LEGISLATIVE COUNCIL.

Thursday, October 21, 1954.

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

ASSENT TO ACTS.

His Excellency the Governor's Deputy intimated by message his assent to the Anatomy Act Amendment, Food and Drugs Act Amendment and the Health Act Amendment Acts.

QUESTIONS.

DELAY IN BUILDING OF SCHOOLS.

The Hon. K. E. J. BARDOLPH—With your permission, Sir, and the indulgence of the House, I desire to make a short statement before asking a question.

Leave granted.

The Hon. K. E. J. BARDOLPH—In this morning's *Advertiser* appears a statement by the Minister of Education regarding the non-provision of schools in various areas in which he said that this is not due to lack of money but that one of the main causes of the delay is that the Architect-in-Chief's Department is cluttered up with well over 1,000 small jobs. To alleviate the position the Government has approved the greater use of private contractors on small jobs costing up to £400. In view of that policy being pursued, will the Government consult the Institute of Architects for the purpose of handing out work to a panel of architects to have plans prepared so that the work can be carried out expeditiously.

The Hon. N. L. JUDE—I was under the impression that the honourable member directed a similar question to the Chief Secretary earlier this session with regard to consulting architects about another matter with which he was interested, and I thought the Chief Secretary answered him fully. However, I can assure the honourable member that I will take up the matter with my colleague.

RAILWAY COTTAGES AT GILLMAN.

The Hon. S. C. BEVAN—Will the Minister of Railways inform the House (1) Is it the intention of the Railways Department to build cottages for employees at Gillman; (2) if so, how many; (3) When are the building operations to be commenced; and (4) when will the final cottage be completed?

The Hon. N. L. JUDE—I feel certain that the honourable member will realize that I cannot carry these figures in my head, but I will obtain a report and provide the information for the honourable member.

FRUIT FLY.

The Hon. A. J. MELROSE—Can the Minister representing the Minister of Agriculture inform the House what stage the fruit fly campaign has reached at present, and whether it is proposed this year to go on pulling up people's gardens and plucking their fruit although there has been no report of the fly being seen this year?

The Hon. N. L. JUDE—I will take up this matter with the Minister of Agriculture and obtain a reply for the honourable member.

SUPPLY BILL (No. 3).

Read a third time and passed.

SWINE COMPENSATION ACT AMENDMENT BILL.

Second reading.

The Hon. N. L. Jude for the Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

The Act sets up the Swine Compensation Fund into which is paid the proceeds of a special stamp duty imposed on the sale of swine. At present the rate of duty is 1d. for every 10s. of the purchase price of any pig with a maximum of 5s. payable on the sale of any one pig. From the fund compensation is payable to the owners of pigs or carcasses of pigs which are destroyed or condemned by reason of any of the diseases set out in section 4 of the Act. If a pig which is condemned is found to be free from disease, compensation is based upon the market value of the pig. If the pig is found to be diseased, compensation is payable on the basis of seven-eights of the market value. Compensation for diseased carcasses which are condemned is paid in accordance with a scale prescribed by regulation.

The Act provides that, for the purposes of assessing compensation the market value of any one pig is not to be deemed to exceed £30. At June 30, 1954, the credit balance in the fund was £73,884 3s. 1d., and it is considered that this amount is sufficient to provide a satisfactory reserve if an outbreak of swine fever occurred. The fund has been building up steadily ever since its inception and it is thought by the Government that, in view of the balance now in the fund, the rate of swine stamp duty could be reduced to a point where the annual returns are somewhat slightly in excess of the ordinary outgoings. Yearly payments out of the fund during the last two years have been about £9,500 and only on two

occasions since the inception of the fund, that is, during 1947-1948 and 1951-1952, when the amounts paid were £10,111 17s. 6d. and £10,885 8s. 11d. respectively, have the annual outgoings exceeded £10,000.

It is accordingly proposed by clause 4 that the rate of swine stamp duty will be reduced from 1d. for every 10s. of purchase price to 1½d. for every £1 of purchase price, that is, a reduction of ½d. in the £1. The maximum duty payable on the sale of any one pig is now 5s., and the clause reduces this to 3s. 9d. It is expected that this new rate of duty will produce an annual return of from £10,500 to £11,000 a year, that is, something slightly in excess of the normal annual payments.

