

LEGISLATIVE COUNCIL.

Thursday, September 1, 1955.

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

QUESTION.**USE OF QUARRY RUBBLE.**

The Hon. C. R. CUDMORE—Has the Minister of Local Government a reply to my question of August 16 relating to the use of screen rubble from the Stonyfell quarry?

The Hon. N. L. JUDE—I obtained an answer to the question, but having perused it realized it did not apply directly to the question asked. I would add now that the material referred to is totally unsuitable for highways use. The honourable member was good enough to inform me that the question was not directed on those lines, and I now suggest that this matter be referred not only to the local councils nearby, but also to the Public Works Department, which might have use for the rubble. The Highways Commissioner informs me that his department has no use for it at the moment.

MINES AND WORKS INSPECTION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 31. Page 668.)

The Hon. S. C. BEVAN (Central No. 1)—When the principal Act was passed its provisions were adequate to meet the requirements of the time. They were confined to the protection and safety of employees in quarries, as well as that of the general public. Since the last amendment to the Act in 1935 there have been considerable extensions of housing to the outer suburbs, and building projects are even extending further afield. There has been great progress in this regard in the last six months. In some places shopping centres, community halls, churches, and some factories have been erected. There is considerable building activity in the foothills, and extending further afield into the hills themselves. This amending legislation is to provide not only for the protection of the health of the employees engaged in quarry work and the general public, but also for the protection of property. It would appear that the amendments are justified.

Additional powers are to be placed in the hands of inspectors of mines. They will have

jurisdiction relating to damage which might be caused to property—not only actual damage, but as to the possibility of likely damage. The measure also extends into the field of quarry operations becoming a nuisance.

The Hon. Sir Frank Perry—How would you define “nuisance”?

The Hon. S. C. BEVAN—Various nuisances can be created, one being the dust nuisance, but much of this can be controlled. Occupants of residences situated near quarry activities can be inconvenienced by the dust nuisance. One could refer to the scarring of the hills by the operations of a quarry as a nuisance, but this legislation is not for the purpose of curtailing the activities of quarries. I cannot read anything into the Bill that would give power to an inspector to curtail their activities because of such defacement. However, if the quarry is worked out, something should be done to disguise its face, and I think the inspectors should have power to order that this be done. The Bill increases the power of inspectors in the way I have mentioned, and it also increases the time limit in which proceedings under the Act can be instituted. The Act provides that a prosecution must be launched within three months of the commission of an offence; the Bill extends that period to six months, and further provides that proceedings shall not be launched in any case later than 12 months after the commission of the offence. Because of the reasons I have enumerated I support the second reading.

The Hon. C. R. CUDMORE (Central No. 2)—This measure has been introduced, I think, to deal with a very burning question in the foothills. The effect of the quarries in the foothills is a matter that continually crops up in the press, at indignation meetings and elsewhere, and there are several aspects to the matter. One, of course, is the aesthetic aspect, the question of whether we are to preserve the appearance of the hills and not allow anything that is objectionable to look at. I do not propose to go into that aspect because it has nothing to do with the Bill. It is proposed in this measure to extend the powers of inspectors and the power of making regulations, not only to cover health and danger to persons to which they have been limited in the past, but to cover possible damage to property or nuisance. It is interesting to find out what are the effects and the rights in this matter. Originally, when rights to land were granted in this State, they included minerals and everything else.

In 1886 the first reservation of minerals in titles was made, and gold was reserved to the Crown. In 1888 all minerals were reserved, and it was not until 1893 that we had the present Mining Act to control all minerals in this State.

The quarry that has caused such a lot of comment from both the aesthetic point of view and complaints from people living in the foothills about the nuisance and the blasting and so on is, of course, the Stonyfell Quarry, which is a big gap in the hills looking at it from where I live and from Adelaide. However, this has been in operation for between 80 and 100 years, and the titles to the land had no restrictions in regard to minerals, therefore the owners are entitled in the ordinary way to do what they like. Under the Mining Act quarry stone is considered to be a mineral. No-one worried much about what was happening in those quarries until about 25 years ago. In 1935, the Mines and Works Inspection Act was passed. This gave the right to make regulations and it also gave the Inspector of Mines power to give directions in regard to the health and safety of persons. That is as far as it went, as pointed out by the Minister and by Mr. Bevan. Now we are extending that very widely to cover possible danger to property or nuisance. Nuisance is a difficult thing to measure. I have stated at a meeting on this very subject that in my view the question of nuisance should stand on the old principles of law which are that if a quarry or mine is in existence and has been working some time, and a person buys a piece of land close alongside it and builds a house thereon, he knows exactly what to expect and has no grounds for complaint. On the other hand, it is quite a different matter if the householder has the priority and someone in the foothills opens up a quarry and starts blasting and disturbing him. I think that is a clear distinction that should be recognized, and I hope that under the power proposed to be given as to nuisance it will always be recognized—as I feel sure it will be—by the Mines Department.

The Hon. Sir Lyell McEwin—What about extensions as under the Noxious Trades Act?

The Hon. C. R. CUDMORE—I would not think that a person who has owned a property and has worked it in a certain way for perhaps a hundred years could be displaced simply because of the needs of future development; that would be an interference with his rights.

The Hon. Sir Lyell McEwin—I am referring more to industrial development.

The Hon. C. R. CUDMORE—I would agree with that. There are three things of which people complain. The first is ground vibration, which, it is often claimed, is doing damage to the foundations of houses and so forth. I have been up around these quarries and had a good look at them; I inspected the old building which is right in the quarry itself—the original Dunstan place—and there is no sign of a crack in it although it has had all the vibration. I was very interested to learn from the Mines Department that when people complain of vibration what they really feel is air blast. When a charge is put deep into a quarry there is an explosion and that sets up ground vibration. I am advised that the department proposes to secure an instrument which will measure that vibration, so that it will be in a position to tell the quarry owners the maximum charge that they may put in. The question of noise I have already mentioned; that is a question of who is there first.

The main complaint is generally about window rattling and so forth, so I was very interested to find some measurements which have been taken on this question. In the month of August, according to today's press, we had 19 days on which gale warnings were issued, and those gales I think rattled our windows much more than any of this air blast that is complained of. It may interest members to know that these complaints are never made after the explosion of a charge put into the earth itself, but nearly always when what is known as a blister charge is put in a big stone that has fallen, in order to break it up. That explosion, of course, takes place in the open air and that is where the blast and most of the noise comes from. Measurements have been taken in England and elsewhere as to the effect of air blast and it has been found that one pound per square inch of air blast will not break a window. That is equivalent to 144 lb. per square foot; that much will not do any damage. Measurements that have been taken of the blasts around our foothills show that they are only a fraction of a pound per square foot, whereas 144 lb. will not break a window, so where does the question of damage come in?

