LEGISLATIVE COUNCIL.

Thursday, November 10, 1955.

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

MEDICAL PRACTITIONERS ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Minister of Health) obtained leave to introduce a Bill for an Act to amend the Medical Practitioners Act, 1919-1950.

PHYSIOTHERAPISTS ACT AMENDMENT BILL.

Read a third time and passed.

BRANDS ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

It makes a number of amendments to the Brands Act. Clause 2 amends the definition of "tag" contained in section 4. The present definition defines "tag" to mean a piece of metal impressed or marked with numerals, letters or signs. Section 31 provides that the owner of a registered paint brand or tattoo mark for sheep may mark his sheep with earmarks and may also attach tags to the near ear of any male sheep or to the off ear of any female sheep. Plastic tags are now widely used and are satisfactory, but do not comply with the existing definitions. Clause 2 therefore extends the definition of "tag" to provide that, in addition to being of metal, a tag may be of plastic or of any other material prescribed by regulation. Clause 6 extends the regulation making power in section 68 accordingly.

Section 14 regulates the size and places where numerals denoting the age of horses or cattle may be branded, whilst section 18 limits the places where distinctive numerals for stud or herd book purposes may be branded and also limits the size of those brands. A request has been made by the South Australian Division of the Blood Horse Breeders' Association of Australia that these provisions should not apply to racehorses, for which various rules differing from those laid down in section 14 and 18 are followed. The Government is of opinion that compliance with the sections is not necessary in the case of racehorses and clauses 3 and 4 therefore provide that these sections are not to apply to the placing of age numerals or distinctive numerals upon any horse which is registered in any register of racehorses for the time being approved by the Minister.

Clauses 5, 6 and 7 deal with registered paint brands for sheep. Section 28 provides that a paint brand is to be made only with oil paint or with such other substance as is permitted by regulation. Oil paints have been largely superseded by a branding fluid developed by the Commonwealth Scientific and Industrial Research Organization, the formula for which has been patented by that body. This branding fluid is scourable and it is generally accepted that this fluid or any other fluid having similar properties should be used for paint brands and that the use of oil paint should be abandoned.

The Australian Wool Bureau has made representations that the use of branding fluids not conforming to the C.S.I.R.O. formula should be prohibited. It has also been suggested that the use of any black branding fluid should be prohibited as it could be confused with unscourable substances such as tar. In this State, sheep brands are allotted in any one of four different colours, namely, black, red, blue, and green. Black has been the first choice of most owners and approximately 55 per cent of brands have been registered in this colour. In order to provide a substitute for black, the C.S.I.R.O. was asked to consider the testing of an alternative colour to black as their range of colours at present includes only red, blue, and green. Two alternative colours have been produced, namely, brown and yellow but, before allowing their manufacture for general distribution, the C.S.I.R.O. intends to conduct large scale field trials. In this State, samples of these colours have been supplied and will be tested on sheep at the research farms at Minnipa, Turretfield, and Kybybolite. Arrangements have been made for samples of pelt branded with the five C.S.I.R.O. colours to be available for inspection at the offices of inspectors of stock at Port Lincoln, Cleve, Quorn, Jamestown, Murray Bridge, and Mount Gambier and at the Department of Agriculture in Adelaide. If the field trials of the alternative colours, yellow and brown, are successful, it is expected that brands now registered in black will be changed to yellow or brown. However, the result of these field trials will not be known for at least a year.

The following amendments relating to paint brands are therefore proposed by clauses 5, 6, and 7. Clause 5 provides that a paint brand is only to be made with a substance and to

be of a colour prescribed by regulation whilst clause 6 provides that regulations can be made for these purposes. It is contemplated that regulations will be made providing that paint brands may be made only with the C.S.I.R.O. branding fluid or some fluid having similar qualities. In addition, the colours permitted to be used will be prescribed and it is expected that black will not be included among those colours. Subclause (2) of clause 5 provides that the amendments made by the clause are not to take effect until a day to be fixed by proclamation and it is expected that this day will be not earlier than 1st July, 1957, thus giving manufacturers and distributors of the prescribed branding fluids ample time to adjust their manufacturing and distributing programmes.

