LEGISLATIVE COUNCIL.

Wednesday, August 31, 1955.

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

QUESTIONS.

CONDITION OF ROADS ALONG TRAMLINES.

The Hon. K. E. J. BARDOLPH—Yesterday I asked the Minister of Local Government a question concerning the condition of roads along tram tracks and, if I may say so, he did not reply to my question. Therefore, I ask him again what action has been taken to put roads along tram tracks in the city and metropolitan area in good order for vehicular and pedestrian traffic?

The Hon. N. L. JUDE—I remind the honourable member that no Government department is responsible for the maintenance of the roads in question, but at the same time I reiterate that the trust, within the limits of available labour and so forth, and not being a tremendous profit-making body, is endeavouring to catch up with the leeway of work occasioned by the recent bad weather.

MURRAY RIVER FLOODS.

The Hon. J. L. COWAN—Will the Minister of Local Government give an assurance that everything possible is being done to reduce the level of water in the lakes and the Murray River in order to minimize the expected flood level?

The Hon. N. L. JUDE—I appreciate the seriousness of the honourable member's question and assure him I will take the matter up with my colleague immediately.

NEW PUBLIC OFFICES.

The Hon. E. ANTHONEY—I ask leave to make a brief statement with a view to asking a question.

Leave granted.

The Hon. E. ANTHONEY—My question arises from a report in the public press of a week ago to the effect that the construction of new departmental offices in, I think, Wakefield Street had been referred to the Public Works Committee. I remind the Minister that the Public Works Committee reported to the Government in 1937 on a scheme for a new block of offices in Flinders Street. Has the Minister seen that report and can he indicate whether it is to be carried out?

The Hon. N. L. JUDE—Although this is primarily a matter for the Minister of Works I am able to give the honourable member the information he requires. I remind him that the building recommended in Flinders Street some years ago would now cost a vast sum of money, and in view of the needs of housing and other more urgent buildings the Government has decided that it cannot proceed with this major construction at the moment, but in the meantime has placed a proposal before the Public Works Committee for a lesser and cheaper building in Wakefield Street, to the rear of the present Public Works Department office. I need hardly say that when providing a new block of offices it is necessary to have somewhere to put the officers while it is in the course of construction, and it is hoped that the new temporary building will assist in that direction later.

CORONIAL INQUIRIES.

The Hon. C. R. CUDMORE—I ask leave to make a brief statement with a view to asking a question.

Leave granted.

The Hon. C. R. CUDMORE—On several occasions lately there have been accidental deaths in the country and the local coroner has not thought fit to hold an inquest. One particular instance brought to my notice was a serious accident on the main Melbourne Road in which three deaths occurred. Will the Attorney-General consider whether there should be some alteration in the law relating to coroners to ensure to the public the satisfaction of knowing the cause of death in such instances?

The Hon. C. D. ROWE—I understand the honourable member's question to mean that there have been deaths from other than natural causes where no inquest has been held and consequently interested persons have been unable to get the information they require. Earlier this year it was recognized that something should be done to make local coroners aware of their responsibilities to inquire into accidental or other deaths which did not result from natural causes, and a paragraph was inserted in the general instructions issued to justices of the peace on their appointment setting out exactly the procedure to adopt, firstly, in deciding whether a coronial inquiry was necessary and, secondly, in the method to be adopted in conducting that inquiry. A perusal of these instructions would give any coroner all the information he wanted, and I commend that booklet and the instructions in

it to any coroner who is called upon to exercise his duties in that capacity. Briefly, if a death is the result of natural causes and there are no suspicious circumstances obviously a coronial inquiry is not required, but if there is any cause for suspicion that there has been foul play, or in the case of a motor accident in which any other person or vehicle is involved and death results obviously a coronial inquiry should be held. I think I should say that if any country coroner is doubtful what course to adopt and cannot get the information from the book of instructions he can consult the City Coroner, Mr. Cleland, who has an expert knowledge of these matters and would be only too pleased, I know, to proffer any advice and assistance.

AGRICULTURAL CONFERENCE.

The Hon. F. J. CONDON—The Directors of Agriculture of the various States and the Commonwealth met in Adelaide during the last few days to discuss matters of importance. Can the Attorney-General, representing the Minister of Agriculture, say whether any reports of these deliberations have been submitted to Cabinet?

The Hon. C. D. ROWE—As far as I am aware no reports have been submitted to Cabinet on the conference, but if any information becomes available I shall be glad to supply it to the honourable member.

DECIDUOUS FRUIT TREE SURVEY.

The Hon. C. R. STORY—Will the Attorney-General ask the Minister of Agriculture to take steps to have the deciduous fruit tree survey hastened to enable a report to be made available to fruitgrowers at an early date, and let me have an early reply?

The Hon. C. D. ROWE—I shall refer the matter to my colleague.

MINES AND WORKS INSPECTION ACT AMENDMENT BILL.

Second reading.

The Hon. C. D. Rowe for the Hon. Sir LYELL McEWIN (Minister of Mines)—I move:—

That this Bill be now read a second time.

Its principal object is to enable the Department of Mines to take measures for the protection of property against damage from quarrying or mining operations. Under the Act the department can only control quarrying and mining for the purpose of securing the safety and health of the employees and the general public. The Act was not designed for the protection of property, and contains no provisions aimed directly at that object. In recent years the Government has received numerous complaints from householders and local governing bodies in the metropolitan area alleging that buildings, mainly dwelling houses, have been damaged as a result of blasting in quarries and brickworks. Quite a number of the complaints were individually investigated by the Inspector of Mines and in most cases it was found that the damage complained of was due to causes other than blasting. However, the complaints continued to be made on such a scale that the Government appointed the Chief Inspector of Mines (Mr. Armstrong) to make a full investigation of the whole problem.

In his report the Chief Inspector pointed out that complaints by householders concerning damage from blasting were common in England, the United States and a number of Continental countries and a good deal of scientific investigation had been carried out in connection with this problem. Although in a number of cases it was proved that damage thought by householders to be caused by blasting was due to other causes, it was quite possible that quarrying operations could result in damage to property. For example, stones thrown by blasting could cause damage to houses besides endangering persons. Ground vibration caused by blasting could result in the cracking of walls, and subsidence of ground brought about by faulty mining methods could cause their collapse.

In the metropolitan area suburban settlement is now closer to quarries than ever before and it is necessary that the new homes near the foothills should be protected against damage from the quarries. As I mentioned, the Mines Department at present does insist on precautions being taken to secure the safety of persons. In many instances the measures necessary for the safety of persons are very similar to those which have to be taken for the protection of property; and in order to simpify administration it is most desirable that the inspectors of mines should be able to devote their attention to the protection of both persons and property. It is very doubtful whether any of the local authorities in this State have officers qualified to supervise mining and quarrying.

The Bill therefore makes a series of amendments to the principal Act by which its provisions are extended so that they may be used

for the purpose of preventing nuisances or damage to property. The amendments provide that the present provisions of the Act which enable regulations to be made by the Governor and directions given by mining inspectors shall authorize regulations and directions for the protection of property and the prevention of nuisances.

There is one other amendment in the Bill. It deals with the time within which proceedings for offences against the Act must be commenced. The normal time for commencing a prosecution in the police court is six months after the offence was committed; but the Act provides that prosecutions have to be commenced within three months after the offence is discovered by the inspector. It has been found in practice that in some cases, owing to the technical and legal investigations which have to be made, this period of three months after discovery of the offence is not long enough. It is therefore proposed to extend it to six months. At the same time the Bill prescribes an overriding rule that every prosecution under the principal Act must be commenced within 12 months after the commission of the offence.