Those facts are interesting, but I am entirely in favour of the Bill. It gives an extremely wide power to inspectors and the department, but as I see it if they get these instruments to measure blast effects they will have something quite definite and will be able to tell the quarry owners just what amount of explosive may be used in given circumstances. I imagine that that is the way the matter will

be dealt with. It is a very good thing that this should be cleared up because it has been exercising the minds of many people and there has been much misunderstanding about it. I emphasize the fact that I am not discussing the aesthetic aspect of the quarries at this stage. This is a Bill designed to give the department power to deal, not only with danger to the health of people but to property, and I support the second reading.

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

PUBLIC WORKS STANDING COMMITTEE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 31. Page 673.)

The Hon. E. ANTHONY (Central No. 2)—Yesterday we heard an excellent speech by the Leader of the Opposition, who went into the history of the origin of the Committee, its functions and the valuable work it has done for the State, all of which I heartily endorse. As a member of that committee some years ago I had the opportunity to assess its value to the State. The committee has the powers of a Royal Commission, and calls evidence from expert witnesses before coming to a decision. I pay a tribute to its members. Mr. Condon, a member of that committee, is one of the best examples I know of a person who gives diligent attention to his job. I do not remember his ever being absent from a meeting of that committee. He is always a close student of its deliberations. Over the last few years far too many references have been sent to the committee. Yesterday, Mr. Condon gave us a list of the works reported on by the committee, some involving large sums, but I feel certain many of them will not be carried out for a considerable time.

The Hon. K. E. J. Bardolph—Don't you think that is a waste of the committee's time?

The Hon. E. ANTHONY—Not only a waste of the committee's valuable time, but also that of a number of officers who have to leave their important jobs to give evidence. This includes officers from the Harbors Board, Engineer-in-Chief's Department and the Architect-in-Chief's Department who are frequently called upon to give evidence.

The Hon. K. E. J. Bardolph—You would say that as a consequence these reports were of no value?

The Hon. E. ANTHONY—I would not say entirely of no value, but much time has been

wasted. These inquiries involve heavy expenditure. I hope the Government will take notice of these comments, because this is a matter which has concerned Parliament for a long time. Nearly every member of Parliament has felt that some of these references to the committee could be of no practical effect because the projects could not be carried out for a considerable time, largely due to the lack of finance, materials and manpower. I consider that many of the inquiries are unnecessary to be undertaken for the time being. Often reports are shelved, and after a time the recommendations become obsolete because of altered conditions. This applies to the subject I raised yesterday regarding new Government offices. This project was referred to the committee nearly 20 years ago. It related to the construction of a 7-storey building with basement in Molton Street, Adelaide, to provide accommodation for certain Government departments. On June 26, 1936, the terms of reference were extended as follows:—
As an alternative to the construction of a 7-storey office building in Molton Street, the committee shall inquire into and report upon the construction of a substantially larger office building on the land on the east side of Victoria Square bounded by Flinders Street and Molton Street.

I was then a member of the committee. An exhaustive inquiry was made and much evidence taken. The Public Service Commissioner of the time in commenting upon the need for further Government offices said:—

There is no doubt that the accommodation provided in the Engineering and Water Supply Department is inadequate and unsatisfactory. There is serious congestion and the disposition of the offices causes great inconvenience both to the staff and the public, and seriously militates against effective supervision and economical working.

The position has been aggravated in recent years by the expansion of departmental operations, the co-ordination in the head office of work previously done in branch offices, and the extra work and difficulties involved in rate collection as a consequence of the depression. Several alterations have been made in an effort to effect improvements, but they have only resulted temporarily in minor amelioration. The design and structure of the present building are bad from the standpoint of provision of modern office accommodation and extensive and costly reconstruction would be necessary to make it satisfactory.

Those conditions have worsened and some of the Government offices today are in very bad condition.

The Hon. K. E. J. Bardolph—Does that not prove that some of the inquiries are of no avail?

The Hon. E. ANTHONY.—Not that the inquiries are of no avail, but that the Government cannot act on all the committee's recommendations. What is the sense of the committee spending a considerable time on an inquiry when nothing is done? We hear about inefficiency in the Government Service. I saw a report by the Public Service Commissioner in which he referred to inefficiency in the service. I should say that much of it arises from the unworkable conditions in some of the Government offices. The Minister of Local Government said yesterday in reply to a question by me that the cost of erecting these Government offices had increased by 250 per cent compared with 20 years ago. This is surely indicative of the stupidity of calling for reports from the committee and allowing them to lie idle. Today, the Government is embarking upon a building programme to provide additional office accommodation, the matter having been referred to the Public Works Committee. Rather than have this job done piecemeal, why does not the Government get on with the big job and make the offices a credit to the State instead of a disgrace?

The Hon. N. L. Jude—You do not want to take builders away from hospitals, do you?

The Hon. E. ANTHONY—I admit that the position is difficult because of various shortages. The following are the findings of the committee on its inquiry in 1937 into the proposed Government offices:—

That it is desirable to construct a building to provide additional accommodation for Government departments on the site at the corner of Victoria Square and Flinders Street and extending eastward across Molton Street to Victoria Place.

That the most suitable building to erect on the site referred to would be one constructed in accordance with the design submitted by the Acting Architect-in-Chief and depicted on the plan.

This report was dated September 3, 1937. Had the work been carried out then the State would have been saved huge expenditure.

It is proposed in the Bill that the committee shall not have to inquire into any project the cost of which is below £100,000, compared with the present provision of £30,000. Some members consider that the proposed amount is too high, but I do not think it is. The Government has to construct many schools which would cost below £75,000, the amount which some members favour. The idea is to eliminate quite a lot of what I regard as unnecessary inquiries by the committee. If the amount set is too small it will not relieve the committee of much

of its work, and its investigation into the bigger questions will be delayed, and this in turn will delay the progress of the State. A limit of £100,000 is well warranted, although the time may come, and it is to be hoped soon, when the value of money will return to its real worth and a pound will really become equal to a pound's value, instead of much less.