Clause 3 provides for two amendments to section 8 of the Act. Subsection (4) of section 8 provides that compensation is not to be payable in certain circumstances. Paragraph (*b*) provides that one of these circumstances is where the owner of pig visibly affected with tuberculosis has failed to give notice of that fact as required by section 19 of the Stock and Poultry Diseases Act. Clause 3 substitutes the word "disease" for tuberculosis and thus provides for the withholding of compensation where the owner fails to notify any disease with which the pig is visibly affected. The definition of "disease" in section 4 includes other infectious diseases in addition to tuberculosis and section 19 of the Stock and Poultry Diseases Act applies generally to infectious diseases. In point of fact, the clinical manifestation of tuberculosis in swine is extremely rare. Other diseases for which compensation is payable are much more obvious clinically, are more highly contagious and can have a high mortality rate, and failure by owners of swine to report promptly their occurrence could result in the fund having to meet heavy compensation payments.

Clause 3 also provides that compensation is not to be paid if the owner of any pig has failed to carry out any written instruction given by an inspector for the control or eradication of any disease in the owner's piggery and the chief inspector is satisfied that the death of the pig from the disease resulted from that failure. In such a case it is considered that the owner has forfeited his right to compensation. Clause 2 makes a drafting amendment to section 6 and makes a consequential amendment to that section which was omitted to be made when the maximum market value of a pig for compensation purposes was increased from £15 to £30.

The Hon. W. W. ROBINSON secured the adjournment of the debate.

INDUSTRIAL AND PROVIDENT SOCIETIES ACT AMENDMENT BILL.

Second reading.

The Hon. N. L. Jude for the Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

This this Bill be now read a second time.

Its object is to enable regulations to be made under the Act providing for increased filing fees to be paid where returns under the principal Act are filed late. The Act requires a number of returns to be filed by societies within prescribed times, and makes failure to comply an offence. The Auditor-General has reported to the Government that considerable expense is being incurred in pursuing societies which fail to file their returns in time. He suggests that to encourage the filing of returns at the right time increased fees should be charged for late filing and points out that a system of late filing fees under the Companies Act has given people a strong incentive to file documents within the time fixed by the Act.

The Thirteenth Schedule of the Companies Act provides that a fee of 5s. is payable for the filing of certain documents within the period provided by law, a fee of £1 5s. if the documents are filed within a month of that period and a fee of £5 5s. if they are filed after that. The Schedule provides that the Registrar may, if he thinks just in any special case, reduce the increased fee. The Registrar of Industrial and Provident Societies has recommended the adoption of the Auditor-General's suggestion and this Bill accordingly provides for the making of regulations providing for late filing fees based on the same principles as the provisions of the Thirteenth Schedule of the Companies Act.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2).

In Committee.

(Continued from October 19. Page 1070.)

New clause 14A—"Power to write off rates" moved by the Hon. F. J. Condon.

The Hon. F. J. CONDON (Leader of the Opposition)—Yesterday I asked the Minister to report progress because I desired to check some statements that had been made by members. Before dealing with them I desire to read a letter that I mentioned yesterday as I have now obtained the consent of the person interested, so that members will see that this matter was not what some of them thought it

was. It was writen by Charles L. Ryan, chairman of the Whyalla Town Commission, under date October 13, 1954, addressed to Mr. L. G. Riches, M.P., and was as follows:—

This commission has noted that amendments to the Local Government Act are at present before the House and would like to suggest you consider suggesting an amendment to the Act to provide that members of councils, when engaged on council business, other than meetings of the council, shall be entitled to receive reimbursement for wages lost at the rate of the basic wage with a limit of 24 hours' payment in any one financial year. As you are aware this matter has been discussed on a number of occasions by the Eyre Peninsula Local Government Association and has always received the endorsement of that body. Furthermore, on this occasion, it has the unanimous approval of the members of the Whyalla Town Commission and it is felt that the matter should be ventilated in Parliament. In the past when the recommendations from the Eyre Peninsula Local Government Association have been forwarded to the Minister he has always replied that it is against policy of the Government to give payment for service to local government, and the Whyalla Town Commission holds its meeting in the evenings so that the matter does not apply. As you are well aware this is not an answer to our request at all as the request is not for payment for attendance at council or commission meetings, but is payment for time lost by commissioners or councillors when attending to council business at the request of the council, and the reimbursement, at the basic wage, means that even with this the councillors or commissioners will be out of pocket. I do not think there is any need for me to elaborate the matter further as I am sure you are well acquainted with all the details and can quite adequately provide the arguments in favour of this amendment. The commission will watch with interest whether you are able to make any progress.

The Hon. N. L. JUDE—On a point of order, Mr. Acting Chairman, I am inclined to think that the honourable member is discussing an amendment previously dealt with.