The Hon. S. C. BEVAN secured the adjournment of the debate.

PUBLIC WORKS STANDING COMMITTEE 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.

Its principal object is to raise the limit of cost of the public works which are exempt from the Public Works Standing Committee Act. The present limit of £30,000 was fixed in 1927. Since then the cost of Government works has increased, on the average by about 250 per cent so that a work which would have cost £30,000 in 1927 would now cost over £100,000. Most of the increase has occurred since the war.

As regards the Public Works Committee, the result of this increase is that a number of relatively small works, which before the war would not have had to be referred to the committee, must now be so referred. The Government is well aware that the committee has made careful inquiries into all the matters submitted to it, but it is doubtful whether the advantage to be derived from its inquiries into the minor works, most of which are clearly necessary, compensate for the trouble and time taken by the committee as well as Government departments and outsiders. Another thing to be considered is that the time taken by the committee in making inquiries into minor works necessarily reduces the time which it can give to major works, and slows down the preparation of reports. It is in connection with major works that the committee's inquiries are most valuable, and if the maximum amount of benefit is to be secured from its existence and work it will be secured by enabling it to concentrate on major works, particularly those involving new developments. For these reasons the Government proposes to extend the limit of the exemption from £30,000 to £100,000.

At the same time the opportunity has been taken to deal in this Bill with another problem which arises in connection with the works which have to be referred to the committe. Under the Act as it stands at present repairs of all public works except roads must be referred to the committee if such repairs are estimated to cost more than £30,000. This requirement has caused and continues to cause a certain amount of difficulty in connection with the relaying of railway track. Relaying is now the principal activity of the department of the Chief Engineer for Railways and is, of course, essential in the interests both of safety and efficiency. A great deal of relaying is done every year and the cost of it has increased in proportion to the cost of other works. Perhaps the proportion is a little higher because of the very substantial rise in the price of sleepers. In recent years the cost of a sleeper has risen from 7s. 6d. to 51s. 6d.

It is not practicable nor desirable that every proposal for relaying railway track should be referred to the committee. There is no need for it because there is no question as to whether the work should be done or not. In any case, as the law is at present, the necessity to refer the work can be avoided by arranging the relaying programme so that the individual projects are kept below £30,000. Therefore, I think honourable members will agree that such a practice is not desirable. In the public interest the Railways Department should be free to proceed with relaying without the need for dividing it up into a number of separate jobs, each under the limit mentioned in the Act.

It is therefore proposed to exclude from the definition of ''public work'' both the relaying of railway track where no alteration of gauge is involved and repairs and maintenance of public works generally. There is no question about the Government's obligations to keep its public works in a proper state of repair, and therefore repairs do not raise any question

which justifies an inquiry by the Public Works Committee. If, however, in the course of repairs any reconstruction of a public work is involved, and the cost exceeds the amount mentioned in the Act, such reconstruction will still have to be referred to the committee. The Bill will not affect inquiries into any matters now before it. I commend the Bill for honourable members' consideration.

The Hon. F. J. CONDON (Leader of the Opposition)—I look upon this as a very important measure, and although I may be out of step with my colleagues on the Public Works Committee and with honourable members of this House, at least I wish to give them the benefit of any experience that I have had on the committee. During my very short remarks I shall outline some of the history of this body and ask honourable members at least to consider some suggestions that I shall make. My reason for following the Minister this afternoon is to point out certain things in order that members may be able to weigh the pros and cons of this important measure.

In 1912 the Government of the day introduced the Railways Standing Committee Bill for the purpose of inquiring into all railway projects; the committee could not inquire into anything not connected with the railways. In 1927 the Butler Government introduced the Public Works Standing Committee Bill to enable Parliament to control the financing of all public works. Many members took part in the debate. The Hon. Thomas McCallum spoke twice on the second reading, the first time to my knowledge that this had been done. Members were so interested in the discussion that this was overlooked. Mr. Anthoney played a very important part in the debate and later became a valuable member of the committee. He spoke on amendments that meant so much to the finances of this State.

That Bill was introduced to rectify something that had been going on for many years, namely amounts being placed on the Estimates and Loan Estimates for various works and Parliament not having any chance to challenge them, because the works were already being proceeded with or had even been completed. I venture to say that if the Public Works Standing Committee Act had been in operation before 1927 this State would have been saved hundreds of thousands of pounds. Parliament unanimously decided that the method had to be altered, so in 1927 an Act was passed to make it obligatory on the Public Works Committee to inquire into every public works costing over £30,000. One of the chief arguments during the course of the debate was directed towards who should have the power to appoint members of the committee. This was debated at length, and I do not know of many other Bills that have caused a keener debate.

The first chairman of the committee was Mr. Peter Reidy. It has been my privilege and honour to have been a member of that committee for over a quarter of a century and I am proud to have been associated with the number of works that I shall mention later, only to show that at least the members represented in this Council have played a very important part in the development of our State. The next chairman was Mr. A. J. Blackwell. He was followed by Sir George Jenkins, later by the present Minister of Agriculture (the Hon. A. W. Christian). The present chairman is Mr. Shannon, the member for Onkaparinga. During that period there have been six different committees and the personnel has changed from time to time, and I pay a personal tribute to my colleague, the Hon. John Bice, and to members of the Committee who have passed on, for the valuable assistance they have rendered the State. I would like to have it recorded that I have never heard one word of a political nature under discussion by the Committee. Although they may and do have differences of opinion all members desire to do what is best in the interests of the State. Naturally, it has not always been possible for members to agree on every detail of a recommendation, but with few exceptions the members have been able to compose their differences and present a unanimous report. Therefore, I approach consideration of this measure with some concern. In the first place, I think the amount prescribed is too high; from £30,000 to £100,000 is too big a jump. I know that values have gone up, but I think that a fair sum would be £75,000. I ask members to consider the original purpose of the Act. Was it not to protect taxpayers' interests and in doing so conserve the finances of the State? The Act has not been altered since 1928 in this respect, but the time may not be far distant when values will fall, as has already been the case in respect of wheat and wool and other commodities that we export, and this legislation will then be a protection.

My second point that I urge members to consider is that we should send overseas more officers who are in control of Government departments. I have a schedule of public servants who have travelled abroad since 1945

which I shall present for the purpose of showing that it is in the interests of the Government to send its officers abroad from time to time. During the period I have mentioned six officers have gone from the Engineering and Water Supply Department, and what a wonderful department it is. It is controlled by men of very high standing, men who have graduated in the department and who can hold their own with any man in private enterprise. We know this because members of the Committee have the opportunity to examine, as well as public servants, very prominent men in industry both in this and other States, as well as industrialists domiciled outside Australia.

The Hon. C. R. Cudmore—Some of these people have graduated elsewhere as well as in the department.

The Hon. F. J. CONDON—Because higher salaries have been offered them. The people of South Australia should be very grateful to the officers who have remained loyal to South Australia, notwithstanding the attractive offers made to induce them to go elsewhere. The following is a list of other departmental officers who have gone abroad since 1945:—Department of Agriculture, nine; Highways and Local Government Department, two; Lands Department, two; Children's Welfare and Public Relief Department, one; Museum Department, two; Police Department, one; Institute of Medical and Veterinary Science, seven; Education Department, one; Public Health Department, three; Harbors Board, two; Woods and Forests Department, four; Mines Department, eleven. My point is this: Parliament is asked every year to deal with projects under the direction of the Architect-in-Chief's Department, involving millions of pounds, so why not send overseas men from that department in the interests of Parliament and the State? I am sure that the experience they gained would pay dividends.