The Bill also makes a very wise provision for eliminating inquiries into repairs and maintenance of public works. When explaining the Bill, the Minister said that as it was necessary under the Act for the Committee to inquire into the maintenance of railway lines, road construction and other similar things, these works were held up. They should be done immediately; they cannot be postponed until a committee can inquire into them, therefore it is important that they should be excluded from the Act. The other important provision is that works already referred to the Committee, regardless of their cost, are not to be affected by the Bill. I have much pleasure in supporting the measure.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I am one of the members of this House who pay a tribute to the members of this committee, and although I may be wrong in my opinion, it appears to me that the committee has gone beyond its limits by turning itself in effect into a technical committee. I am a member of the Industries Development Committee, but although that committee probably has greater powers than the Public Works Standing Committee, because it is on its recommendation that the Government either guarantees a loan or makes money available for the establishment of an industry, it does not go into minor technical details of the construction of buildings as does the Public Works Standing Committee. The Industries Development Committee laid down a procedure in its early days, and it conducts investigations into the capabilities of those desiring support without considering minor technical details.

The Leader of the Opposition said yesterday that it is essential for Parliamentary Committees to be a watchdog over public expenditure. Every Government project is first considered by Cabinet, then the responsible departmental officers are consulted and prepare a scheme. They are also called upon by the Minister to prepare an estimate, and it is on that estimate that the committee operates. As Mr. Bice pointed out in quite an atmosphere of surprise, the original estimate for the Mannum-Adelaide pipeline was £3,390,000 and the final

cost would probably be £10,000,000, but there may have been several factors that operated after the project was commenced that were not envisaged when the estimates were made. This happens in every big engineering and industrial project. I do not decry the work of the Public Works Standing Committee, to which I pay a tribute, but perhaps through unconscious zeal to submit reports covering all the various aspects it may have placed on its shoulders more work than is necessary by going further than obtaining the necessary information on the value of the project submitted. The Committee should make up its own mind and not say to Parliament, "It is your responsibility to fix the limit of the cost of the project submitted to the committee," because no one is more able to give a recommendation to Parliament than the members of this committee. Some lead should be given, especially as this measure has been introduced into this Chamber, and I am inclined to move that the amount should be £50,000, so as to get an expression of opinion from Parliament. By doing this I would be doing what the members of the committee desire, to see that Parliament takes its share of the responsibility.

The Hon. C. R. CUDMORE (Central No. 2)—I entirely agreed with Mr. Condon in his admirable speech yesterday, which we all enjoyed and which was a contribution towards the debates of this Chamber. This is a very important measure and I think the Government has treated the House with scant courtesy, putting it in the politest way I can, by explaining a measure such as this in about 100 words. I think that is wrong. The Government has not put anything before us. It gave us a few particulars by saying that the opportunity has been taken to deal with railway repairs and maintenance, but it treated us with scant courtesy by introducing a Bill of this importance in so very few words. What has the Government told us? Nothing. It simply said costs have gone up by 250 per cent, therefore it is proposed to alter the amount from £30,000 to £100,000.

My mind goes back to several of the matters referred to by Mr. Condon and Mr. Anthoney. I remember the origin of this Committee quite well. In speaking to this measure members have kept Party politics out of it, which I applaud, but I must say that it was the orgy of Loan spending by the Gunn and Hill Governments that raised the whole question. The Act was brought in by the Butler Government because it was necessary to have some Parliamentary

body to keep a check on Government expenditure. I am well aware of that, and I think in introducing this measure the Government would have been well advised to have given us some information. Parliament should not be treated with contempt by the Government saying, "We have decided this, and that is that." Why haven't we some information? Mr. Condon gave us a lot of information. He told us of the number of references that had been made last year, I think 41. Why have we not been told how many of those were for projects costing between £30,000 and £100,000, how many were over £100,000, how many were approved or not approved by the Committee, and in how many the Committee was able to bring about a saving on the estimates? Mr. Bardolph had it a little wrong when he said these matters began with Cabinet. They do not; they begin with a department that has some ideas about spending some more money, or the Minister in his particular department produces a plan for the building of, for instance, the Unley High School, and then it goes to Cabinet, which decides the matter.

It would be some satisfaction to the House to know what is the position, and it is not too late for us to be told. What information can we get so that we can make up our minds whether the amount should be increased to £100,000, or, as has been suggested, to £75,000? I quite agree that it should be increased. We have had no lead from the members of the Committee in this Chamber. They have told us they do not think it is their job, that they feel they should keep out of it and leave it to Parliament. To say that we have no lead is not correct because the Bill was introduced—just thrown at us—and we were told that the amount should be £100,000, but I would like some information, some particulars and some details to show why it should be. It may be said that I can go away and read the annual reports of the Public Works Standing Committee for the last 20 years to obtain this information, but I do not think that is reasonable. We should have some information put before us from which we can judge whether it is the right amount or not, and some particulars as to how much the Public Works Standing Committee has been able to save the State and the taxpayers by its investigations into larger matters so that we can decide the amount. Perhaps it should go up to £250,000; I do not know, and I have no information to help me. Before this Bill is passed we should have much more information than was given by the Minister.

The Hon. Sir FRANK PERRY (Central No. 2)—I have listened to this debate with considerable interest and until Mr. Cudmore spoke I was a little concerned as to the actual value of the Public Works Committee. I can quite understand that its purpose is to inform Parliament to which it submits reports, but the two members of the committee in this Chamber quite failed to give us a gauge of the effectiveness of their work. It is true that they examine projects submitted to them and give a general approval, but they did not cite, with two possible exceptions, any cases in which expenditure has been saved by the committee's examinations. Of the 41 submissions that were made last year there was no indication that one of them had been altered, improved, or thrown out. It is true that we can examine the reports of the committee, but I thought that its members in this place would have rendered greater service to the Council if they had told us more about the effectiveness of their work. I have been criticized before on my attitude as to the effectiveness of the committee, but I have always held the opinion that responsibility rests with the spending authority, in our case the Minister concerned, and he should accept it.

The Hon. N. L. Jude—Doesn't he?

The Hon. Sir FRANK PERRY—Yes, but I think under our present methods that a good deal of the responsibility is thrown on the Public Works Committee. We know that in many cases months and even years elapse before a report is submitted. It seems to me that to raise the amount to £100,000 is quite reasonable.

I must say that from the Parliamentary point of view I regard the Public Works Committee as saving a considerable amount of time of the ordinary member of Parliament, and we have confidence in it, but I was disappointed that in their attempts to justify their work the members who spoke yesterday did not enumerate what alterations they had made to proposals submitted to them, for after all that is the measure of the effectiveness or otherwise of the committee. Many items of Government expenditure do not go before the committee. Trusts and so forth spend their money without any reference to the committee, and their judgment has to be accepted by Parliament without any advice. I am thankful that we have a Public Works Committee, because whatever Government is in power, we are assured that any matter involving more than a certain amount of money will be inquired into by members of Parliament who are not influenced beyond the

average feeling of any member of Parliament. Although I am in favour of the proposal to raise the limit to £100,000 I endorse the hope expressed by Mr. Cudmore that some indication of the real value of the committee will be given us. The responsibility for all expenditure rests on the Minister and the Government through this Parliament, and the Public Works Committee is only an informative one. I support the second reading.