The ACTING CHAIRMAN (Hon. C. D. Rowe)—The Committee is now dealing with proposed new clause 14a.

The Hon. F. J. CONDON—I wanted to get that in and I intended to ask permission and apologize for not doing so. As to new clause 14(*a*) relating to the remission of rates in necessitous circumstances which I moved yesterday, it was said that there was no agitation for this provision. I am surprised that members were not aware that such a proposal was under discussion at the recent annual meeting of the Municipal Councils Association, which comprises councils throughout the State. Letters were received from the Port Adelaide and Port Augusta corporations on the question. A resolution to give councils power, if they thought fit, to remit rates was defeated only on the casting vote of the chairman. Therefore, it is idle to say that no-one wants this alteration. It is all very well for the Minister to say that a council has power to remit if its auditor say the money cannot be recovered. How can he decide that? In a city like Port Adelaide, with a population exceeding 40,000 people, how would he know their financial position? As certain councils have sought this provision, surely it is worthy of consideration. Yesterday I mentioned the position applying in the other States. South Australia is alone in not providing for remission of rates in the circumstances mentioned. The amendment does not provide that remissions must be granted, but it would give power to councils to remit rates if they so desired.

The Hon. E. H. EDMONDS—I fully appreciate the sentiment which prompts the honourable member and those associated with him in submitting the amendment, but I can see all kinds of difficulties arising. The Chamber has been informed during this debate that there is provision in the Act for the writing off of rates that are uncollectible. I shall set out the position which gave rise to this provision. It was introduced when our agricultural areas, particularly those in the outside districts, were going through the throes of the depression in the 1930's, when holdings were being abandoned and repossessed and mortgages foreclosed. In many instances a considerable liability had accrued over the years in the way of drought relief and farmers assistance, which had become a charge on the land, and councils were faced with the position of carrying the arrears of rates, plus the interest which had accrued against those holdings. Consequently, following overtures, an amendment was included in the Act providing that where rates were considered to be uncollectible they could be written off subject to the report of the council's auditor. It was not implied that it would apply to such instances as are proposed to be covered in the amendment.

First, I am concerned as to who will determine a case of hardship and as to the procedure. I presume it will be on these lines—a councillor will come to a meeting and say that Jones or Smith is in a difficult financial position and unable to pay his rates. Presumably the council as a body will have to determine the merits of the case. I can imagine what the position will be. There may be half a dozen cases in the one area, and strive as it might to give justice in each case I can see

the council being faced with a crop of anomalies and laying itself open to all kinds of trouble. In the ulitimate and final analysis they probably will be inundated with requests of this nature from people stating it is a hardship for them to meet their rates. We have not had very much enlightment as to what the tribunal shall be and whether an appeal can be lodged against the decision of the council. Will the council be permitted to pry into people's personal affairs to ascertain the merits of a case? If this amendment is carried we will make all sorts of trouble for councils. Perhaps one person will get a remission and another will be turned down, and the rejected applicant will want to know why his application was refused. This provision was never intended to deal with anything in the nature of cases envisaged by the amendment. The amendment will cause trouble and entail councils in much investigation to be sure they are giving judgments according to the circumstances.

I have the greatest respect for a resolution that might be passed by any of these bodies, such as the Municipal Corporations Association and the District Councils Association. I have been associated with the latter, and many resolutions have been carried but have not been given effect to. It does not mean that because a resolution is carried it should be accepted by this House or by other councils. It is a matter that has to be decided first by the advisory committee, which weighs the pros and cons of such matters. Whilst I appreciate and respect the opinions that might be expressed, it does not mean that they have to be accepted. I ask the Committee to give this matter its serious consideration because my opinion is backed by a little experience in local government affairs.

The Hon. N. L. JUDE—When the Honourable Mr. Cudmore diverted my train of thought on the previous amendment I let it go momentarily but I assure him now that that matter has been considered by the Local Government Advisory Committee on many occasions and has always been unanimously rejected. Mr. Condon made one important statement on this clause—that a large number of people in the Municipal Association supported this motion and that it was lost on the casting vote of the chairman. There is not the slightest doubt that this matter, which has never been before the Local Government Advisory Committee, will undoubtedly be referred to it presumably when the secretary sends the resolutions along. Mr. Edmonds pointed out the dangers that will be created by this amendment and I am sure Mr. Condon realizes that they are not nebulous. If a person is in necessitous circumstances and perhaps owns only a small cottage and has a bare existence, the cottage is an ample asset to pay the rates when the owner dies and possibly the property goes to some relative in quite sound circumstances. It might be worth £1,000 so isn't it reasonable that the beneficiary should pay £20 in rates for the benefit of other people living in that area? This suggestion means that because of necessitous circumstances of the owner, which might genuinely exist, a free gift is made to the beneficiary or future owner. I am afraid it is impossible for me to accept the amendment.