Clause 6 makes provision for the change over from black as a brand colour. The clause provides, in effect, that if black is not prescribed as a colour, the regulations are to prescribe that every brand now registered in that colour is to be of another colour, such as the brown or yellow previously referred to. The clause provides that, in such an event, the registration of every black brand will be deemed to be changed to the new colour and, of course, the change will not involve the payment of any fee by any sheepowner concerned. The clause also provides that if such a change of colour is made, the Minister is to give public notice of the change by advertisement inserted in at least three newspapers circulating throughout the State.

It will be seen that this Bill contains two important provisions; one is to exempt racehorses from the age brand, and the other is the difficult problem of branding of sheep, particularly where black brands are used. As one who has used black brands over the years, I think it is necessary that there should be a proper testing of the alternative colours from black, which is a prominent colour today, and yellow and brown. Anyone who has been associated with the carrying of stock, particularly in northern areas, will realize the importance of this investigation, because brown and yellow are not very recognizable when there is some grease or dust about. I can face this matter with some interest, but with a sufficiently open mind to know that something must be done to rid us of a colour that would suggest tar, and to realize the importance of a brand being recognizable. I think it is necessary that the testing should take place so that a suitable colour will be found as soon as possible, and we can adopt it. This Bill will enable that to be done, and I recommend it for the consideration of the Council.

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

SEWERAGE ACT AMENDMENT BILL.

Received from House of Assembly and read a first time.

The Hon. N. L. JUDE (Minister of Local Government) moved—

That the Standing Orders be so far suspended as to enable the second reading to be proceeded with without delay.

The motion having been put.

The Hon. C. R. CUDMORE—No.

The PRESIDENT—There being an objection, there must be a division.

The Council divided on the motion.

Ayes (13).—The Hons. S. C. Bevan, J. L. S. Bice, F. J. Condon, J. L. Cowan, E. H. Edmonds, A. A. Hoare, N. L. Jude (teller), Sir Lyell McEwin, W. W. Robinson, C. D. Rowe, Sir Wallace Sandford, C. S. Story and R. R. Wilson.

Noes (5).—The Hons. E. Anthoney, C. R. Cudmore (teller), L. H. Densley, A. J. Melrose and Sir Frank Perry.

Majority of 8 for the Ayes.

Motion thus carried.

The Hon. N. L. JUDE—I move—

That this Bill be now read a second time.

I thank the House for giving me the opportunity to explain the Bill. I thought that, as it is getting late in the year, members would have been pleased to have had a copy of the Bill and the opportunity to consider it over the week-end. The object of this Bill is to carry out the recommendations of a committee appointed early this year by the Government to consider country sewerage charges.

The Hon. C. R. Cudmore—Early this year. We only get it now.

The Hon. N. L. JUDE—Sewerage rates in country drainage areas are at present fixed by section 75a of the principal Act. This section was enacted in 1946, and provides that a flat rate of 1s. 9d. in the pound of assessed annual value shall be payable on land in country drainage areas, and also provides for minimum rates of £2 12s. 0d. per annum where the land is connected with a sewerage system, and 12s. where the land is not so connected. These rates are out of line with present-day price levels and last year the Government introduced a Bill enabling increased rates to be levied. The Bill did

not fix new rates, but provided that the Minister of Works could fix the sewerage rate in each country drainage area in the same way as in the Adelaide drainage area.

The Bill thus proposes to abandon the principal adopted in 1946 of fixing a single rate applicable in all country drainage areas. It was suggested to the Government that before this principle was abandoned the whole question should be further considered. As a result the Government agreed to appoint a committee of five consisting of the Minister of Works and two representatives of each party. A committee was accordingly appointed in February of this year with the following terms of reference:—

To consider a fair basis of charges for any country sewerage scheme.