The Hon. N. L. JUDE (Minister of Local Government)—I was somewhat surprised by Mr. Cudmore's remarks. He used the expression "scant courtesy" and "lack of information." I would have thought that the obvious courtesy was to permit Mr. Condon, with his many years of faithful service to the committee, to enlarge on this subject as he pleased, and he did so very effectively. The main issue is quite clear, namely, whether we should raise the limitation from £30,000 to £100,000. Mr. Condon suggested that possibly £75,000 might have been considered, and naturally his opinion is worthy of full consideration by members. I was somewhat disappointed that his colleague, Mr. Bice, was not quite certain whether he supported that or not, but said that he preferred members of the Council to make a decision. Mr. Anthony made a sound point when he said that £100,000, in the light of present values, represented an increase of some 250 per cent. A true assessment of that percentage would raise the limitation to £105,000 and the Government has decided on £100,000. That explanation is quite simple. I cannot imagine why Mr. Cudmore, with his particularly acute wit and knowledge, should think that this needs pages of facts to substantiate it. There are no reports more complete than those offered by the Public Works Committee on every subject it deals with. This is simply a question of whether we raise the limitation relative to the present value of money and this is not a Bill to justify the continuation of the committee.

The Hon. F. J. Condon—The various reports explain all that the honourable member complains of.

The Hon. N. L. JUDE—I agree. Mr. Cudmore is the only member who has taken exception to the lack of information. Even Sir Frank Perry found no hesitation in coming down on the side of the potent feature of the Bill. Whether Mr. Cudmore wanted to draw a herring across the trail or not I do not know, but the position seems to be quite simple. If he wants more information I am

quite certain that he can go to no-one better in the committee stages than Mr. Condon. I would not be so foolish as to set myself up as an expert on the committee. Sir Frank suggested that he was somewhat concerned as to whether the committee made the decisions or not. It is obvious that the committee does not make final decisions. It recommends and the Government takes the full responsibility, as every member knows.

Sir Frank Perry—Is there not a possibility of the Government's resting only on the committee's reports? That was my trouble.

The Hon. N. L. JUDE—There is that possibility, but that surely is the entitlement of any Government. Mr. Anthony placed considerable emphasis on a report submitted about 20 years ago with regard to a certain public building. A Government may call for a report because it thinks it is desirable, but by the time the report is received the economic position of the country may be changed entirely. If I remember rightly, the price of wool was about 11d. a pound in those days, and these things have to be considered by the Government. There might have been a change of Government in the interim and a different Government may have different views as to the urgency of a matter. In view of these things I feel confident that members will support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. F. J. CONDON (Leader of the Opposition)—My chief object in rising is to say something I omitted to say yesterday, and that is to pay a compliment to the secretary of the Public Works Standing Committee and his assistant. When one realizes there are only two officers on the committee's staff one must appreciate the valuable services they have rendered to Parliament. It was Parliament which first fixed the amount of £30,000 in the Act, and therefore it is Parliament's duty to make any alteration. Each report of the committee is placed before both Houses of Parliament and on members' files. I am, therefore, sorry to hear some members say that they cannot get the information they desire concerning certain reports. Complaints were made by Sir Frank Perry today, but had he taken the trouble he could have obtained from the report all the information he sought.

Clause passed.

Clause 4—"Duty to submit works to committee."

The Hon. S. C. BEVAN—I move—

To delete "one hundred" and insert "seventy-five."

It has been stated that if the clause were carried in its present form many fewer projects would be placed before the committee. When the Act was first passed the sum of £30,000 fixed represented money of that value, but today it would be much less. An amount of £100,000 is considerable even on today's values. We read in the press almost daily warnings that there will be a drop in returns from the sale of our products, such as wool. Will there then not be a reversion to former money values? In that event another amendment of the Act would be necessary to alter the amount.

The Hon. C. R. CUDMORE—I do not intend to support the amendment. I draw the Committee's attention to the fact that the clause amends section 25 of the principal Act which reads as follows:—

(1) After the first day of July, 1928, it shall not be lawful for any person to introduce into either House of Parliament any Bill—

(a) authorizing the construction of any public work estimated to cost when complete more than £30,000; or

(b) appropriating money for expenditure on any public work estimated to cost when complete more than £30,000;

unless such public work has first been inquired into by the committee in manner provided by this section: provided that this requirement shall not apply with respect to a Bill appropriating money for expenditure on a public work specifically authorized by Act of Parliament before the said first day of July, 1928.

(2) Any such proposed public work as referred to in the next preceding subsection may be referred to the committee—

(a) upon motion made in the usual manner by any Minister or any other member of either House of Parliament; or

(b) by the Governor.

Frequent reference has been made to the cost of erecting schools, but a Bill is not introduced into Parliament for the erection of a specific school. The prohibition is against introducing a Bill for works. I should like an explanation of how this applies. I take it that certain works which are inquired into by the Public Works Standing Committee are authorized by the provision of money in Appropriation Bills. Before we decide whether the amount should be £30,000, £75,000 or £100,000 we should know exactly how this will work.

The Hon. N. L. JUDE (Minister of Local Government)—As the amendment has the voice of Mr. Condon behind it and Mr.

Cudmore now feels that the legal angle of section 25 should be investigated, I should like progress reported so that I can get information on these points of law.

Progress reported; Committee to sit again.

MOTOR VEHICLES REGISTRATION FEES (REFUNDS) BILL.

Adjourned debate on second reading.

(Continued from August 31. Page 675.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the Bill. I know that all members will not agree with me that this Bill supports the Labor Party's policy of unification not only of railways, but the construction and maintenance of roads. I was interested in the second reading speech of the Attorney-General, who went to much trouble to submit an analysis of the findings of the High Court and the Privy Council on the question of licence fees demanded from interstate hauliers. As he indicated, the object of the Bill is to enable repayments to interstate hauliers of £9,000 paid for the registration of their vehicles. This would amount to about £50 a vehicle. In February last the Government imposed these charges on interstate carriers in order to have some measure of control over them and to raise revenue. This proved to be *ultra vires* of section 92 of the Commonwealth Constitution. Honourable members will appreciate the fact that since the establishment of Federation and of the Commonwealth Parliament section 92 has had to be surmounted by legislation passed by every State Parliament. It has caused many marathon legal battles in which much money has been spent by State Governments and private citizens, and I do not think any section of the Constitution has proved more costly to interpret. The State and Commonwealth Governments should have some defined policy of the Constitutional rights of the States and the Commonwealth so that there would not be the legal collisions that we have had under this legislation. The only solution to the problem is that enunciated during the war by a Federal Labor Government in connection with the unification of railways. We should have some unified action in this matter, arrive at a decision and a policy that will be acceptable to all concerned and then submit it by way of a referendum and make it part of the Constitution, clearly defining the powers under section 92.