The Hon. C. R. Cudmore—That is not a matter for legislation, is it, but for administration?

The Hon. F. J. CONDON—That is so, but I point out that we are compelled by law to deal with millions of pounds of taxpayers' money and therefore it is to the advantage of all concerned to secure the latest knowledge of overseas trends. If it can be done in lesser departments why not in the Architect-in-Chief's? I make this suggestion because, throughout its history, the Public Works Standing Committee, although consisting only of laymen, has been able to make suggestions which have been accepted by the departmental officers concerned. That is why I say we must be very careful in dealing with this measure, because the suggestions I have referred to have related to work costing much less than £100,000 and if members of this Council contemplate giving back the powers that existed before 1927 they should have another think. I reiterate that the whole purpose of the Act is to protect the interests of the taxpayers.

During last session the Committee was asked to express an opinion as to whether the amount prescribed in the Act should be increased beyond £30,000 and its members took the view that this was a matter for Parliament and not the Committee. Consequently, this Council is now asked to express an opinion as to whether the prescribed amount should be £100,000. The Public Works Standing Committee, particularly in the last 12 months, has had to listen to expressions of opinion, not in this but in another place, about delays in presenting reports. I hope I shall not weary members, but I propose to tell them, because I think they are entitled to know, the work this Committee has done in the past 12 months. I do so because the Committee must submit by August 31 of each year a report of its stewardship. The demands on the time of members is not light. Under ordinary circumstances it sits three or four days a week, and while travelling frequently five days a week. When Parliament is in session is usually sits twice a week. The members of the Committee are very proud to have the honour of being associated with the major projects of this State, in some instances costing £10,000,000 or £11,000,000. Consider, for example, the Mt. Bold, South Para and Myponga reservoirs, the Uley-Wanilla water scheme and dozens of other projects which have resulted in the saving of hundreds of thousands of pounds to the taxpayers.

When I was a member of the House of Assembly I remember Mr. Jack Fitzgerald advocating the construction of a water main from Morgan to Whyalla, and for this some of his colleagues considered that he should be in the Parkside Mental Hospital. Let us today remember what that scheme means not only to South Australia but to the Commonwealth. One could mention the number of committee reports submitted to Parliament, not one of which has been challenged. This afternoon Mr. Anthoney asked a question concerning the erection of a block of Government offices in Flinders Street. At the time this project was recommended the building would have cost about £250,000. The

committee was told it was a work of urgency, but it has not yet been proceeded with. Now it is proposed to erect a block of offices in Wakefield Street. As the result of inquiries by the committee hundreds of thousands of pounds have been saved to the State over a period of years. During the past five years the committee has made 100 recommendations. I impress on members that it is not only the money that has been saved as the result of the committee's recommendations, which have resulted in reduced costs, but also the money saved by the prevention of schemes which would never have paid interest costs. I do not intend to move any amendments to the Bill, and I am only endeavouring to point out the position to members so that they can arrive at their own judgment.

The Hon. C. R. Cudmore—In how many of the recommendations were costs reduced?

The Hon. F. J. CONDON—Quite a number. On one occasion a former Hydraulic Engineer recommended to the committee a project which would have cost £4,000,000, but it was rejected because the committee had no faith in this officer, who is not now a member of the Government Service. Often the committee suggests a type of structure different from that recommended, and in nearly every case the suggestions have met with the approval of the officers concerned.

The Hon. Sir Frank Perry—Is any project sanctioned by the Government, or is it sent to the committee first for its opinion?

The Hon. F. J. CONDON—A suggestion first comes to a Minister from the head of his department and the project is then referred to Executive Council, which then refers it to the Committee for examination. Actually, the Government has nothing to do with it other than referring it to the Committee in accordance with the Act. It is not necessary for the Government to accept the Committee's recommendations. I suppose members have heard that we were to have a deep-sea port in the South-East, but it has not yet been established because on the evidence submitted the Committee recommended against it. A large amount of loan money has been spent on public works which have returned only one-third of the interest that should have been returned. The cost of public works in South Australia has been very high compared with costs in other States. This applied to projects for the supply of water for primary production, sewerage installations, and the construction of school buildings and other public utilities. On occasions the House has been compelled to vote blindly on some public works. Politics do not come into it, but the fact cannot be denied that we had no control over our finances in that respect until the 1927 Act was passed. All a department had to do was suggest to the Government that a certain amount be placed on the Estimates, and that was the end of the section.

The Hon. C. R. Cudmore—If the Government accepted it.

The Hon. F. J. CONDON—Parliament accepted it, because the Government had to submit it to Parliament. The Government is not responsible for the legislation of this State, but Parliament, and we should all accept our responsibility. The Government can initiate legislation, but cannot pass it—that is the responsibility of members. Today the annual report of the Public Works Committee was laid before Parliament. Under the law, this must be done on or before August 31 of each year. Last year the Committee asked the Government to amend the Act relating to the number of members of the Committee who must be present before a report can be recommended. Previously it was necessary to have six present before a report could be finalized. The Council is aware that members of the Committee are sometimes absent from meetings owing to ill-health or for some other good reason. Therefore, it was impossible to deal with a report. The committee asked the Government to amend the Act to provide that a smaller number should be able to deal with reports and the Act was amended accordingly last December. During the 12 months ended August 11, 1955, 41 new projects were referred to the Committee compared with the previous highest number in any 12 months of 26. This total includes a reference that was received too late to be recorded in the report. The following subjects were referred to the Committee during the year: Brighton High School (new wing), Hundred of Cummins water supply, Nairne Primary School, Port Adelaide wharf reconstruction, new town north of Salisbury water and sewerage schemes, Supreme Court building (new wing), Pt. Pirie Hospital additions, Risden Park Primary School, Institute of Medical and Veterinary Science central sterilizing and media preparation unit, Findon High School, Marion High School, Thevenard bulk loading plant, Royal Adelaide Hospital radiotherapy treatment block, Enfield High School, Oakbank Area School (new workshop block), Salisbury North Primary School, Royal

Adelaide Hospital new casualty block, Blanchetown bridge, Peterborough water supply, new town (north of Salisbury) area 1, Primary School, new town (north of Salisbury) area 5, Primary School, Royal Adelaide Hospital radiotherapy treatment block, Morris Hospital alterations and additions, Royal Adelaide Hospital McEwin Building additions, new Port River bridge, Hawkers Creek reclamation, Hendon Infants' School, Thebarton Infants' School, Pallamana water supply, Unley Boys' High School, Burbank railway, Port Pirie harbour improvement, Hundreds of Mobilong, Monarto and Freeling water supply, Murray Bridge Government office block, Croydon Girls' Technical School, Seacliff Primary School, West Terrace trunk main, Bosanquet Bay boat haven, Port Hughes boat haven, Wallaroo bulk wheat bin, Loveday Prison Farm, Wakefield Street Government office block and Croydon Park Extension Primary School.

There are a number of important references that were referred to the Committee before the submission of the report but have not been finally reported on, including the electrification of the metropolitan train services, the plan for the development of Port Adelaide, which will cost about £40,000,000 over a period of many years, and a scheme for the drainage of River Murray irrigation areas. Other references not finally reported on are Balaklava sewerage scheme, Gumeracha sewerage scheme, Onkaparinga Valley water supply, Port Adelaide Girls' Technical School, Enfield High School, Millicent water supply, Dry Creek sewage treatment works, the estimated cost of which is £5,207,850, Hundred of Hutchinson water supply, Whyalla sewerage system, Myponga Reservoir, Port Lincoln harbour improvements, and the Glenelg sewage treatment works extension. Excluding 16 short reports, 30 reports were presented by the Committee during the period under review, but I do not wish to weary honourable members by setting them out. I have gone to a lot of trouble to inform members what has been done, and they must take the responsibility for passing all these matters if they are introduced into Parliament.

