same or a similar offence it should be recorded for the information of the next court before which he appears. That is a reasonable and proper procedure and therefore I support the second reading.

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

FRUIT FLY ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 13. Page 967.)

The Hon. Sir WALLACE SANDFORD (Central No. 2)—As members are aware, legislation to control the fruit fly was first introduced in 1947 to give effect to a Government promise that persons who had suffered loss as the result of action taken by the Department of Agriculture should receive compensation. This Bill has the same purpose as the previous legislation providing for compensation for loss incurred in the destruction of this pest. Judging from the speeches I have heard on this subject there appears to be a difference in views amongst members as to whether the action taken does not perhaps call for a degree of both contribution and effort. It must never be overlooked that the wine and fruit harvest are annually worth large sums of money to this State.

The fruit fly first appeared in a suburban garden in January, 1947, and was known as the Queensland type. It was soon found that the outbreak was not restricted to one garden because fruit of many kinds, which was externally perfect but inwardly maggoty and rotten, was found over an area of approximately a square mile in other suburbs. We are fortunate in having a well organized and highly educated section of the Department of Agriculture, and the report of Mr. Strickland, whose work is well known to all of us, regarding the discovery of fruit fly demanded immediate and vigorous action to prevent its spread to other areas, particularly to commercial fruit districts. Such action was decided on in consultation with entomological authorities and within a few hours of the discovery carefully considered eradication methods were being implemented. Yesterday, Mr. Anthony referred to the report of the Auditor-General, a document which contains much useful information. It sets out that for the six years in which eradication has been carried out the expenses totalled over £600,000. I am hardly inclined to agree with the honourable member's suggestion for the establishment of a compensation fund because this industry is an important one to this State and this pest affects the well-being of our commercial activities collectively, therefore these interests should provide their share of the pool. We are assured that complete eradication is possible provided prompt action is taken but I consider it is not necessary to establish a special fund, because if one goes around

making a list of things that might possibly happen and provides funds for them the amount required might be much more than could be obtained conveniently.

The Hon. E. Anthony—That is happening, not possibly happening.

The Hon. Sir WALLACE SANDFORD—It is happening but is being paid for out of the year's revenue, so why create a compensation fund?

The Hon. F. J. Condon—The Commonwealth Grants Commission can make it up in the same way as it does in regard to the waterworks and everything else showing a loss.

The Hon. Sir WALLACE SANDFORD—A few moments ago I referred to a pronouncement made by Mr. Strickland who has reminded us that the alternative to eradication of the fruit fly would be its acceptance as a permanent inhabitant with many contingent repercussions. He told us that this pest must not be allowed to become established or city dwellers would cease growing fruit, which would impose an additional burden on commercial growers. Although there are individual cases of inconvenience the methods employed are necessary to eradicate the pest. I was interested to read a brochure issued under the name of Dr. Andrewartha of the Waite Agriculture Institute which was produced yesterday by Mr. Wilson, and I suggest copies might be made of this document and circulated amongst people in all the districts involved.

The Hon. E. Anthony—That is the type of work the eradication committee should be doing.

The Hon. Sir WALLACE SANDFORD—Yes, but the eradication committee has been called upon in the daily press to answer questions and has not failed to do so. I think every member received a copy of the statement signed by the chairman, in which it was said:—

In the first place there should be no illusions as to the nature of fruit fly. It is to fruit what the blowfly is to sheep or meat.

The Hon. E. Anthony—That is rather a silly statement.

The Hon. Sir WALLACE SANDFORD—I do not consider it is; it is a very positive statement. The statement continues:—

The implications of fruit fly as a permanently established pest in relation to the commercial and domestic production of fruit in South Australia and incidentally to the State's economy, are incalculable. Half measures would be as useless as no action at all, and the only worthwhile objective is eradication. Recurrence of minor outbreaks notwithstanding eradication is possible.

The officers of the Department of Agriculture should be congratulated on the positive and immediate action taken on each occasion when the necessity has arisen. Although eradication is costing a lot of money, the alternative is the loss of a great deal of money and of one of the State's great and profitable commercial activities. I express approval of the steps taken and consequently support the second reading.

The Hon. L. H. DENSLEY (Southern)—I support this Bill mainly because there has been a good deal of feeling engendered by its re-introduction this year, not only amongst the residents of the metropolitan area but also amongst some members of this House. It was generally agreed that it was most desirable that the department and the Government should act very promptly when we had the original outbreak of the fruit fly, and it is none the less urgent to continue with the campaign. I heartily commend the Government for the way in which it has carried out the war against this pest. The original outbreak occurred six years ago and in 1951 it appeared that the matter was nearly under control because only one small claim was made. The fact that the pest has broken out in a minor way this year justifies the department in using all its forces to eradicate it. People throughout the State are proud of our home gardens, particularly those in the metropolitan area, and all appreciate that many home gardeners have cause for worry in losing their fruit year after year. However, many who have had fruit destroyed have not claimed compensation, feeling that this action was in the interests of the whole community and that they should refrain from seeking compensation. Others have expressed the opinion that the compensation has been insufficient, and others again have boasted that they have been rather liberally treated.