In his speech the Attorney-General said:—

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.

It is totally unfair for Parliaments to continue passing legislation and throwing the responsibility on courts to determine these matters. There are three ingredients in the make-up of our democracy: our citizenship, which elects our Parliaments, from our Parliament our Governments are elected and from the Governments our Cabinet, and from Cabinet it goes back to citizenship. It is totally unfair to allow this atmosphere to continue without making some approach and thus relieving the judiciary from having the responsibility of interpreting exactly what Parliament means.

The Hon. E. Anthoney—That is their job.

The Hon. K. E. J. BARDOLPH—I know that. It is a splendid thing that we have the High Court as a sheet anchor, because it prevents Governments from passing laws that take away the rights and privileges of the people, but section 92 is like a recurring decimal. As the judges have said, it can be got over by submitting the matter by way of referendum to the people and altering the Constitution.

The Hon. Sir Wallace Sandford—That is easier said than done.

The Hon. K. E. J. BARDOLPH—But we have altered the Constitution from time to time. It can be done if all parties can be unified on any particular issue. It is only where there is a conflict of political issues that it cannot be done. This is an occasion when all the major political parties should be able to agree on some unified policy so that this problem would not confront Governments from time to time and have to be submitted to the High Court. I support the proposal and hope that this Government will, as it has done previously, adopt Labour's policy on this occasion with regard to a unified policy.

The Hon. E. ANTHONY (Central No. 2)—This is another small Bill about which a considerable amount could be said. We could depart, under the title of the Bill, from the small matter that it contains and talk about a remodelling of the Constitution. However, the Bill deals with only a very small matter. It is unique in that it is framed for the purpose of paying back to a small section of the community, the interstate hauliers, a sum of money which in the opinion of the court was illegally taken. There was no intention on the part

of the Government when it imposed the fees to do something that was illegal. The Government felt, and I think rightly, that any people who used the Queen's Highway, especially with such heavy vehicles, and damaged it, should be liable to contribute towards road maintenance. I have faith in the hauliers, a number of whom I have met, and I think they are prepared to make a contribution. Some people have made the charge that the fees were imposed in an attempt to drive them off the road, but I do not think that was the intention. All sensible people realize that the hauliers are fulfilling a very useful purpose.

The Hon. W. W. Robinson—Do you think they will accept the refunds?

The Hon. E. ANTHONY—I am not going into that, but many of them are not asking for a refund. Only a few of them took action in the matter. After an unsuccessful case against the New South Wales Government the matter was taken to the Privy Council, which took the view that as the Constitution very clearly states that trading between the States should be absolutely free and unfettered, this type of legislation was invalid. If anything could be put in simpler English, I have yet to find it. In the days before Federation duties were collected at interstate borders. Federation abolished that, the States took it upon themselves to impose licence fees on all heavy vehicles and until it was challenged there was no question about it. When the hauliers saw an opportunity to get their money back they took action. The South Australian Government has always been most fair to the road transport people, and this is acknowledged quite freely.

The Hon. K. E. J. Bardolph—Don't forget that quite a number refused to register.

The Hon. E. ANTHONY—I realize that, and they took it upon themselves to go *ad lib* on the Queen's Highway without making any contribution towards road maintenance.

The Hon. K. E. J. Bardolph—Don't you think the Commonwealth Government should repay the petrol tax to the States for road purposes?

The Hon. E. ANTHONY—That is an important point. The petrol tax was raised to maintain and improve highways, and if it had all been spent on the roads, I feel certain we would have had far better highways.

The Hon. K. E. J. Bardolph—There would have been unification of roads.

The Hon. E. ANTHONY—I dare say there is something in that. I do not think this Bill means unification, but I think that out of this interstate conference of Ministers and representatives of the carrying industry we might get some uniform scheme for dealing with the arterial roads between the States. I agree that we should have a national plan for interstate roads. That can be done only by a Commonwealth tribunal of some sort, but it should be done. I would go so far as to say that certain moneys appropriated for defence purposes might be spent upon these roads quite profitably because in time of war everything has to be mobile and the roads have to stand up to heavy traffic. It would not be improper to suggest that the Commonwealth Government should contribute towards roads; that the matter could be dealt with by a Commonwealth tribunal. This matter cannot be delayed. I was surprised yesterday, when the Minister was asked what had transpired at the conference, that he gave very little information. Perhaps there was some reason for this. In the near future we should have more conferences and I hope some action will be taken from them and a national policy adopted. I support the measure as I think it is the least we can do to assist the Government in the appropriation of this amount to repay the hauliers.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Power to make refunds."

The Hon. E. ANTHONY—Will the Minister explain just what registration fee is referred to?

The Hon. Sir LYELL McEWIN (Chief Secretary)—The State imposed the same conditions on interstate hauliers as on South Australian hauliers. It is the obligation of everyone who runs a motor vehicle on the road to register it and certain fees were placed on interstate carriers who might also be registered in another State. We made it necessary for them to be registered in South Australia and this Bill enables the Treasurer to repay that amount.

The Hon. C. R. CUDMORE—Subclause (2) (b) states:—

... that the vehicle was not, between the 31st day of January, 1955, and the day on which the statutory declaration was made, used for the carriage of goods or passengers on any intrastate journey in South Australia.

That seems to be extraordinarily severe. It might be justified in the case of a large interstate carrier who tried to get over here with his Victorian licence and do a bit of work in South Australia, but if a South Australian carrier had a vehicle which he used primarily for interstate traffic and used it just once to take something down to Port Adelaide he might be disqualified for the refund. I am not quite clear on this point.

The Hon. Sir LYELL McEWIN—I would interpret it to apply to a person who is really engaged as an interstate haulier, and I do not think it would apply to one who had something on his truck to be delivered to, say, Croydon, as against a final destination of Nailsworth. If he were engaging in normal intrastate traffic he would not be eligible for the refund.

The Hon. C. R. CUDMORE—My difficulty is in the words “any intrastate journey in South Australia.” That is so very definite. If he once took something down to Port Adelaide he would be prohibited.