The Hon. F. J. CONDON—An application in this matter was made by the Port Adelaide Corporation, and I can assure honourable members that they are not nitwits. This and every other council should be given the opportunity of deciding this matter, because I always respect the opinion of men who have had experience in municipal life. The Eyre Peninsula Local Government Association carried a resolution, but that was not given effect to. It is not necessary for us to carry into effect every resolution, otherwise where would we be in view of the number of letters we receive? We receive them in favour of and against nearly every matter coming before us. I have a letter dated September 27, 1954, from the Port Adelaide Corporation, and this was distributed to every member of both Houses. It is as follows:—

> This council has frequently been confronted with cases where limited income has made the payment of rates to this council by pensioners a hardship.
>
> As this council is not empowered to remit or waive partially or wholly any payment of such rates, it is desired that legislation be effected to permit such action by Local Government Bodies in this State. The need of the applicant to be determined by the Council.
>
> It is therefore respectfully suggested that an amendment be included in the Local Government Act which would permit relief from imposed hardship similar to the practice of Victoria, where section 295 of the Local Government Act 1946 (No. 5203) at page 143, states:—
>
> > "The Council may from time to time upon the application of any person liable to the payment of any such rate (*i.e.* general or extra rate) remit or excuse the payment thereof or any part thereof on account of the poverty of the person liable to pay the same."
>
> Actually, there is not specific provision for rebating rates due by pensioners, but in

appropriate circumstances, a council could bring a pensioner within the terms of section 295 above.

Information from other Australian States indicates the following:—

Victoria: May remit rates (as above).

Western Australia: Rates are allowed to accrue and become a first charge on the property.

Queensland: May remit whole or part of Pensioners rates.

New South Wales: Section 160B Local Government Act. The council may write off or reduce rates and extra charges on overdue rates due by any person who is in receipt of a pension under the Invalid and Old Age Pensions Act 1908 as amended by subsequent Acts of the Parliament of the Commonwealth of Australia.

Tasmania: Rebate partially or wholly at direction of Country Councils not Hobart or Launceston.

South Australia: No provision.

I am directed by this council to submit this information to you respectfully seeking that an amendment similar to section 295 of the Local Government Act of Victoria be included in section 259 of the Local Government Act of this State, so that a just remuneration may be made by local government bodies to the indigent persons of the community.

In every State except South Australia councils have power to consider applications for remission of rates of necessitous persons. Applications would be made by persons desiring remission; I do not think any council would consider the matter unless that were done. Yesterday, we were very considerate to wealthy people by reducing rates payable by golf clubs, so surely it is not asking too much in seeking to provide that the councils shall have power to remit rates of people in necessitous circumstances. The people using golf links are in a better position to pay rates so there is a great deal of merit in this amendment. I ask members to give it favourable consideration.

The Hon. A. J. MELROSE—Like the Honourable Mr. Edmonds and, I dare say, all other members I have the deepest sympathy with the motive that actuated Mr. Condon but from my very long experience in local government, I agree with those who say there are difficulties in implementing legislation like this. They are practically insurmountable. Under the Rating for Hospital Purposes Act power is given to subsidized hospitals to provide free services to aborigines and indigent persons. I was connected with hospital management for some years during difficult times, and during those times it was found impossible to get people to come along and say they were indigent in order to receive free attention; although some of them looked prosperous they were unable to meet obligations. They were perfectly entitled to claim relief from hospital fees, but I never knew of one who did. They accepted the hospital services, and a good deal of ill-feeling was engendered by the board's attempts to collect fees because it had had no notification from the patient that he was indigent. The same thing, I think, would apply in district council matters. Councils now have power to remit fines on unpaid rates if the payment of those fines would entail hardship. That seems simple enough, but even in that small matter difficulty arises because it is generally interpreted that the hardship does not relate to actual hardship endured by the ratepayers, but to hardship that the extra fine would impose. This is a much simpler matter than what Mr. Condon is proposing but nevertheless causes considerable difficulty. As the matter stands, if rates are not paid by the due date a 10 per cent fine is automatically imposed, but the council has power to remit the penalty. The rates, however, stand as a permanent charge against the land. I do not think that all pensioners are living in poverty. Many are probably living in comfortable houses and the debt would not be collected during life-time, but from the capital value of the house on its ultimate disposal, so I do not think the present set-up entails much hardship; mental worry, perhaps, but pensioners are not alone in that. Therefore I do not think we would be wise if we allowed sentiment to interfere with the practical consideration that the property owned by the ratepayer stands as security. I did not hear all that the Minister said, but I am expressing my views based on nearly 40 years' association with local government work and about 12 years' experience of hospital management—and those were the depression years. I reiterate that the motives actuating Mr. Condon are doubtless shared by us all.