It is of interest to note that for the six years of the campaign the total cost is not equal to £1 a head of the population of the State, and when we put that against the facility of having a cheap supply of fruit and vegetables that amount would have been saved over and over again in a few years. It has been suggested that the commercial fruit-growers should contribute to a fund to go towards compensation payments, but so far the fly has been found entirely in home gardens, and the impost on a few commercial growers would amount to a fairly large sum and their reactions to the losses they would ultimately suffer would result in dearer produce for the

people. Numerous letters on this subject have appeared in the press and some have threatened non-notification of the discovery of the fruit fly, but this matter calls for the co-operation of everyone to the utmost of their powers if we are to eradicate this pest. If people fail to notify the finding of the fly it will only make matters worse for the following period and the time longer in which gardeners will suffer. I appreciate the manner in which the Government has handled this question and believe it to be in the best interest of the whole State.

The Hon. R. J. RUDALL (Attorney-General)—Some speakers have suggested that the proclaimed area should be reduced so I thought it would be of interest if I read a report obtained from Mr. Strickland, the Chief Horticulturist, on that point as it may set not only their minds, but the minds of others at rest. The report is as follows:—

The radius of the area within which fruit fly eradication measures are implemented was determined after careful consideration of both entomological and practical aspects. Entomologists surveyed all data available from other States and overseas to determine the likely maximum flight of fruit flies, and as a result, originally suggested a radius greater than which is used in the campaign since its inception. However, after consideration of many practical aspects a reduced radius of approximately one mile was decided upon. Experience has justified this decision, as fruit fly has only once recurred in an area in which it had been found established. In that one instance—at Wayville some years ago—the area was subject to eradication measures in two consecutive years. It has been proved that measures carried out within the prescribed area are effective and there is absolutely no justification for believing that such would be the case if the area were reduced. Arbitrary variation of a proved practice, unless forced by practical considerations in the event of many separate outbreaks in one season, would be foolhardy and could possibly undo the undoubted achievements in preventing establishment of this pest.

That is a complete reply to any suggestion that the radius of one mile is too extensive. I think it has proved satisfactory and that to diminish it would be very detrimental to what we are trying to achieve.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Compensation."

The Hon. R. J. RUDALL—I move to insert the following suggested amendment in sub-clause (3):—

To strike out "or any proclamation made under that Act for the purposes of preventing

the spread of infestation of fruit or vegetables by fruit fly between the passing of this Act and the first day of January, 1954."

The object of the amendment is to strike out of the Bill the reference to proclamations which may be made in future up to 31st December next in connection with the fruit fly campaign. Although words referring to future proclamations have been in the Acts since 1948, the actual practical effect of the law so far has always been that compensation in respect of each season's operations has been dealt with after the end of the season. Thus the claims for each season could be looked at as a whole and settled by the application of consistent values and principles of assessment. This year, however, owing to the appearance of the fruit fly very early in the season, if the reference in the Bill to future proclamations is retained, the Committee may find itself dealing with compensation claims for last season's operations and part of this season's operations concurrently. In addition, some of this season's claims may come under the present Act and some under next year's Act. The provisions of next year's Act are, of course, not yet settled and cannot be known in advance, though no doubt they will provide for just compensation.

The officers concerned in assessing compensation have advised the Government that the most convenient and efficient method of dealing with compensation is to handle separately the claims for each season after the end of that season, when the losses can be viewed as a whole and consistent assessments of compensation made. The Government therefore has decided to ask Parliament to limit this Bill to last season's operations, and the amendment is solely for this purpose. In other words, the officers of the department suggest that they should deal with one season's operations at a time. This Bill is to deal with what happened last year and we do not want to mix it up with what is happening now.

The Hon F. J. CONDON (Leader of the Opposition)—Speaking on the second reading I said that this was retrospective legislation, and although the Minister denied it I am still of that opinion, although I do not oppose that aspect of it. Some members have been very outspoken about this measure, although not unfairly, but it appears to me that some of my friends opposite do not like criticism however constructive it may be. This Bill was before another place for some time and that is where any amendment should have been introduced.

The Hon. R. J. Rudall—That is one of the advantages of this Council.

The Hon. F. J. CONDON—Exactly, and I will have more to say about that, but I want to impress upon members the fact that the introduction of this amendment demonstrates that the criticism of it in this Chamber was not out of place.