The Hon. Sir Frank Perry—What would the number have been if the amendment had been in force?

The Hon. F. J. CONDON—I think about 26 were for works costing less than £100,000. When a scheme is submitted to the Committee the officers of the department concerned may not be able to submit the estimated cost for a long time, and in the meantime costs increase. Very often the Committee is asked why it has not done this and that, but in many cases it has not received the references. I am not placing the blame on any department, but I point out that every member of the Committee is prepared to do what is asked of him by devoting his time towards this very important work. Some of my colleagues feel that, as prices and values have increased, they should not be asked to deal with any project costing less than £100,000. That is a good argument if values today are compared with those of 1927, and I do not quarrel with it, but knowing the reason for the introduction of this legislation in 1927 I feel that the amount should be £75,000. I do not intend to move an amendment, however, because I am quite happy whether it be £75,000 or £100,000.

The Hon. E. Anthoney—Would not your proposal exclude most of the school buildings?

The Hon. F. J. CONDON—It would, and no matter how small the amount, the Government can refer the matter to the Committee but it is not compelled to do so. Another part of the Bill refers to the maintenance of railways. It is the duty of Parliament to consider whether any power has been taken away from it and whether the department should be entitled to place the sum of £99,999 on the Estimates without Parliament having a say, or whether it should be referred to the Committee for inquiry. As one who believes in constitutional means and in upholding the dignity of Parliament I feel it is the duty of the Government, whether it be Liberal or Labor, to consider these matters. I have submitted my views and in doing so I have spoken on behalf of my colleagues in saying that we respect and appreciate the assistance and the good words that have been said about the Public Works Standing Committee by all members of this Council.

The Hon. J. L. S. BICE (Southern)—At the outset I wish to pay a tribute to my colleague on the Committee for his comprehensive survey of the Act under which the Committee works. He has covered an immense amount of ground and I support him particularly in regard to increasing the present limit of £30,000. I believe I am correct in saying that at one stage it was proposed to increase it to £54,000, and now £100,000 is proposed. What amount it shall be is a matter entirely for Parliament. The confidence shown by this Council in the Committee is something that it should be extremely proud of. Since I have been a member of this Council I have never heard anything other than complimentary

remarks about the Committee's reports. If Parliament thinks £100,000 is too high, Mr. Condon's suggestion of £75,000 should be considered. We should be careful not to take away the authority of Parliament in matters referred to the Committee. Executive Council submits the references to the Committee, which in turn makes its recommendations to Parliament and to the Governor in Executive Council, not to the Minister.

The Committee has carried out its duties enthusiastically. The week before last members of the Committee travelled 1,200 miles in five days, took evidence during the day, and on one occasion during the night. They had a particularly rough time because some of the roads over which they travelled have to be driven over before one can realize just how bad they really are. I support many of the contentions of my colleague, Mr. Condon, and do not think there is any necessity for me to traverse the ground he covered. I commend the Government for elucidating the definition of maintenance and repairs in clause 3. I am sure that it was never at any time considered that maintenance and repairs should be referred to the committee. As an illustration, I remember the question of a building at Mile End railway yards for the housing and servicing of diesel engines. Although the committee had some doubts as to whether it was a matter for its consideration it made a recommendation that the work be put in hand.

The question of raising the prescribed amount to £100,000 is something which this Chamber has to be very careful of, for we may experience a tumbling of capital values, when the present purchasing power of money may be altered in a very short time. I was very pleased that Mr. Condon spoke as he did, because in December last he was not able to voice his opinion in regard to the number of members required to form a quorum as he was called away hurriedly on business in another State, but today I notice that he endorsed what was done. Like the honourable member I do not intend to move an amendment. It is a matter for members here to decide.

The Hon. Sir Frank Perry—Don't you come into the number?

The Hon. J. L. S. BICE—All members should undoubtedly exercise their opinion.

The Hon. C. R. Cudmore—Are you not in a better position to express an opinion than any of us?

The Hon. J. L. S. BICE—If the honourable member desires it I shall say I readily support Mr. Condon's suggestion to make the figure

£75,000. I think that is quite sufficient. It has been suggested that this amount would not cover schools, but I remind members that the Findon High School and the Marion High School respectively cost £177,000 and £162,000, and the estimate for the Unley High School is over £200,000. The only schools that would not exceed the £75,000 would be some of the smaller primary schools. As my colleague said, although the amount is prescribed the Government may refer any matter to the Public Works Committee, as it has done on several occasions.

When stating how difficult it is to stand on departmental estimates I wish Mr. Condon had referred to the Mannum-Adelaide pipeline, the estimated cost of which was £3,390,000, but the cost of which stands today at about £9,000,000. That is an example of how difficult it is for an estimate to be given by departmental officers when an inquiry is likely to take several months.

The Hon. K. E. J. Bardolph—You are not claiming credit for cutting down these estimates?

The Hon. J. L. S. BICE—I leave it to the mental capacity of my friend who must realize, being a member of the Industries Development Committee, how important these committees are in assisting the Government in the administration of State affairs. I support the Bill.

The Hon. E. ANTHONEY secured the adjournment of the debate.

MOTOR VEHICLES REGISTRATION FEES (REFUNDS) BILL.

Second reading.

The Hon. C. D. Rowe, on behalf of the Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

Its purpose is to enable the Treasurer to make refunds of the motor registration fees paid since February 1 last on motor vehicles driven in South Australia in the course of interstate trade and commerce. The history of this matter is probably well known to honourable members, but I will shortly state the main events. On November 16 last the Privy Council delivered judgment in the case of Hughes and Vale Proprietary Limited *v.* New South Wales in which it held that the Transport Acts of New South Wales were *ultra vires* so far as they applied to vehicles operating solely in the course of interstate trade. The principles laid down

in the judgment applied to the South Australian Road and Railway Transport Act, with the result that the Government was compelled to treat interstate carriers operating in South Australia as exempt from control and pecuniary levies under that Act. These carriers were also, by virtue of regulations which had been in force under the Road Traffic Act for some years, exempt from the ordinary obligation to register their vehicles in South Australia and to pay the registration fee computed on the basis of power-weights.

It appeared to the Government that it was unjust that any carriers operating on the roads should be exempt both from the Road Traffic Act and the Road and Railway Transport Act and, accordingly, the Government made regulations which came into force on February 1 last, the effect of which was to require the interstate vehicles to be registered under the Road Traffic Act in the same way as local vehicles. The regulations applied only to vehicles having a tare weight of 2½ tons or more, and to trailers with a tare weight of 1 ton or more. These regulations and the registration system were promptly attacked in the High Court and the judges of that court unanimously held them to be invalid. They said, in effect, that the registration and power-weight provisions of the Road Traffic Act could not be applied to interstate carriers. Thus the previous position that interstate carriers were subject neither to the Road and Railway Transport Act nor to the Road Traffic Act was restored.

When the regulations requiring interstate carriers to register their vehicles were made, a substantial number of them registered their vehicles and paid fees amounting in all to about £9,000. The fee worked out at an average of about £50 per vehicle. Of course, it varied according to the size of the vehicle, some paying less than £50 and others paying a good deal more. I may mention, in passing, that the average registration fee of about £50 per annum for these vehicles was, in the Government's view, by no means unreasonable, having regard to the fact that the carriers obtained the right to run freely over all our roads as often and as far as they liked for a period of 12 months. The court, however, said that the fees could not be regarded as a payment for the use of roads, but were, in substance a restriction on the freedom of trade.