The Hon. Sir LYELL McEWIN—This Bill is to permit refunds to interstate carriers and if they have been engaging in intrastate traffic they have been contravening the law in any case. The purpose of the Bill surely is to make refunds to people engaged only in interstate trade and it was never meant to make refunds to those engaged in intrastate operations.

Clause passed.

Remaining clause (4) and title passed.

Bill reported without amendment and Committee's report adopted.

DAIRY CATTLE IMPROVEMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 31. Page 676.)

The Hon. J. L. COWAN (Southern)—This Bill proposes a very small amendment to the Act, which was brought into being to improve the standards of dairy cattle and generally promote and encourage the dairying industry. The fund consists of moneys derived from a Commonwealth Government grant and a State Government grant, plus fees paid by dairymen whose herds are under test, and bull licences. Payments from the fund are made to meet herd testing expenses and bull subsidies.

The date of this Act, 1921, carries my memory back to a particular person who was appointed Governor of this State at about

that time. Prior to coming to South Australia he was a very prominent breeder and exhibitor of high class stock in England, and after making various trips around the country he loudly expressed his views on the type of cattle he had observed in his travels by referring to them as “three cornered cows,” and he advised dairymen to do something about improving the standard of their stock. It was about that time that the Act came into force. Whether it was the result of his utterances I am not sure. However, since then the standard of our dairy cattle has improved considerably. Probably this has been assisted by the voluntary system of herd testing introduced by the Government, which gives all dairymen a very clear indication as to whether their cows are below standard and thus enables them to do some culling out and replacement by more profitable types.

The improvement has also been assisted by the institution of the bull subsidy. By this method dairymen, who perhaps were not otherwise financially strong enough to do so, have been able to purchase high quality bulls and thereby raise the standard of their herds. Furthermore, much help and assistance has been given by officers of the Department of Agriculture who act in the capacity of dairy instructors and advisers throughout the State. These officers are located in certain dairying districts and their duties are to advise and assist dairymen in every possible way to improve the standard of their stock and their methods of production. The standard of dairy buildings and appliances in use throughout the State has improved, and this improvement may be attributed to the advice and assistance rendered by officers of the Department of Agriculture who are appointed for that purpose. It is interesting to note that the number of dairy cows in South Australia has increased from 165,110 in 1938-39 to 188,438 at present. This is an indication of the development and expansion of the dairying industry in this State, and the industry has now reached the stage where it is one of our most important primary industries.

The Bill increases the registration fees for dairy bulls over six months of age from 10s. to £1, and for bulls under six months of age from 5s. to 10s. These increases are in accordance with current money values and similar to increases made in other fields. The original fees were fixed in the 1920's and the total revenue therefrom is inadequate for present-day requirements. In supporting such increases nothing is further from my intention than to

increase the dairyman's costs of production, which are already increasing rapidly. Indeed, the situation of the dairyman today is not nearly as prosperous as it was in the past. I believe, however, that these small increases will be readily accepted by dairymen, who will eventually gain from the subsidies made available from the fund.

The Hon. W. W. ROBINSON (Northern)—I, too, support the Bill, which although it increases certain fees payable by dairymen, does so only on the recommendation of the Dairy Advisory Committee in order to increase subsidies payable under the legislation. The fees are paid into the Dairy Improvement Fund, which is administered by the Minister of Agriculture who has power to spend the money on anything he considers desirable in relation to dairy herd improvement. To advise on how the money shall be spent, the Minister has appointed an advisory committee for the improvement of dairying, which comprises three departmental representatives (the Director of Agriculture, the Chief Dairy Instructor and Mr. Irving), three representatives of dairy farmers' organizations, and two representatives of stud breeders, making a total of eight members.

The committee advises the Minister on subsidizing herd recording and subsidizing the purchase of bulls that will assist in improving dairy herd productivity. This subsidy scheme is not new: it was introduced about 1923 when the standard of dairy production in this State was the lowest in the Commonwealth. Today the standard here is the highest, with an average butterfat return of 220 lbs. per annum. I believe this legislation has gone a long way in improving our dairy herds. Over the years as the herds have improved more bulls have become eligible for subsidy, therefore it has been found necessary to raise the standards. Recently the advisory committee saw fit to revise the standards and recommended standards of four per cent butterfat and eight per cent solids not fats.

Members may ask what value there is in increasing the standard of solids not fats because, after all, fats represent the amount of butter and it may be said that that is all that counts. It must be remembered, however, that the solids are composed of casein, albumen, lactose or milk sugar, and the minerals calcium and phosphorus, as well as water soluble vitamins. Those constituents are very valuable in body building and important in diet, therefore it is important that the standard of the solids not fats should be improved.

On the recommendation of the committee the standard of butterfat produced for any 300 days of lactation has been increased as follows:—

Junior 2-year old from 230 to 260 lb.
 Senior 2-year old from 250 to 280 lb.
 Junior 3-year old from 270 to 300 lb.
 Senior 3-year old from 290 to 320 lb.
 Junior 4-year old from 310 to 330 lb.
 Mature cows, 350 lb. butterfat.

Recently, Professor Boutflour, an English visitor to Adelaide, said that his herd averaged 2,038 gallons a cow, which is almost twice as much as our best result and represents about 700 lb. butterfat per annum. That is an enormous production and proves that we can go a long way in improving our cattle. It must be borne in mind, however, that although the quantity is tremendous, the percentage butter fat test of 3.2 would not qualify for the metropolitan supply here, because our standard is 3.5.

In Holland the butterfat test is 4.2, which has the effect of inducing dairymen to sell their lower standard cattle. Advice was recently received that one bull in England was ordered to be slaughtered merely because it had transmitted a low solids test to its progeny. That aspect is vital in England, as under artificial insemination a bull may sire some 20,000 or 30,000 progeny during his lifetime. It happened that this bull was the highest priced animal ever imported into Great Britain. Notwithstanding that, his progeny tests were low. If we breed animals with low fat test, we produce water at the expense of milk solids. That is certainly on wrong lines. In Australia 80 per cent of the milk goes into manufacture, and what we can manufacture from that milk depends entirely on the butter fat and non-fat solids content. If there is a lower standard of milk the quantity is increased, and this takes longer to milk the cows. Transport costs will be greater and the quantity of cheese produced will be lowered. It all reflects on the economics of the position. Anything directed at increasing the solids content of milk is desirable in improving the economic stability of the industry. I have pleasure in supporting the second reading.

The Hon. L. H. DENSLEY secured the adjournment of the debate.

DRAUGHT STALLIONS ACT REPEAL BILL.

Adjourned debate on second reading.