The Committee carefully examined all the evidence produced and the factors affecting sewerage of country towns, and unanimously agreed to the following resolution:—

The committee is satisfied that the economics of country sewerage must be placed on a more realistic basis by deriving increased revenue either by way of an increased rate or increased assessment. The committee has gone thoroughly into these two alternatives. Evidence before the committee shows that after relating up-to-date assessments with present-day values and costs, the revenue derivable from the rate of 1s. 9d. fixed in the Act of 1946 is not now a practicable basis of charges for any country sewerage scheme. The committee therefore recommends—

(1) That the rate for country sewerage schemes be increased from 1s. 9d. to an amount not exceeding 2s. 6d. in the pound.

(2) That the minimum rate on sewered properties be £4 per annum.

(3) That the minimum rate on vacant land be fixed at £1.''

The Government has decided to give effect to the recommendation of the committee, and is accordingly introducing this Bill. Clause 4 provides that the Minister may annually by notice in the *Gazette* fix a flat rate of not more than 2s. 6d. in the pound as the sewerage rate for all country drainage areas. It also fixes minimum rates for country drainage areas of £4 per annum where the land is drained by the sewers and £1 where the land is not so drained. It will be noticed that the Bill refers to land being ''drained by'' sewers, whereas the Act of 1946 referred to land being ''connected with'' the sewers. In some cases a sewerage pipe is taken up to the boundary of land and sealed at the boundary. It could be argued that in these circumstances the land is connected with the sewers, notwithstanding that it is not drained by the sewers. As it is not desired to impose the higher minimum rate where land is connected to the sewers by a sealed pipe only, the wording has been altered to make it clear that the higher minimum rate is only payable where the land is in fact drained by the sewers.

Clause 7 provides that the Bill will operate as from 1st July, 1955. Clause 5 makes a consequential amendment to section 75 of the principal Act. This section at present enables the Minister to fix minimum rates in any drainage area, whether in Adelaide or in the country. But as the fixing of minimum rates for country drainage areas is specially provided for in this Bill, it is now necessary that the Minister's powers under section 75 of the principal Act should be restricted to fixing minimum rates in the Adelaide drainage area. Clause 5 accordingly limits the operation of section 75 to the Adelaide drainage area. Clauses 3 and 6 make other consequential amendments to the principal Act which do not require explanation. I have no hesitation in commending the Bill to the consideration of members.

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

TOWN PLANNING ACT AMENDMENT BILL.

Second reading.

The Hon. C. D. ROWE (Attorney-General—I move—

That this Bill be now read a second time.

The Bill makes some far-reaching amendments to the law relating to town planning. In the first place, it is proposed that there should in the general interests of the community, be further control over the subdivision of land into building allotments. In the second place, the Bill provides the legislation necessary to enable a plan for the proper development of the metropolitan area to be prepared and given effect. The existing law relating to the control of subdivision is contained in the Town Planning Act, 1929, and the general scheme of that Act is as follows:—

The Act applies to plans of subdivision of land, that is, where the plan, in addition to dividing land into allotments, shows any new or intended street, road or reserve. Plans of resubdivision are also controlled. These relate to cases where land is divided or subdivided into allotments but where new roads are not involved. The Act applies only to plans which subdivide land into allotments for

sites as residences, shops, factories or other like premises and does not apply to agricultural land.

Section 101 of the Real Property Act provides that if land is subdivided for sale into allotments, a plan of subdivision must be deposited in the Lands Titles Office. Section 18 of the Town Planning Act carries the matter further and, in effect, provides that before an owner of land can use it in the manner which has the effect of subdividing it, a plan of subdivision must be deposited. Thus, the combined effect of the Real Property Act and Town Planning Act is that, before urban land is subdivided or resubdivided, a plan of subdivision or resubdivision must be deposited in the Lands Titles Office or, if the land is not under the Real Property Act, in the General Registry Office.

The Town Planning Act provides that before it is deposited with the Registrar-General, a plan of subdivision or resubdivision must be approved by the Town Planner and the council concerned. In the case of certain resubdivisions it is provided that the consent of the Town Planner only is required. The grounds upon which approval to a plan may be withheld are laid down in regulations made under the Act and the Act provides that, in the event of the Town Planner or council refusing approval to a plan, the person concerned has a right of appeal to a board called the Town Planning Appeal Board.