The Hon. C. R. CUDMORE—There is a possible danger that this amendment will convey to the public the idea that we are not providing compensation for what is now being done. I would like the position to be made very clear, because the whole purpose of this Bill is to authorize payment of compensation. I want the Attorney-General to make it clear to the Council and to the public that by this amendment we are not in any way shutting out the right to compensation to those who are now being dealt with under the new proclamation. This is quite unusual legislation. On more than one occasion the Council has taken exception to the issue of proclamations, but this is a case where immediate action is necessary and therefore we have agreed to it.

The Hon. R. J. RUDALL—I quite willingly give the assurance sought. I thought I had made it clear that provision would be made for just compensation. The amendment is for the convenience of assessing damages and nothing else.

Suggested amendment agreed to; clause as suggested to be amended passed.

Schedules and title passed and Bill reported with a suggested amendment. Committee's report adopted.

PRISONS ACT AMENDMENT BILL.

Consideration in Committee of the House of Assembly's amendments:—

No. 1. Clause 3—Leave out "4" in the third line of new section 6A (1) and insert "3".

No. 2. Clause 3—After "Act" in the second line of new subsection (3) insert the following proviso:—

"Provided that no provision of this Act shall be deemed to give any authority to the State or any officer thereof for carrying out any execution ordered by any authority outside the State."

Amendment No. 1.

The Hon. A. L. McEWIN (Chief Secretary)—This amendment corrects a clerical error, the figure "4" having been inserted in the original draft instead of "3." No question of policy is involved and I move that it be accepted.

Amendment agreed to.

Amendment No. 2.

The Hon. A. L. McEWIN—This provides that the Bill will not authorize the State to execute any sentence of death imposed by an authority outside the State. The attitude of the South Australian Government throughout all the negotiations which led to this Bill has been that it would not carry out death sentences imposed by courts of the Northern Territory or of any other place outside South Australia. The Bill was not introduced to give the State authority to execute criminals but, as previously explained, to authorize transfers of prisoners from Commonwealth territories to State prisons, such transfers usually being in the interests of the prisoners themselves. In view of the State's refusal to execute death sentences for other authorities, there is no objection to making it clear that the State has no authority to carry out such executions. I move that the amendment be accepted.

The Hon. F. J. CONDON (Leader of the Opposition)—I do not agree with the Chief Secretary's statement. The same points were raised by me in this Council as were raised in the House of Assembly. When the Bill was before the Council the Opposition took strong objection to that part relating to the execution of prisoners from the Northern Territory. Several members said there was nothing wrong with it, and, like true soldiers, they stuck to their guns. When the Bill was in Committee I raised the same objections, but our views were ridiculed. On the motion for the third reading I raised another strong protest and called for a division. It was a Party vote. The Council is not now the House of review it has always been considered, because this legislation was reviewed in another place and the Government accepted the same arguments that I submitted here. It is to be regretted that the Council is becoming more of a Party House every day. Before the Bill went into Committee in the Assembly an assurance was given that an amendment would be accepted. I strongly object to the attitude adopted towards the Opposition. Here we have a number of members who are prepared to follow their Leader irrespective of the merits of the case. That does not place the Council on a very high level. In the Assembly the Premier said that South Australia had no wish to set up

business as a hangman. I said the same thing here, but in another way, proving conclusively that what I said, although strongly objected to by the Government and its supporters, is readily admitted in the other House.

The Hon. C. R. CUDMORE—I ask that progress be reported in view of the vote taken previously.

The Hon. A. L. McEWIN—I have no objection, but point out that there was no suggestion of entering into the business of hangman. The amendment does not alter the purpose of the Bill and I suggest it should be accepted. However, I appreciate the hon. member's viewpoint and move that progress be reported.

Progress reported; Committee to sit again.

ADJOURNMENT.

The Hon. A. L. McEWIN (Chief Secretary) moved—

That the Council at its rising do adjourn until Tuesday, October 27, at 2 p.m.

The Hon. F. J. CONDON (Leader of the Opposition)—Although I support the adjournment I ask whether it will not perhaps delay the passing of the Bill in connection with the wheat stabilization agreement. I understand that the Federal Minister desires that this legislation should be dealt with urgently, and has arranged a conference for Tuesday next. As this agreement means a great deal to the farming community, manufacturers, and consumers, would the adjournment jeopardize the position in any way? I do not want South Australia to be blamed for any delay. We are told by the Minister for Commerce and others concerned that the legislation will be of great assistance to the flour milling industry. It may be that the Bill will not be introduced in the House of Assembly next week, and if that is so, it answers my query.

The Hon. A. L. McEWIN—The Premier has assured me that next week the House of Assembly will be discussing the Budget. I do not think this legislation has been before any State Parliament, although, as it has been agreed to by the Ministers of Agriculture concerned, the Commonwealth will be able to proceed with its Bill.

Motion carried.

At 3.52 p.m. the Council adjourned until Tuesday, October 27, at 2 p.m.