(Continued from August 31. Page 675.)

The Hon. A. J. MELROSE (Midland)—The Bill seems something in the nature of a

requiem mass for draught stallions. This legislation came into operation before I entered Parliament, and its object was to protect the farming community against the dumping of unsound horses from other States. I understand that Victorian breeders were the chief culprits. They had somewhat similar legislation, but had a readily available market in this State for horses which failed to receive Government certification. It was to stop this practice that the legislation was introduced. A decline in the horse population has become inevitable and this position is fairly parallel throughout the world. There are only about two places where the horse population seems to be holding its own. One is Brazil and the other an equally inaccessible place. In America, Great Britain and most other places horses are going down in agriculture because of mechanization. The original Act was assented to on November 15, 1932. In 1934 there were 836 registered draught stallions in South Australia, the following year the number had risen to 1,085 and reached its peak in 1940 when the number was 2,092. Five years later the total had fallen to 222 and last year 23, and only about five of these were less than seven years of age.

I can speak with a good deal of feeling on this subject as apparently, like the horse, I have become almost a museum exhibit, because I am one of the few who still breed draught horses. However, there is still a certain demand. I think we should be awake to the fact that although the figures I have quoted might be taken to indicate that the draught horse is on the way out, it would be extremely unfortunate to our pastoral industry if that were to happen. In my opinion much of the country in Australia will always require horses and will never be properly conducted by the use of only motor vehicles. I have in mind much of the cattle country in the Northern Territory where, in the wet season, it gets too boggy even for horses. It would be impossible to operate motor vehicles for this reason and because much of the country is rough and too steep. Race horses and trotters would not supply the needs of this type of country. The infusion of draught blood is necessary to keep up the bone and stamina of the horses they use, as the tendency in that climate is for horses to become too light. Every now and then they have to introduce heavier type stock. That is where the demand for my stock comes from mostly.

I think that all the States have somewhat similar legislation, although not exactly the same. Some governs the breeding of horses generally, whereas others specialize more on draught horses. Practically all the States have suspended their legislation for the same reason that we are now considering suspending ours. Under this Bill provision is made for dealing with the amount of £2,465 still remaining in the fund. It is not a very big amount when one has in mind scholarships, although I would welcome any increase in the opportunities offered for veterinary scholarships. Members may or may not know that if a student desires to become a veterinary surgeon there are no facilities in South Australia and he must attend the Sydney University. That makes it very much more difficult and expensive than if we had our own course here. I would have no objection if it were provided that a student who benefited under a scholarship had to give his services to the Government for a specified time when he returned here.

It is undeniable that as we increase the fertility of our settled areas and the livestock population per acre, diseases and internal parasites are increased. This is sometimes considerably underestimated. If one doubles the number of sheep—or as frequently happens almost quadruples the number—to an acre, one undoubtedly multiplies the opportunity for the development and transmission of the internal parasite. Veterinary surgeons are needed today, but they will be needed in greater numbers in future. Many country veterinaries are overworked, but many people have yet to develop the attitude that veterinary science is essential. I believe that on every property running valuable stock a veterinary surgeon could well be employed. One would probably have to pay him twice the normal salary of another workman but compensation would be received by the general improvement in the health of the stock.

Although the residue of the fund may well be spent in providing veterinary scholarships it would be of advantage to any breeder of draught stallions to be able to obtain—and not necessarily free of charge—a Government certificate of soundness for his stallions so that some official protection is afforded to the industry. This would protect the industry from the dangers which faced it in 1932. I hope a Government certificate of soundness will still be available to any owner who wants his horses inspected. At present he must pay some of the expenses involved and I think he

would be willing to pay the costs of inspection to obtain a certificate. With very great regret I support the Bill.

The Hon. R. R. WILSON (Northern)—I feel I must take this opportunity of saying a few words about a very noble, faithful and intelligent animal—the horse. This Bill repeals an Act which has served its purpose and outlived its usefulness. The fact that money will be placed at the disposal of the Department of Agriculture for scholarships in veterinary science and in improving the services provided by the department has much to commend it. The money could not be used to a better purpose. We have listened with interest to Mr. Melrose because he is the only breeder of draught stock in South Australia today. He has a wonderful name as a breeder of horses and what he said this afternoon was in a sorrowful vein, which is understandable from a person who has such a love for horses.

Until the first world war the horse was practically the only power used for production and transport, but immediately after the war—and as a result of it—mechanization was introduced. Tractors began to operate, but many difficulties accompanied their use. There were debates all over the country concerning tractors *v.* horses. However, as the years passed, improvements were made and in time tractors were favoured. It became a test of man's endurance against the length of time a horse could work. Nowadays very few horse-drawn implements are made. Most machinery is designed for transport by mechanization. We must keep abreast of progress but the work done by horses in pioneering and developing this country will always be admired, at least by the present generation.

It is pathetic to see, as we have on many occasions, horses which have rendered such valuable service to this country being driven in large mobs to their fate as crayfish bait. Horses have been collected from as far west as Ceduna. Horses have been valuable to the defence of this country. Many of them used during the first war were bred from draught stallions. I was a member of the Australian Light Horse during the first war and had the experience of travelling through the Sinai Desert and into Palestine. I will never forget my experiences. Water was not always available because it had to be transported by camels and frequently we were only allotted one bottle of water a day. Nothing was provided for horses but it was common to see men pour water from their bottles into hats and give

it to the horses, going without themselves. One must have a love for an animal which has faced the same dangers and hardships as himself in war. It certainly left an imprint in my mind that will remain with me for all time.

It has been suggested that memorials should be erected. One memorial not far from here is the Boer War Memorial. Some people advocate its removal because of the congestion it causes to traffic, but I hope this wonderful statue will always remain on the same site. Whoever made it had a true picture of what the horse accomplished with the forces.

The Hon. F. J. Condon—Aren't a number of horses being sold as meat for dogs?

The Hon. R. R. WILSON—Yes. Thousands of horses were used during the first war, but none were permitted to be returned to Australia. After the service they had rendered, and the dangers they survived, they were shot by the thousands, and that left an imprint on my mind. In this mechanical age we are dependent on imported fuel, and we wonder what will be the position if the supply is suddenly cut off. Last year when on a Parliamentary visit to Perth I saw the Kwinana oil refinery and realized how vulnerable it was. That vulnerability applies to other refineries. I believe the day will come when uranium will replace oil as a fuel. I support the Bill and feel sure that the money held in reserve will serve a useful purpose.

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

HEALTH ACT AMENDMENT BILL.

In Committee.

(Continued from August 31. Page 681.)

Clause 2—"Regulations."