While a number of carriers paid the registration fee, others ignored the law, relying on their claim to immunity under section 92, and operated their vehicles without registration in this State. The Government does not consider it just to retain the fees paid by those who observed the law (as it was thought to be) while those who did not observe the law escape all payments. It is proposed, therefore, by this Bill to authorize the Treasurer to refund the registration fees paid by interstate carriers since the new scheme came into force on February 1. The only conditions for obtaining a refund are that the carrier must satisfy the Registrar of Motor Vehicles that during the period of registration he has not engaged in any intra-State carriage of goods or passengers, and that the registration disc issued to him has been destroyed.

It may appear to honourable members that it is somewhat strange that the scheme of registration introduced by the Government was so promptly and unanimously held by the High Court to be invalid. I am not concerned to dispute the correctness of the High Court's decision (although, of course, it is at variance with a number of previous cases) but I think that I should make it clear that the Government did not act rashly or carelessly in this matter. There was good reason for the Government to believe that the scheme it introduced in February last was valid and would stand up to challenge in the court. In requiring interstate vehicles to be registered the Government was acting on views expressed in the High Court and the Privy Council, which appeared to authorize a scheme of this kind. In the case of *McCarter v. Brodie,* decided in 1950, a judge of the High Court who is notable for his sound legal knowledge and clear language, and whose views on section 92 are, in general, now shared by his fellow judges, stated that the Victorian Motor Car Act was a very good example of the kind of legislation which was ''clearly permissible'' and would not infringe section 92. The words ''clearly permissible'' are the very words he used. He pointed out that the Act required vehicles to be registered and that there was no discretionary power to refuse registration. He also said that the registration fee prescribed by that Act was not, on the face of it, unreasonable. He mentioned some of the detailed principles of the Act and said that nobody would doubt that the application of such rules to an interstate trader would not infringe section 92. These remarks were quoted in full by the Privy Council in Hughes and Vale's case decided on November 16 of last year and the Privy Council said that it agreed with and adopted the views expressed.

The Victorian Motor Car Act is very much like our own Road Traffic Act. In particular,

it imposes a registration fee on motor vehicles which is based on power-weights. Although the amounts chargeable per power-weight are not exactly the same as those prescribed in the South Australian Road Traffic Act they are of the same general order of magnitude, ranging from 3s. 9d. to 8s. 9d. The Government took the view that if the Victorian Motor Car Act could apply to interstate carriers (as the Privy Council had clearly indicated) so also could the South Australian Road Traffic Act. However, the decision of the High Court given this month makes it clear that the High Court does not regard the views expressed in the previous cases as an authority for assuming that a power-weight registration fee such as is prescribed in our Act can validly be applied to interstate transport. Some other scheme will have to be devised. The present policy of the Government may be summed up by saying that it intends, in proper cases, to refund the registration fees which the High Court has held to be unconstitutional, and to devise and submit to Parliament a scheme which, in the light of the principles recently expounded by the High Court and the Privy Council, appears to be within our legislative powers.

The Government does not desire at this stage to indicate the proposals which are under consideration. In the recent transport cases several judges of the High Court, in addition to indicating the kind of legislation which is forbidden to the States by section 92, also gave some valuable guidance as to what is permissible. There is not complete unanimity on this latter problem, but there is a sufficient measure of agreement between a majority of the judges to enable us to propound a scheme with some confidence in its validity. The judgments need to be studied with care, and some careful statistical calculations have to be made before any scheme can be finally decided on. One thing, however, can be said about any scheme which the Government is likely to propose—namely, that it will not unduly burden or restrict interstate trade. South Australian industries depend to a considerable extent on interstate materials and interstate markets and the Government does not desire to do anything which will hamper the free movement of goods and vehicles between South Australia and other States. We have in the past treated the interstate carrier fairly and have in no way discriminated against him. This policy will be continued.

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

DRAUGHT STALLIONS ACT REPEAL BILL.

Second reading.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

Its purpose is to repeal the Draught Stallions Act, 1932-1934, and to provide for matters incidental upon the repeal. The Act was enacted in 1932 for the purpose of encouraging the breeding of draught stock of improved quality and to protect South Australian breeders against the dumping in this State of unsound stallions rejected under similar legislation in other States. The Act provides for the compulsory registration of stallions over two years of age and for the issue of certificates of soundness and approval to owners of stallions which have been examined by a veterinary officer and which comply with the requisite standards. It is provided by the Act that uncertificated stallions are not to be used for stud purposes.

The registration and other fees which are charged are paid into a Draught Stallions Fund which is to be applied by the Minister to improving the standard of draught stock and generally to encouraging the breeding of draught stock. At June 30, 1955, the amount standing to the credit of the fund was £2,465 10s. 11d. It is considered that, in this mechanical age, the time has passed when the Act served any useful purpose. Whereas in 1940 there were 2,092 registered draught stallions, during 1954-1955 only 23 stallions were registered, most of which were over seven years old. It is therefore considered that the time has come to repeal the Act and clause 2 of the Bill provides accordingly.

It is proposed by clause 3 that this repeal will, in effect, operate retrospectively as from July 1, 1955, and clause 3 provides that if any registration fees are paid in respect of the licensing period beginning on July 1, 1955, the Minister may refund those fees. It is also provided that the Minister will have power to dispose of the balance outstanding in the fund, and it is proposed that the Minister may use this money for the purpose of providing a scholarship or scholarships in veterinary science or in improving the services provided by the Department of Agriculture for the animal industries of the State.

The Hon. A. J. MELROSE secured the adjournment of the debate.

DAIRY CATTLE IMPROVEMENT ACT AMENDMENT BILL.

Second reading.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

The Dairy Cattle Improvement Act, 1921-1940, provides for the registration of bulls. There is a licence fee of 10s. a year for a bull over six months of age on the first day of July in any year and a fee of 5s. for a bull under that age. The amending Act of 1940 provides that, in the case of bulls registered in a herd book for beef cattle approved by the Minister, registration is to be effected without payment of a fee.

The licence fees received under the Act are paid into a fund called the Dairy Cattle Fund which is to be applied for the purpose of improving the standards for dairy cattle. The purpose of this Bill is to increase these annual licence fees to £1 for a bull over six months of age and to 10s. for a bull under that age. The original fees of 10s. and 5s. were fixed in 1921 and have remained unaltered. It is proposed by the Bill that the increase in fees will not take effect until the financial year commencing July 1, 1956. If the change were made in the middle of a financial year the result would be that some fees would be paid at the old rate and some at the new.

During the last financial year the revenue from licence fees was approximately £3,700. With the increases proposed by the Bill this revenue will be doubled. At the end of June, the amount in the fund will be approximately £10,400. As previously mentioned, licence fees are paid into the fund. In addition the fund is subsidized by contributions from the Commonwealth and the State Governments. The moneys in the Fund are being applied to meet the expenses of herd testing and to pay bull subsidies.