One defect of the present Act is that a plan of subdivision, when submitted for approval to the Town Planner or the council must, to a large degree, be considered alone, although it is obvious that what should be done with respect to one parcel of land may be considerably affected by what is done or is proposed with respect to other land. Whilst the Town Planner and, to a lesser degree, the council may have some knowledge of what is happening elsewhere that knowledge is by no means complete. It is therefore proposed by the Bill to set up a body to be called the Town Planning Committee which will have the duty of dealing with plans of subdivision and which will also be given highly important duties concerning the broad aspects of town planning for which the existing legislation makes no provision. This combination of duties will make the committee particularly well fitted to undertake the supervision of subdivisions. The committee will consist of five members and the Town Planner will be its chairman. The other four members will be appointed by the Governor and their term of office will be four years. One member will be appointed as deputy chairman. A quorum will consist of three members of whom the chairman or deputy chairman is one so that either the chairman or the deputy chairman must be present at every meeting. Members will be paid such fees as are fixed by the Governor.

The Hon. F. J. Condon—Will councils have the right to nominate?

The Hon. C. D. ROWE—I do not think so. Under the Bill all plans of subdivision will have to be approved by the committee and the council concerned. As has been previously mentioned, the grounds upon which approval to a plan may be refused are set out in the regulations and it is proposed that, as far as the council is concerned, this state of affairs will continue. As regards the committee, it is set out in clause 7 that approval to a plan of subdivision may be withheld unless the committee is satisfied that the plan of subdivision complies with the various requirements set out in the clause. In general, these are as follows:—The land must not be liable to inundation by drainage waters or flood waters and all the land must be capable of being satisfactorily drained. The land must be suitable for the purpose for which it is being subdivided and sufficient provision must be made for shopping sites. Natural beauty spots must be preserved, but if the committee is satisfied that the land in question has been offered to the Government or the council at a price deemed reasonable by the Land Board and the offer has been declined, approval to the plan is not to be withheld on this ground. The road pattern must be satisfactory and tie in with the road pattern of adjoining land. The land should provide for reasonably adequate public reserves, having regard to existing reserves.

Two other very important matters are provided for. It is provided that the subdivider must either form and pave all the proposed roadways in the subdivision, or must make arrangements with the council for the carrying out of this work at his expense. The provision in question requires the subdivider to provide a roadway 24ft. in width paved with metal consolidated to a depth of 4in. and sealed with bitumen, tar or asphalt. This is a roadway suitable for an ordinary suburban street. This provision makes an important change in the law and places upon a subdivider the duty of providing in his subdivision the roadways of any new street or road. This obligation will, of course, be additional to that

imposed by sections 319 and 328 of the Local Government Act, under which contribution to road and footpath costs can be required of owners of land abutting on a street or road. These provisions will, no doubt, be invoked by councils to defray some of the costs associated with constructing water tables, kerbs and footpaths in the new streets.

A further requirement as regards land in the metropolitan area is that a plan of subdivision is not to be approved unless the Engineer-in-Chief certifies that the land can be advantageously and economically sewered and reticulated with water. Instances have occurred in the past where land which either cannot be effectively sewered or can only be sewered at unduly high cost has been subdivided and sold. The purchasers have then either had to be left without sewers or the State had to incur excessively high expenses to provide this essential service. It is considered that land in the metropolitan area which cannot be economically sewered or reticulated should not be subdivided unless very good reason exists to the contrary, and to meet this remote contingency it is provided that, if the Minister consents, approval may be given to a subdivision of land which cannot be sewered.