The Hon. F. T. PERRY—As I said yesterday, to reject a clause framed like this does seem to be hard. Mr. Condon gave us illustrations from other States, but not one of them was the same as this. The experience of councils through-out Australia indicates that a clause as wide as this should not be passed and I cannot think that any member of this Committee would ask a council to endeavour to collect money from a person such as is described in this new clause. Surely there is some way of remitting the charge in circumstances like that.

I think that sympathy in these matters is dangerous. If a case of this sort were submitted to a council it would have to be supported by some authority, such as an auditor or the town clerk, and I am afraid that many necessitous persons would never apply; I agree with Mr. Melrose that it is too much to expect of any self-respecting person. Nevertheless I think there ought to be some authority with power to deal with cases as bad as those mentioned, for if there are any now in these good times what will there be in bad times? I think Mr. Condon would be well advised to accept the Minister's offer to submit the matter to the Local Government Advisory Committee and I hope he will adopt that course.

The Committee divided on the Hon. F. J. Condon's new clause 14a—

Ayes (4).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon (teller), and A. A. Hoare.

Noes (12).—The Hons. E. Anthoney, J. L. Cowan, C. R. Cudmore, L. H. Densley, E. H. Edmonds, N. L. Jude (teller), A. J. Melrose, F. T. Perry, W. W. Robinson, C. D. Rowe, Sir Wallace Sandford, and R. R. Wilson.

Majority of 8 for the Noes.

New clause thus negatived.

Clause 15 "Power of council to establish reserve funds."

The Hon. J. L. COWAN—I move—

In new section 290c (*a*) after "to" to insert "or for providing long service leave benefits for."

I bring this forward to meet existing circumstances and conditions, and it is not a question of whether or not we are in favour of long service leave. All councils in South Australia are bound by industrial awards which prescribe rates of pay, hours of work and various other conditions concerning their employees. Among these conditions provision is made that all country councils must extend to their outside employees three months' leave of absence for each 10 years of service, but at present they have no fund from which to meet this expenditure. Although clause 15 provides for creating a fund for the payment of retiring allowances, it is just a question of whether retiring allowance and long service leave are one and the same thing. I find that there is probably a difference and I know of a number of councils that are much concerned and would be financially embarrassed if required to meet this expenditure. I know of at least one council that has two employees due for six months' leave, and if it had to provide that amount of money out of one year's income it would have to curtail considerably its normal road work.

The Hon. F. T. Perry—Is an award in existence?

The Hon. J. L. COWAN—Yes, it has been for a long time. It is a Federal award.

The Hon. S. C. Bevan—Did you say Federal?

The Hon. K. E. J. Bardolph—It is a State award.

The Hon. J. L. COWAN—I say it is a Federal award.

The Hon. N. L. JUDE—The clause authorizes a council to set up a reserve fund to provide for the payment of retiring allowances to its employees. The amendment extends this to the provision of long service leave benefits for employees. Although the clause would probably be construed to include long service leave payments, the amendment will place the matter beyond doubt. Councils are bound by a Federal award to pay long service leave to certain employees and it is obviously desirable that the reserve fund should apply to this obligation, if so desired by the council. The Government accepts the amendment.

Amendment carried; clause as amended passed.

Clause 16—"Power to authorize erection of private weighbridge upon street or road."

The Hon. F. J. CONDON—Under this clause a private person must first get the authority of the council and the Highways Commissioner before erecting a weighbridge, but the council can revoke the permission. If it is fair to provide that a person cannot erect a weighbridge without the Commissioner's consent, it would be equally fair to provide that he cannot remove it without his permission.

The Hon. N. L. JUDE—The point is that a private person has to get the Commissioners' permission to erect a weighbridge on one of his roads, but if a council should desire to revoke the permission, surely it is unnecessary to seek the Commissioner's consent.

Clause passed.

Clause 17—"Prohibited area."