The Commonweath Government contributes up to 25 per cent of the total cost of herd testing, with a maximum grant of £7,344. This is equivalent to a maximum cost for herd testing of £29,376. The estimated cost for the current year is £32,000. The State Government grant and fees paid by dairymen each comprise one half of the remaining cost of herd testing. The fees payable by dairymen are calculated on a per cow basis and are therefore dependent on the number of cows under test from year to year. It is estimated that the receipts for 1955/56 for licence fees and Government subsidies will be £34,635. From this, approximately £32,000 will be applied for herd testing purposes, £1,200 for bull subsidies, and about £200 for sundries. The fee being charged for herd testing is 10s. 9d. a cow. About 19,000 cows, comprised in 604 herds, will be under test during the current year. During the last financial year subsidies were paid on 99 bulls.

The Hon. J. L. COWAN secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 30. Page 643.)

The Hon. Sir WALLACE SANDFORD (Central No. 2)—The Bill is a very short measure designed to extend price control for yet another year, although I will be greatly surprised if most members will not agree that no very convincing case has been made out for its continuance. This legislation came into force owing to conditions arising out of World War I. Up to that time, I think, the fixation of selling prices was unknown in any modern State. This most radical legislation was left alone in times of peace, although before the end of World War I it had dug itself in and there was a section of the people who showed reluctance at seeing the chain of price fixing being knocked off. Finally, however, public opinion overthrew price fixing, though not before other weaknesses, such as profit control, had begun to be seen as a possible and likely development of it.

Price fixing was again re-enacted in 1948 upon the Commonwealth handing over that power to the States, after having taken a referendum on the matter. Although it is now over 10 long years since the end of the war price-fixing still hangs over us—in fact it would appear to have gained in force, although even Professor Copland, who was Commonwealth Prices Commissioner during the war, has on numerous occasions spoken strongly against the continuance of price controls. In this respect I am quoting from a brochure authorized by the Australian Council of Retailers. The Chief Secretary, in moving the second reading, said that the most important of the reasons which actuated the Government in submitting the Bill was the necessity for South Australia to keep its costs of production as low as possible. I fully realize the necessity for this. Indeed, we have all been warned again and again of the importance of remembering that we have to sell our products either in the other States or outside Australia. The Minister has therefore sounded a warning that we must heed, and of which we must never lose sight.

Markets once lost are very difficult to regain, and we must remember that our avenues of trade are of the very greatest importance. I am of opinion, however, that to impose price fixation upon our goods and services, for whatever might be the ostensible reason, will lead to the establishment of a state of affairs ill-balanced and unwieldy. The conditions which were submitted nearly 10 years ago as justifying price controls no longer exist, and even the exceptional case that might very occasionally arise would soon correct itself by the old, old law of supply and demand. The great Empire under whose flag we and the other constituent parts have grown and flourished came into being without such artificialities, and the tendency of all democratic countries should be to break away from controls and strive towards freedom of action.

In practically all the democratic countries there has been a strong movement away from controls, including price control. Countries such as the United States of America, Canada, Belgium and Western Germany have gone the furthest. Each has tried price control and all have abandoned it. Surely, the actual experiences of these places should be considered when studying the problem with which we are confronted. Are not these actual examples much better to take notice of than the probabilities of the places that are still experimenting? Which road are we to travel? Will it be the road to free markets or the road of controlled markets?

In my remarks this afternoon I do not think I have quoted figures, statistics or item C in price indices, but before I resume my seat I will make one comparison with our fellow member of the Commonwealth of Nations, Canada. That country had price control over all textiles, clothing and practically all commodities, but this was abolished on February 15, 1950. As a result Canada has been able to overcome the influence of rising prices. I have taken figures from the *United Nations' Statistical Bulletin* to show how the cost of living index in Australia has varied from that in Canada since 1937. Taking 1937 as the base year, the cost of living index for each country was 100. In 1949, when both countries were still under price control, the index for each country was still on an equilibrium at 160, but since the end of 1949 the Australian cost of living has increased by 55 per cent while that of Canada has increased by only 15 per cent. I do not support the second reading.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support this legislation. I was somewhat surprised at the views expressed by those in opposition to a continuance of price control. I think members will agree when I say that I have not heard from any member of this Council other than the Labor members any objection to the control of wages. Price control has a history dating back to the early stages of the recent war when the Commonwealth Government under its war-time powers assumed this control and fixed prices and subsidies. Price control was relinquished after the referendum on prices in 1948 and the powers were referred back to the States, each State passing uniform legislation. While this was in operation the essentials of life were controlled in price and subsidized by the Commonwealth Government, and prices were kept down. The advocates of complete abandoning of price control should refer to a statement made by the State Prices Commissioner, Mr. E. A. Murphy, published in the *Advertiser* recently in reply to the President of the South Australian Chamber of Manufactures, Mr. Sewell. Mr. Murphy said that prices were rigged to the detriment of the people when controls were lifted by the State Government.

The Hon. Sir Frank Perry—Why did he say they were rigged?

The Hon. K. E. J. BARDOLPH—Perhaps the word is offensive to the honourable member, who I know has close associations with some of the retail shops. I do not suggest that the interests he represents are included in the statement. Although I do not desire to give them a free advertisement, I think they endeavour to keep prices down because of the essential goods they supply and the prices they charge. The statement by Mr. Murphy contains some serious charges, and it confirms my opinion that there should be a more rigid control over prices in the directions he indicated. He said:—

It was difficult to understand Mr. Sewell's reason for defending retailers. A number of clothing manufacturers, all members of the Chamber, had complained to the department of restrictive trading practices carried out against them or their clients by large city retailers. Three clothing manufacturers have claimed that before recontrol they had notified city stores of their selling prices based on a reasonable profit margin for the stores. The stores had rejected those prices and advised the manufacturers on a take-it or leave-it basis. Manufacturers, in order to sell their goods and retain their staffs, had been forced to accept lower prices only to see retailers reap the benefit by applying excessive margins.

That is a very convincing statement. I think every honourable member will agree that the Prices Department, which has carried out exhaustive inquiries, has a personnel that is specially trained for this work. The statement should be considered in the light of what Mr. Murphy said about restrictive practices being indulged in. While these things are going on we do not have any advocacy from those who are opposed to price control to have a lifting of wage pegging. Every member knows that wage pegging, price control and subsidies go hand in hand. The basic wage has been pegged for a long time, and where control has been lifted from essentials the prices have risen. As a result the value of the pound has gone as low as 7s. 6d. or even 5s., because wages have not been permitted to follow the increased cost of living. Although members of the Opposition agree with this proposal they feel it does not go far enough, because there should be some protection for those on a fixed wage. I have much pleasure in supporting the second reading.

The Hon. Sir FRANK PERRY secured the adjournment of the debate.

HEALTH ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 30. Page 645.)

The Hon. E. H. EDMONDS (Northern)—It is not my intention to speak at any great length on this measure because members who have preceded me have given a fair coverage of its contents. The Bill contains two amendments of a very important nature, and I shall content myself with making a few general observations on the administration of the Act. The primary power of administration is vested in the Central Board of Health, and from that body it is carried on to the local boards of health which are usually constituted from councils. It is a responsibility that is appreciated and accepted, particularly in the outside country areas. Despite the many problems, much has been achieved, and earnest attempts have been made to give to the people in the districts concerned healthful and hygienic living conditions, which of course is one of the primary objects of the legislation. However, efforts in this direction are very often definitely limited by the resources available. Without exception local boards of health are fully aware of their responsibilities and are desirous of fulfilling them to the full, and as a means towards this end they endeavour to introduce many measures calculated to improve the healthful living conditions of the people in their areas.