As regards plans of resubdivision, no alteration to the present Act is proposed and the town planner and the council will continue to deal with these plans. Resubdivisions are numerous but of no general importance. They occur in cases where, for example, an owner of an allotment desires to transfer a strip of land to his neighbour, or where the owner of, say, three allotments, wishes to sell the land in two parcels each consisting of one and a half allotments. As has been mentioned, there is now a Town Planning Appeal Board to which appeals against refusals to approve plans can be made. It is proposed by the Bill to abolish this board. In future, appeals from a refusal of a council to approve a plan of subdivision or from a refusal of the town planner or the council to approve a plan of resubdivision will be to the committee. If the committe refuses to approve a plan of subdivision, whether on appeal from the council or otherwise, it is provided that the applicant may require its reconsideration by the committee. If, upon reconsideration the committee still refuses its approval, the committee must report its reasons to the Minister. This report is to be laid before Parliament and may be considered by a Joint Committee of both Houses which may approve the plan or uphold the decision of the committee. Thus, the ultimate appeal in this regard will be to a Parliamentary Joint Committee.

The other important topic dealt with by the Bill is contained in clause 10. There has been considerable public discussion on the necessity of a plan to regulate the development of the metropolitan area, and clause 10 contains provisions to enable such a plan to be prepared. The committee is required to make an examination of the metropolitan area and an assessment of its probable development. The committee is to have regard to various fundamental matters which should be considered with respect to the growth and development of an area such as the metropolitan area. Transport problems must be studied and consideration given to what provision should be made for principal highways. The provision of open spaces is another important matter for consideration.

A metropolitan area must provide for its industries, and there should be a proper balance of industrial areas and residential areas. The siting of areas for industrial development is therefore of importance. The economical provision of public utilities should be considered and the growth of the metropolitan area should be directed to localities where the provision of these essential services is economical. All these and other general matters must be considered by the committee which, under the Bill, is required to produce, in due course, a plan setting out what should be done for the proper development of the metropolitan area. With the plan the committee is to present a report. The plan and report are to be laid before Parliament and either House may, from time to time, refer the plan back to the committee for re-consideration and revision. After every revision of the plan by the committee the plan is to be submitted again to Parliament. After the plan has been laid before Parliament it will be necessary for further legislation to be enacted before the plan can have the operation of law. Thus, the effect of the Bill in this regard is that the committee is to prepare a developmental plan for the metropolitan area, the plan is to be laid before Parliament and then, if thought fit by Parliament, this can be followed by legislation giving effect to the plan.

The last provision in the Bill provides that the Governor, where satisfied that it is in the public interests so to do, may on the application of the owners of any land in the metropolitan area by proclamation declare that the land is not to be subdivided. If a proclamation is

made any assessment of the land for the purposes of the Land Tax Act, the Waterworks Act, the Sewerage Act, or the Local Government Act is to be made according to the value the land has having regard to the use to which it is put at the relevant time and no regard is to be had to its potential value as subdivided land. Thus, the general effect of the Bill is that the committee constituted by legislation will undertake the important task of preparing a developmental plan for the metropolitan area. At the same time, provision is made for adequate control of subdivisions so that the public interest may be conserved. The committee is given the duty of considering plans of subdivision and, with the knowledge that must come to it in the process of preparing the developmental plan, it must follow that the committee will be eminently suited for this task.

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

METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Its main object is to carry into effect the decision of the Government to facilitate the entry into the metropolitan abattoirs area of meat from country abattoirs. Some provisions dealing with other matters were inserted in the Bill in another place, but I will explain the main purpose first. The Metropolitan and Export Abattoirs Act provides in a limited way for permitting meat to be brought into the metropolitan area; but the provisions are not adequate for carrying into effect the present policy of the Government. By section 78 of the Act the Abattoirs Board is empowered to grant permits to bring carcasses and meat into the metropolitan abattoirs area from the Port Lincoln branch of the Government Produce Department. By section 77 of the Act the board is empowered to grant a permit to authorise any person to bring specified carcasses or meat into the metropolitan abattoirs area in any circumstances which, in the board's opinion, justify the grant of a permit. These sections were not designed to confer rights to bring specified quotas of meat regularly into the abattoirs area, and it is not likely that any country abattoirs, other than those at Port Lincoln, could obtain any substantial rights under them. Moreover, the Metropolitan Abattoirs Board, with all its virtues, is not a suitable authority to decide the rights of country abattoirs in the matter of slaughtering for the metropolitan area. It is therefore necessary that if country abattoirs are to be given extended rights to slaughter for the metropolitan area, some authority other than the Abattoirs Board should be empowered to decide the extent of such rights, and that legislative provision should be made for enabling a greater quantity of meat from country abattoirs to be brought into the metropolitan area than is likely to be permitted under the present legislation.