The Hon. Sir LYELL McEWIN (Minister of Health)—In a previous Committee members sought information regarding the qualifications of health inspectors and health officers. Section 47 of the principal Act states:—

Every local board shall appoint an officer of health and such inspectors and officers as may be deemed necessary by the Central Board.

Section 48 states:—

The appointment and dismissal of every officer of health shall be subject to the approval of the Central Board. The officer of health shall (a) be when practicable a legally qualified medical practitioner, and (b) possess all the powers vested in any inspector.

It is clear that a health officer must be a legally qualified medical practitioner. There is no mention of the qualifications of a health inspector. The proviso in the clause says that

the status of present inspectors shall not be interfered with in any way, but future inspectors must have the qualifications set out in the regulations. When applications have been called for these positions there have usually been about 12 applicants. The qualifications can be obtained through the School of Mines, where three courses are available. One is for health inspectors, another appertains to meat and other foods, and the third deals with sanitary science as it relates to public buildings. On passing the test a certificate is granted under the sanction of the Royal Sanitary Institute. About 40 persons are taking the course this year and a number have completed the course and qualified. It seems proper that those who qualify should be allowed to serve in the interests of the community. I understand there is no correspondence course. The Bill says that the Central Board may prescribe the qualifications and authorize the examination.

The Hon. C. R. Cudmore—Won't that set up a new body?

The Hon. Sir LYELL McEWIN—There is no need for another body. The regulations will set out the qualifications necessary, but if the board believes the standard should be altered then the regulations can be altered. The authority to decide the standard will be the Central Board.

The Hon. C. R. CUDMORE—I am obliged to the Minister for his explanation. I think we were in some difficulty yesterday about the position of an officer of health and that of an inspector. The officer is the person referred to in section 47 of the Act, but in section 48 the person concerned must be a medical practitioner. I was more concerned with proposed new paragraph (m7) of section 147, and I still think there could be some confusion. The School of Mines already has a school and examines candidates who wish to become qualified. The Bill gives definite authority for the Central Board of Health to conduct examinations and grant certificates, and I wanted to be clear on whether the provisions of the Bill run contrary to the present system of qualification.

The Hon. Sir Lyell McEwin—I think it will help the honourable member if he reads the proviso.

The Hon. C. R. CUDMORE—It states, "providing that any such examinations may be conducted by persons appointed by the Central Board." I take it that the Central Board will appoint the School of Mines as the body to

conduct examinations, but that provision is not necessary although no harm has been done in clarifying the position so that we know clearly what schools exist. As long as we are not going to set up a new lot of examiners I am satisfied.

The Hon. Sir LYELL McEWIN—I point out that the regulations would be subject to the vote of this Chamber.

Clause passed.

Clause 3—"Provision as to sale and manufacture of bacteriolytic or septic tanks."

The Hon. E. H. EDMONDS—This clause places the onus in regard to certain requirements for bacteriolytic and septic tanks on the manufacturer, who must see that they comply with the requirements of the Central Board of Health. Many regulations under the Health Act require the approval of the Central Board for these installations. Many towns far removed from the metropolitan area encourage the installation of septic systems, and I believe many manufacturers would be prepared to meet that demand by establishing an industry in some country areas. So far as I can see, there is no power for the Central Board to delegate its powers of approval for septic installations to the local board, but this is necessary. It should not be necessary for an officer of the Central Board to go to remote parts of the State in order to approve of these installations. In the sparsely populated areas septic tank installations are carried out infrequently, and an officer of the Central Board should not have to be despatched there to give the necessary approval. Can the Minister say whether there is any power to delegate this duty to local boards of health?

The Hon. C. R. CUDMORE—The honourable member's speech shows the great difficulty in framing this type of clause. Mr. Melrose showed us yesterday his repugnance to clauses such as this, which means that we are protecting the fool against himself.

The Hon. E. H. Edmonds—We are protecting the health of the community.

The Hon. C. R. CUDMORE—If a man buys a washing machine that will not work it is his own fault, but it does not affect the rest of the community. On the other hand, if he buys a septic tank which does not work and becomes a nuisance to other people it is a matter of public health. That is the only reason for having this clause, but it concerns people manufacturing or selling articles that will not do what they are alleged to do. The

position would be hopeless if we delegated the power of approval to local boards. The person who inspects septic installations must be competent in his work, and the position would be unsatisfactory if power of approval were granted to local boards. The whole idea is repugnant to me. However, as it is a matter of health, we are doing it, but let us have the best possible authority to deal with it. I am entirely against giving any authority to local people to decide these questions.

The Hon. Sir LYELL McEWIN—Mr. Cudmore has touched on an important point. Anyone who makes an installation is required to furnish a plan of the system to be installed and is given approval to go on according to the plan, subject to inspection. The idea is to ensure that if this system is installed it will operate satisfactorily. As has been ascertained by experience, the breakdown in so many of these systems has been due to equipment being sold and advertised as being capable of servicing five people but in fact it has been too small for any home. I have not heard of any system designed to cope with sufficient people giving any trouble unless it has been installed in soil that is continuously waterlogged. The purpose of this provision is to avoid any further sales of plant that is too small to carry out the work it is intended to do. It is up to everyone to have an efficient septic tank, because it is obnoxious for other people to live next door to something that is not working satisfactorily.

The Hon. E. H. EDMONDS—Mr. Cudmore has missed my point, which was that the Central Board of Health will lay down the specifications to which the units will be designed.

It will also lay down specifications for their installation, having regard to such matters as drainage and covering and inspection plates. With these matters proclaimed and set out by the Central Board of Health, is there any reason why the manufacturer with any knowledge of the business cannot install an article in accordance with specifications?

Surely an inspector would be capable of stating whether or not an installation complies with the regulation. The Central Board would be relieved of its administration in this matter in country districts and I think the local board could deal with the work very well.

The Hon. L. H. DENSLEY—An inspection by the Central Board of Health is a good provision. The point Mr. Edmonds is making is that the local inspector should be empowered to look after the installation. I know of septic tanks that have been installed for 20 years and have never been inspected by the Central Board. That delay is a weakness.

The Hon. C. R. Cudmore—This clause has nothing to do with inspections.

The Hon. L. H. DENSLEY—The articles will come to the country properly constructed, as under this amendment they must have been inspected, and I think if the local inspector is able to carry out inspections of installations it will be a safeguard that they will be done in a reasonable time.

Clause passed.

Title passed.

Bill reported without amendment and Committee's report adopted.

ADJOURNMENT.

At 5 p.m. the Council adjourned until Tuesday, September 6, 1955, at 2 p.m.