The Bill provides for the framing of further regulations. It is interesting to note that the Act already provides for regulations to be made by the Central Board in a large number of matters. In 1943, when the Act was consolidated, provision was made for regulations to be enacted for 22 different matters that came under the heading of health administration. Those 22 subjects have been added to since. In addition to regulations made by the Central Board of Health local boards are also permitted to make regulations, or to adopt regulations previously sanctioned by the Central Board. By these means it will be seen that the administration of the Health Act becomes, in effect, a matter of administration by regulation. It is easy to appreciate why that should be so because in matters of public health unforeseen circumstances can arise not hitherto considered as a possibility, and it becomes necessary to meet the situation at once. The Bill before us is evidence of that, but in view of the fact that in the 1943 Consolidated Act there was a sort of general overall authority which provided that, in addition to matters upon which regulations were specifically made, the Central Board could make regulations for the general carrying into effect the purposes of the Act, I am wondering why it is necessary to have these amendments providing for regulations on these specific subjects, and why they do not come within the ambit of that general authority.

Two other matters of importance provide for the appointment of health officers and health inspectors. In districts where there is a resident medical practitioner it usually follows that he is appointed as officer of health, and I assume that he would in all cases have the necessary qualifications for the satisfactory fulfilment of the responsibilities of his office. However, the amendment is evidently framed to provide for occasions where it may be necessary to appoint persons who are not resident medical practitioners, for it is proposed that certain qualifications shall be laid down. We have no indication of what they may be and therefore I am unable to assess what the possibilities may be, in the average country district, of getting people to fill these important posts. I know from practical experience in the administration of the Health Act that the aim generally is to observe the spirit of the Act rather than a strict literal interpretation of it. It is generally accepted

that where it is not possible to get a qualified medical officer a realistic view must be taken, and endeavour to rectify an unsatisfactory condition within the means available. Therefore, it is with some degree of interest that I look forward to the framing of the qualifications to be laid down for a health officer. Usually the duties of a medical officer in a local board of health are not such as to occupy his full time, and I can see nothing that would preclude a number of neighbouring councils from appointing one officer to carry out the duties for all of them. If this can be done it might induce people with the necessary qualifications who might otherwise not be interested to accept appointment. Usually the resident medical practitioner has a full time job and does not accept outside responsibilities very freely if he can avoid it. I appreciate that in looking after his general practice, especially in some of the larger districts, a doctor has little time to spare for other duties, so, although there may be a medical officer in the district, it does not follow that he will accept the responsibility of this office.

The other important matter in the Bill is the control of the manufacture and installation of septic tanks. This is one of the big problems associated with the activities of local boards of health. Of course, the ideal is a complete sewerage system, but that is impossible in many outside areas. Indeed, it is questionable whether it is possible even in some of the bigger towns, as indicated by inquiries made by the Public Works Standing Committee throughout the State. That being so the next best thing is undoubtedly a satisfactory septic tank, but here again it is not just a matter of putting in any old system, which is probably the reason for the proposed regulation laying down definite specifications regarding the size and construction of these installations. Under the existing law the onus is on the purchaser, but under the Bill it is proposed to make the manufacturer responsible for the article he sells, and that is as it should be. If the Central Board of Health lays down clear specifications to which these installations must be constructed and installed, and requires something in the nature of a guarantee that the article complies with the regulations, it places the onus on the manufacturer and not on the purchaser. I understand that there are other lines on the market which are claimed to be effective in the disposal of sewage, but I do not know what they are worth or whether they are efficient. I do know that a septic tank properly installed is effective, but people who run away with the idea that once they have installed a system it is the end of their responsibilities are suffering a delusion. They have to be given attention or they cause all sorts of trouble and can become just as obnoxious as any other unsatisfactory method of disposal. I hope the Bill will lead to more universal acceptance of a better system of disposing of sewage in country districts and that people will be able to make their purchases knowing that they will be installing something that has the approval of the health authorities.

The Hon. A. J. MELROSE (Midland)—It is abundantly clear that Mr. Edmonds has spoken from experience. He has undoubtedly had experience on local boards of health, and with his remarks in that regard I entirely agree. I have been a member of a local board of health for nearly 40 years, and I agree with him that the boards conscientiously try to take care of the health of their districts and carry into effect the wishes of the Central Board of Health.

My reason for rising is not to repeat anything said by the previous speakers, but to register an objection to clause 3 which deals with the manufacture and supply of what may be briefly called faulty septic tanks. It amuses me sometimes to see how a change in public opinion about certain things trips people up rather than helps them. We see time and time again that the shortage of reinforcing rods nearly brings ordinary building to a standstill. People do not seem to observe or remember that all the old mansions and homesteads throughout the State have not one single piece of reinforcing rod in them; they were simply built of stone and lime mortar. Nowadays, if there is a shortage of cement or reinforcing rods everyone is completely nonplussed. Under clause 3 we are asked to penalize anyone who sells a prefabricated septic tank which does not comply with the specifications laid down by the Central Board of Health. The original septic tanks were simply rectangular excavations in the ground lined with bricks and faced with cement, and I know of some that have been functioning, I suppose, for 40 years with a minimum of attention. They are much better in my opinion than the cylindrical tanks now on the market because it is so easy to open them up for cleaning or making repairs when it is necessary, or for clearing out blockages which may be caused by, say, roots. I have never had much to do with the cylindrical type, but I should think they would present many difficulties.

The proposed new section 171 seems to be out of place. It will follow a section dealing with the Compulsory Acquisition of Land Act. Probably it was found there was no fitting place for it in the Act, and I am inclined to agree that is the best one can say about it.

It would appear that the Health Act is not the place to include control over the manufacture and sale of septic tanks. If in its wisdom Parliament passes this Bill in its present form, I should think that the penalty of £50 mentioned is unnecessarily heavy. Section 147 of the principal Act deals with making of regulations and paragraph (*h*) relates to the installation, maintenance and inspection of bacteriolytic tanks, and the fittings and drains and water closets used in connection therewith. That seems to give ample power. Paragraph (*o*) provides for the imposition of a penalty not exceeding £10 for the breach of any regulation. The purpose under the Bill could well be served by simply providing for a regulation specifying the cubic capacity of any septic tank offered for sale and the quantity of cement used in its manufacture. That would completely cover the emergency which seems to have arisen. If we are to protect the buyer from himself, I suggest that we delete clause 3 and remind the Central Board of Health of its regulation-making powers, and that it should include in a regulation definite specifications for the construction of septic tanks offered for sale as prefabricated articles. In other respects, I support the Bill because I would not object to any legislation the object of which is to maintain the health of the general public.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Regulations."

The Hon. C. R. CUDMORE—Paragraph (*d*) provides for prescribing the qualifications for persons employed as inspectors by local boards and country boards. I was rather impressed by Mr. Edmonds' remarks. He seemed to suggest that if a doctor was available the local board usually appointed him. Can the Minister give any idea of the kind of qualifications that will be required under this legislation?

The Hon. Sir LYELL McEWIN (Minister of Health)—The persons referred to by Mr. Edmonds are medical officers, and not what are commonly referred to as health officers. At present the clerk of a district council can become the health officer. However, he is not appointed with any qualifications in that capacity, but as clerk, for which proper qualifications have been laid down under the Local Government Act. Representations have been made to me from time to time that qualifications should be laid down for health officers, particularly for places like Port Pirie and Whyalla, and that one of their qualifications should be their ability to inspect meat. I do not know of any district clerk who has such qualifications. The qualifications necessary would be those which would enable a man to judge whether a condition was healthy or otherwise, or what was necessary to correct an unhygienic condition. A township with possibly 300 or 400 residents should not be called upon to pay a qualified man £1,000 a year to look after the area, but it would be possible for a number of adjoining councils to combine and appoint a man with the necessary qualifications. At present there is no inducement for anyone to undertake the necessary steps to qualify himself for the office, but this provision will provide such encouragement.