The Hon. C. R. CUDMORE—Shortly, the clause provides that a council need not make a place a prohibited area for all time, but can do it for certain hours or on certain days. The only thing troubling me is what notice is to be given to the public. Will these prohibited areas have erected on them a notice saying, for instance, "Prohibited from Monday to Friday" or "Prohibited from 5.30 a.m. to 7. p.m."?

The Hon. N. L. JUDE—I am under the impression that it is similar to the provision

which requires a council to display a "prohibited area" sign, and that it will also notify the times of prohibition.

Clause passed.

Clauses 18 to 22 passed.

Clause 23—"Drainage from roofs."

The Hon. C. R. CUDMORE—The ordinary procedure is for people to be responsible for their own drainage from roofs. Under the new provision a council could, without reference to the owner, put in drainage to take the overflow water from a roof under the pavement into the ordinary water table. The provision seems a little arbitrary to me. Under the old procedure the council first asked an owner to do the work and if he did not he could be given notice, and if he did not then do it the council could undertake the task. Under the new procedure a council could go ahead and do the work and charge for it without giving any notice. That seems to be a little peremptory. It would do no harm if notice were given to the owner saying that the council intended to do the work and charge for it. He would then know what he was being charged for.

The Hon. N. L. JUDE—While the suggestion might have merit, I point out that a council can construct a road or footpath without giving notice to property owners and levy a charge for it. I gather that in practice ratepayers are notified of these things, and I can see no reason for altering the clause.

Clause passed.

Remaining clauses (24 to 31), schedule and title passed.

Bill reported with amendments and Committee's report adopted.

PUBLIC SERVICE ACT AMENDMENT BILL.

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

METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL.

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

INFLAMMABLE OILS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 19. Page 1032.)

The Hon. Sir WALLACE SANDFORD (Central No. 2)—This Bill had considerable attention in the House of Assembly and its various phases were discussed in detail. To my mind there can be no question about the importance of the matters involved, and one does not question the obvious necessity for the great caution that is continually practised. At the same time I have little doubt that where risks increase so the care because of the responsibility involved increases also. The collection of smoking materials and matches mentioned by one speaker in the House of Assembly is evidence of the lengths to which the management considers it is necessary to go to take the greatest possible care. It seems evident that throughout the time that stocks of inflammable oils have been held—and that is not something in the immediate past, but dates back not only years but decades—the dangers have been fully appreciated and adequately guarded against. It seems to me that it cannot be questioned that there are risks. Mr. Bevan made more than one reference to catastrophic experiences that have occurred mostly in places a long way away. Frequently we find in this Chamber that it is considered to be a point in support of some argument that something has happened somewhere, sometime, and usually a long way away.

The Hon. S. C. Bevan—Don't you think it could happen here?

The Hon. Sir WALLACE SANDFORD—It could, but we are legislating for a reasonable probability. There is no suggestion of running unnecessary risks nor has it been suggested that there is carelessness in any degree. There is perhaps a difference of opinion between those who govern and control the enterprises and those who work in licensed stores or at registered premises. The discussion in the House of Assembly, with two divisions, surely indicates that most of the consideration was fully appreciated and that the Government has not overlooked any of the main points. I feel that undue risks are not taken, that precautions are adequate and that the legislation provided by this amending Bill will cope with the circumstances that surround all the issues. I support the second reading.

The Hon. F. T. PERRY (Central No. 2)—I agree with the remarks made by Sir Wallace Sandford. Oil installations are all over the world and the one at Port Adelaide is comparatively small. These companies have responsibilities all over the world and are conscious of their responsibilities when large storages of oil are concerned. We all know that oils are inflammable and that they are controlled

in the stores by Act of Parliament and regulations. We can be sure that the companies would do nothing that would allow the populace surrounding the area to suffer damage, and we realize they would not run any risk of loss themselves from an outbreak of fire.

I was somewhat surprised at the speech made by the Hon. Mr. Bevan. He gave us a very full description of differences of opinion that had existed between the union, the company concerned and the authority controlling these matters on behalf of the Government. It seemed to me to be a case of the management being challenged by the watchmen. This feeling of all sections of employment that they have the right to challenge the judgment of management is evident everywhere today. I would very much rather accept the judgment of management in a matter like this than that of the honourable member or of the watchmen as to the proper way to safeguard installations. This Bill provides for all the care that should be taken to safeguard premises, and the responsibility of watching these places is safeguarded in the Act so I do not think they will suffer any risk such as forecast by Mr. Bevan. I am glad to see that manpower, if it can be used to a greater extent than in the past, will be used and not allowed to do nothing for such a long period. These men are responsible for watching during the course of their duties but are expected to do other things that do not interfere with their obligation of taking necessary care of the installation. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Supervision of licensed stores."