This Bill, in effect, places the power of deciding what meat from country abattoirs should come into the metropolitan area, in the hands of the Government. It is laid down by a new section 78b contained in clause 4 that the Governor may by proclamation declare what proportion of the meat slaughtered at any country abattoirs can be brought into the metropolitan area during any specified period. Different quotas may be granted to different country abattoirs, and any quota may be expressed in terms of the number of carcasses or weight of meat. When a country abattoirs has been given a quota by proclamation, persons will have the right to bring meat, up to the limit of the quota, into the metropolitan abattoirs area under permits granted by the Minister of Agriculture. The permit system is necessary in order that proper provision may be made for ensuring that all necessary inspections are made and that the quota is not exceeded, and generally for regulating deliveries into the metropolitan area. However, it is contemplated that when a country abattoirs is granted a quota, permits will be made available in order that the quota may be filled.

Section 78b also provides that the Minister may direct inspections, additional to those provided for in the permits, if such action is necessary in the interests of public health. Other provisions are included in the section, laying it down that meat brought into the metropolitan abattoirs area under a permit granted by the Minister may lawfully be sold within the area, but a breach of the terms of a permit will be an offence and the person responsible will be liable to a fine and, in addition, the permit may be revoked.

An important matter in connection with the proposed system of meat quotas for country abattoirs is the definition of the term "country abattoirs." This expression means any abattoirs which are situated more than 50 miles

from the metropolitan abattoirs and at which stock are slaughtered for export. The distance of 50 miles has been mentioned in the Bill because it is not the policy of the Government to encourage the establishment of additional export abattoirs close to the metropolitan area. The Government's view is that there is no need for any other abattoirs within this area at present. To duplicate slaughtering facilities would be uneconomic, and lead to increased costs ultimately falling on consumers. The Government is of opinion that the provisions of clause 4 are necessary for the purpose of ensuring an adequate meat supply for the rapidly increasing population of the metropolitan area, and also in the interests of producers of stock in country districts, including Eyre Peninsula.

The proposed new section 78c provides that meat which has been slaughtered at private export abattoirs within the metropolitan area and has been rejected for export may be sold locally under permits to be granted by the Minister of Agriculture. At present the Abattoirs Act allows councils within the metropolitan area to licence private slaughterhouses for the purpose of producing meat to be tinned or canned for export, or to be cured as bacon and ham, or to be exported as fresh pork in a chilled or frozen condition. Meat produced at these slaughterhouses, however, cannot be sold in the local retail meat trade. In the course of slaughtering for export a certain number of carcasses are rejected for export although they are quite sound and edible. The Government has been asked from time to time to introduce legislation to allow these carcasses to be sold locally. This request is regarded as a reasonable one and the new section 78c is proposed to enable the rejected carcasses to be sold locally under permits. The permits will contain conditions necessary to safeguard the health of the public and to prevent abuses of the rights which are granted. A permit will be revocable if the holder is convicted of breach of any of its terms and conditions.

The amendments made by clause 3 are consequential on the proposed system of country quotas. They deal with the grant of permits to bring meat and carcasses from the Port Lincoln Meat Works into the metropolitan area. Under the principal Act, these permits can only be granted by the Abattoirs Board. In the provisions of the Bill, dealing with country quotas, it is provided that permits for bringing meat into the metropolitan area must be granted by the Minister of Agriculture. In conformity with this principle permits to bring Port Lincoln meat into Adelaide should also be granted by the Minister. The Abattoirs Board, because of its interest in the metropolitan abattoirs, is not in a position to deal with the problem of Port Lincoln meat with complete impartiality although, no doubt, it would honestly try to do so. This is one reason for entrusting the issue of permits to the Minister. Another reason is that the introduction of meat from country areas into the metropolitan area should be dealt with by one authority as a single problem. A single authority is essential to ensure smooth working of the system. For these reasons clause 3 provides that permits allowing meat to be brought from Port Lincoln Meat Works to the metropolitan area will, in future, be granted by the Minister.