The Hon. C. R. CUDMORE—Does not this clause involve the possibility of setting up a new board of examiners and a new profession? If that is the case, we should debate the Bill knowing exactly what we are doing.

The Hon. Sir LYELL McEWIN—I do not feel perturbed if it does create another profession provided it is created in a worth-while cause. I have not yet heard of the occupation of a district clerk being called a profession, nor do I know of any difficulties about their examination. It would be to the advantage of councils if they so desired to appoint an officer to do this work if they knew he had the necessary qualifications to act as a health officer, rather than accept anyone just because it was a job. It is an insult to the welfare of the public generally if the position of a health officer is to be considered just a job for someone who is out of work.

The Hon. A. J. MELROSE—The Minister may have overlooked one fact which appears in paragraph (*d*) (*m7*) where is it provided—

> That after a day fixed in the regulations no person shall be employed by a local board or a county board as an inspector for the purposes of this Act or the Food and Drugs Act, 1908-1954, who does not hold such a certificate which is in force.

That would mean that if through death or resignation a district council lost its inspector it could not appoint another who did not hold one of these certificates. Such a man may not be available. I understand that most of this work is done by the district clerk, and if he

is faced with a problem he gets the local doctor to go along with him to fortify him in his decision. It is going a little too far to say in a few words that on and after a certain date only a certificated man can be appointed.

The Hon. Sir LYELL McEWIN—As I interpret it, anyone could otherwise be appointed as an officer of health. I draw attention to one case which was recently referred to me by a deputation. One of the spokesmen said that in his municipality they had a qualified man who had reached the retiring age. An unqualified man was appointed and later had to have an assistant, who is a qualified health inspector. That is not a good set-up, and it is rather a ridiculous position to have an unqualified man who has as his assistant a qualified man. If a man did not have the necessary qualifications as an inspector he could not be appointed. The duties of the board would have to be carried out in the best possible way without such an officer. If there are men who are prepared to qualify themselves for this position they should not be placed in such a position as the man to whom I have referred.

The Hon. C. R. Cudmore—What is the qualification the Minister referred to?

The Hon. Sir LYELL McEWIN—The qualifications are the capacity and the proper diplomas to carry out the necessary inspections. If the honourable member wants detailed information, I am quite prepared to obtain it. I move that progress be reported.

Progress reported; Committee to sit again.

REGISTRATION OF BUSINESS NAMES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 30. Page 646.)

The Hon. Sir WALLACE SANDFORD (Central No. 2)—I was very glad that my colleague, Mr. Cudmore, spoke as he did with reference to the second reading and the Committee stage. He indicated that he would have some amendments, and since then we have received the prints of them. The point to which he directed our attention took my notice on reading the Bill, and I was inclined to agree as to the advisability of making some adjustment to the provision relating to witnesses. As the amendments have now reached us, they will be dealt with in due course.

Honourable members may recollect that in August of last year a Bill was introduced to amend the Act. It dealt, *inter alia,* with the necessity for giving notice to the Registrar of Companies when a business ceased to function or the use of the business was abandoned. The original measure appears to have come into operation about 1889 and to have been amended on several occasions. It seems that this legislation, which of course has become so important to the growth of commerce in this State, has been serving our financial and commercial interests. The Bill is calculated to improve the working of an Act that has been of use and value for a number of years. When explaining it, the Attorney-General said:—

> The principal purpose of the Bill is to enable regulations to be made under the Act providing for increased filing fees to be paid where an application for the renewal of the registration of a business name is filed by a firm after the time laid down by the principal Act.

He pointed out that the Thirteenth Schedule of the Companies Act provides that a fee of 5s. is payable for the filing of certain documents within the period prescribed by law, a fee of £1 5s. if the documents are filed within one month of that period, and a fee of £5 5s. if they are filed after that. He also said that the schedule provides that the Registrar may, if he thinks just in any special case, reduce the increased fees. The Government, while wishing to encourage early filing, does not desire to penalize members of the public unduly, and it appears in all circumstances that members of the public may be unduly penalized if the increase became payable as soon as the time for renewal of registration expired.

There are several other matters, such as the witnessing of documents outside the State, which appear to me to be rather loose. Some tightening may be done, and possibly this has been done in the amendments, which I have not yet had time to read. Clause 6 does not permit the Registrar to refuse renewal of the registration of a business containing words which may have been registered before the passing of the Bill. That appears to me to give reasonable protection.

The Hon. C. R. Cudmore—It is not retrospective.

The Hon. Sir WALLACE SANDFORD—No, that is so. I have pleasure in supporting the second reading.

The Hon. F. J. CONDON (Leader of the Opposition)—When Mr. Cudmore was speaking on the second reading, he said that when a similar Bill was before the Council in 1950 only two members rose to speak. I had several other engagements on that day which prevented

me from speaking, but so that I will not be recorded as not having spoken on this occasion I intend to say something on the measure. Very often Bills are introduced that perhaps do not get the consideration they deserve because much of the legislation is of a minor character. We all know that late filing necessitates extra work for the officials. If people are not conversant with the law or if they are not prepared to make early declarations they should pay the extra fee. Clause 3 has as its purpose the persuading of business firms to file documents early. In other cases, such as the Companies Act, such a provision has proved very effective. In the Industrial and Provident Societies Act assented to last year provision was made for fees for late filing to be increased. Power is given to the Registrar, if he is satisfied that just cause exists for so doing, to reduce such fee payable by any person to not less than the original fee. Honourable members will realize that it is within the power of business agents to make applications in time, and if they do so they will not be penalized.

Clause 4 deals with the removal of names from the register of business names. I intend to support Mr. Cudmore's amendment to this clause because I think the person should have the right of appeal at the right time. Unless the Minister can explain why the amendment should not be carried I shall support it. Clause 5 provides that the Registrar, if satisfied that a firm, individual, or corporation is not carrying on business, may strike the business name off the register. That goes back to the points proposed by Mr. Cudmore. I trust that the Attorney-General will consider what Mr. Cudmore has suggested.

The Hon. C. D. ROWE (Attorney-General)—I am indebted to the two members who have spoken on this Bill for the work that they have put into it and for the points they have raised. As was mentioned by Mr. Cudmore, this is a Bill the clauses of which might more properly be discussed in Committee than on the second reading, and therefore I shall postpone my detailed reply to the points raised until we reach Committee. At this stage I would say that there appear to be two points of criticism. The first is the widening of the number of people who are able to witness documents. In brief, the answer to that is that at present out of all the notices sent out by the Registrar to companies required to furnish information under this Act not more than 75 per cent are replied to. When further inquiries are made the excuse usually given is that a Justice of the Peace or other authorized person is not available. In the view of the Registrar we have two alternatives; either we insist on having authorized witnesses as at present, and thereby having the records in the department out of order because we do not get replies, or we can widen the number of people who can witness documents in the hope that it will bring the departmental records more up-to-date, so that people who are searching the registered particulars of any firm will get the best possible information available. After long experience the Registrar believes that the latter is the preferable alternative, and I feel at the present stage that I shall ask the Committee to accept his suggestion on this matter.

With regard to the striking of names off the register I feel that there is some merit in the point raised by Mr. Cudmore. He has circulated a proposed amendment and I should like the opportunity of examining it overnight. I therefore propose, when the Bill gets into Committee, to ask that progress be reported for that purpose.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 4.48 p.m. the Council adjourned until Thursday, September 1, at 2 p.m.