The Hon. S. C. BEVAN—I oppose this clause, because I feel that it cannot be given effect to. If it read that a watchman is required to do some other duties in conjunction with his work as a watchman, I would agree that it could be given effect to, but it does not provide that. It means, in effect, that an employee can be employed under a contract of hiring to do a particular class of work and while on the premises he can be instructed to act as a watchman. That is the interpretation that has been placed on it by the Chief Inspector of Inflammable Oils and accepted by the Government. This legislation is bad in law and cannot be enforced. All other employees of the Shell Company and other oil installations are employed under contracts of hiring and conditions set out in awards of the Commonwealth Arbitration Court and the State has no jurisdiction whatever; because of that this clause cannot be given effect to. Section 51 of the Conciliation and Arbitration Act provides:—

When a State law or an order, award, decision or determination of a State Industrial Authority is inconsistent with or deals with any matter dealt with in an order or award, the latter shall prevail and the former shall to the extent of the inconsistency or in relation to the matter dealt with, be invalid.

There is a Commonwealth award relating to storemen and packers that lays down in the first instance an interpretation of what a storeman and/or packer is. Secondly, that award provides for a contract of hiring of the employee and the various duties he will be called upon from time to time to carry out. An employee or a person applying for a job at any of the Shell installations as a storeman and packer and given that work is employed under the conditions of that award. If he is instructed, under this Bill, while on those premises to act as a watchman and refuses, this Bill cannot be given effect to because of section 51 of the Commonwealth Conciliation and Arbitration Act. The ultimate result is that there will still be no watchman on the premises because these particular employees cannot be directed by the employer under this Act as Commonwealth legislation overrides State laws, orders, awards or determinations where they conflict. The whole purpose of the Bill is to ensure that these establishments are adequately safeguarded. If it were intended that watchmen could be directed to do other duties than that of watching I would raise no objection because a determination of the State Watchmen's Board provides for watchmen performing other than watching duties. In these circumstances I hope the clause will be deleted.

The Committee divided on clause 4:—

Ayes (13).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, C. R. Cudmore, L. H. Densley, E. H. Edmonds, N. L. Jude (teller), A. J. Melrose, F. T. Perry, W. W. Robinson, C. D. Rowe, Sir Wallace Sandford, and R. R. Wilson.

Noes (4).—The Hons. K. E. J. Bardolph, S. C. Bevan (teller), F. J. Condon, and A. A. Hoare.

Majority of 9 for the Ayes.

Clause thus passed.

Title passed.

Bill reported without amendment; Committee's report adopted.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

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

No. 1 Clause 3.—In new subsecton (2) (IV) leave out all words from "Provided" to "carried out."

No. 2. Clause 3.—In new subsection (2) (IV) leave out "subsection" and insert "section."

No. 3. Clause 3.—Insert the following new subsection:—

> (11) The total of all amounts payable under this section in respect of any ratable property shall not exceed ten shillings per lineal foot of the frontage thereof to the public street or road in which the work is carried out.

No. 4. Clause 4.—In paragraph (*a*) leave out "subsection" and insert "section."

Amendments Nos. 1 and 3.

The Hon. N. L. JUDE (Minister of Local Government)—Amendments Nos. 1 and 3 should be considered together. Clause 3 of the Bill, among other things, increases from 7s. to 10s. a foot the amount which may be required under section 319 of the Local Government Act from owners of property towards the cost of road works in the streets abutting their property. Section 319 provides that a council may, in effect, carry out such works as forming or paving the roadway, making watertables or constructing kerbs. The work may be carried out in stages and, at the completion of any stage, contribution may be required from the owners if that work had not been previously carried out. The total of all such contributions is not to exceed 10s. and once that amount has been paid by an owner he is under no liability for any further work.

The provision dealing with this liability is contained in a proviso to subsection (1) of the section. Other subsections also provide for contributions by owners and it was suggested in another place that the section could possibly be construed as giving the council the right of contributions up to 10s. for work done under subsection (1) with a right to further contributions for work done under another subsection. This, of course, was not intended to be the case and there is little doubt that the section would not be construed in this manner. However in order to remove all possibility of doubt, amendment No. 1 deletes the proviso to subsection (1) and the substance of the proviso is re-enacted by amendment No. 3 as new subsection (11) to section 319, making it plain that the limitation of liability of 10s. per foot applies to all work done in pursuance of all the subsections of the section. I move that the amendments be agreed to.

The Hon. C. R. CUDMORE—I support the amendments. The possibility of a doubt was raised here, I think by Mr. Perry. As the Government has seen fit to clarify the position beyond doubt the Committee should agree to the amendments.

Amendments 1 and 3 agreed to.

Amendments 2 and 4.

The Hon. N. L. JUDE—These amendments are both drafting amendments and deal with the same matter. Clause 3, among other things, provides that the cost of road works may be recovered as provided in subsection (1) of section 319 irrespective of whether money was borrowed for the purpose of carrying out the works. Clause 4 makes a similar amendment to section 328 which relates to footpaths. Amendments Nos. 2 and 4 substitute the word "section" for "subsection" and thus make it plain that the particular provision applies to work done pursuant to any subsection of section 319 or 328. I move that the amendments be agreed to.

Amendments agreed to.

VERMIN ACT AMENDMENT BILL.

In Committee.

(Continued from October 19. Page 1032.)

Clause 2. "Penalty for failing to destroy vermin."

The Hon F. J. CONDON—This is just a simple Bill and there was little discussion on the second reading. The question is whether the Council will agree to the increased penalties. Last year the Act was amended and the measure provided for the appointment of two representatives of councils to help administer the provisions relating to the destruction of vermin. The Act was amended in 1938, 1939, 1942, 1943, 1944, 1945, and 1953. However, the legislation has only been dealt with piecemeal, and there has not been much debate on it in recent years. The Act contains 275 sections and 11 schedules, so there are not many others of this magnitude.

The penalties under this clause are more than double the present penalities, but they are still low compared with those in other Acts. Under the Justices Act penalties may be reduced. During the last session or two we have debated penalties under many Bills, but I think Parliament has been too severe, for in most cases it has not merely doubled them but increased them four or five times. For instance, if a person plays a mouth organ in the street he can now be fined ten times more than formerly. If he sings in the street he can

be penalized far more than before, but under this Bill the penalties are only double. I cannot understand why the Government imposes harsh penalties for minor offences, though I believe it is on account of favouritism for a certain section. However, I have no alternative but to support the Bill.

The Hon. E. H. EDMONDS—The clause increases penalties on those who neglect to carry out their obligations under the Act. It always puzzles me why some people have to be forced to do what is obviously in their own interests, though I do not suppose that an increase in the penalties will mean that vermin will be completely eradicated, particularly rabbits. With the wide spaces in our country there are always some places where conditions are favourable and where sufficient vermin will get away and multiply rapidly. However, with power farming and modern implements the pest can be largely controlled provided everyone shoulders his responsibility. It is discouraging to a man who spends time and money in an honest endeavour to check vermin to find his neighbour or someone in the district neglecting his obligations, thereby nullifying his work. That is why there have been overtures to increase the penalties. Of course, under the Act councils can do the necessary work that the landowner has failed to do and charge the cost to him. We must make an effort to persuade landholders to join in an all-round co-operative effort to eradicate vermin, and I believe that the increase in penalties may have this effect.

The Hon. L. H. DENSLEY—I support the clause. The time is opportune to increase penalties to bring this matter prominently before the people concerned. Some time ago it was stated that myxomatosis had taken care of the rabbit pest, but I shall quote from a report by the Commonwealth Scientific and Industrial Research Organization. It states:—

> The official policy is to encourage the intensification of control by standard methods to consolidate the gains accruing from myxomatosis by mopping up surviving rabbit infestations. This policy was decided on after the most careful consideration of the facts and probabilities: it is supported by representatives of all the States, and is emphatically endorsed by the specialists—the virologists, and geneticists—who attended our myxomatosis conferences. It is the policy that I, personally, have done all in my power to advocate, because I am convinced that its rejection would be a national calamity.
> It seems that the rabbit is becoming resistant to myxomatosis, for it becomes mildly infected and is not then subject to full infection. It has become more or less vaccinated, so it does not suffer the full blast of the infection. From the C.S.I.R.O's investigations it has been found that the myxomatosis virus is becoming weaker and that rabbits are becoming more resistant to it. Therefore, it is desirable to increase the penalties on people who will not face up to their obligations.

Clause passed.

Title passed.

Bill reported without amendment and Committee's report adopted.

ADJOURNMENT.

At 3.56 p.m. the Council adjourned until Tuesday, October 26, at 2 p.m.