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

THE NATIONAL TRUST OF S.A. BILL.

Adjourned debate on second reading.

(Continued from November 8. Page 1426.)

The Hon. A. J. MELROSE (Southern)—I am sure that every member of this Council is wholeheartedly behind the idea that is apparent in the Bill, and I think we would be unanimous in recording our appreciation of the efforts that have been put into the matter to bring it to birth by the various enthusiastic and public spirited people associated with it. Although criticism has been levelled at them, that has not detracted from the value I have put on their work. The aims of the National Trust seem clear enough. They are, among other things, to preserve for posterity buildings and other objects of historic value and to preserve animal and plant life if it has some similar interest.

My first criticism of the Bill arises from the fact that I have seen no move for adequate funds to make this idea work. The measure defines the people who will be considered members of various classes. Ordinary members are persons who subscribe one guinea or more, life members are persons who subscribe 20 guineas, sustaining members are those who give some real estate or leasehold property, and corporate members are those who give 100 guineas or more. My opinion is that in order that this trust will be able to function it will need, right from the beginning, very substantial funds. I do not suggest that the money should be spent indiscriminately in acquiring property or that special grants should be made available at short notice. If

the board has in mind acquiring bare land for a reserve, I think at today's inflated land values the funds it will get from various subscriptions would be inadequate. If it were to depend on subscriptions of members, it would be able to acquire things at such a terrifically slow pace that it would emasculate the usefulness of the trust. Initially, or perhaps later, the trust will require hundreds of thousands of pounds.

There are other problems associated with obtaining buildings. I am rather under the impression that in countries such as England, where a National Trust does acquire famous homes, those homes contain something of such historic interest that revenue is derived from charging admission fees to the public to view them. I do not know whether we have very many historic homes in S.A. that many of the public would pay much for the pleasure of inspecting. The homes are not big enough, nor is our country old enough to have acquired very much in the way of such an interest to command a good gate.

I speak with a great deal of experience with regard to preservation of animals and plant life. On the mainland, where animals would be subjected to natural enemies and the plants to the natural inroads of human visitors, who usually act as vandals, the preservation of either animals or plants would be very costly. If I said that not enough has been done with regard to animals, it would be a gross understatement. We have sacrificed many interesting specimens of our peculiar fauna which may be now extinct, partly due to the fox and partly due to the poison cart. If there are any specimens left, it would be costly to put them in places where they would be safe.

Although we are reasonably generous with our money in some respects, we are very canny when contributing to a scheme of this nature. I would not like to look a gift horse in the mouth, and the Flora and Fauna Board is now reasonably treated but until a few years ago, although this matter is of world interest, the Government grant was not enough to pay the basic wage to one man. We are apt to be a little too parsimonious in such matters. When I talk about the heavy expense of maintaining sanctuaries on the mainland for valuable animal specimens or for plant life, I know what I am talking about when I say that it would be colossal and probably out of the reach of any practical National Trust. I mention that to indicate that there is a serious difficulty that can only be overcome by having large sums of money in hand.

As to the constitution of the council, I recognize the debt of gratitude that we owe to the people who stirred this thing along until it has at least come to birth, and I suggest it is someone else's responsibility to see that it grows up as it should. Those people have brought the trust at least within sight. However, I am not sure that I know why all the 12 organizations are chosen to appoint members to the council. I can easily understand, without making an invidious distinction, that such societies as the Royal Society, the Royal Geographical Society, the Royal Zoological Society, the University, the Institute of Architects, the Museum, the National Gallery and perhaps the Pioneers' Association would have every claim, but I cannot see why the Youth Hostels' Association, the Bush Walkers, the Country Women's Association, or the Trades and Labor Council have any claim, although I do not know.

I lend my verbal and moral support to this movement, but I cannot emphasize how much I think there is a mistaken idea that we can launch this successfully without supplying the sinews of war. The Bill suggests that funds shall come only from those people I have just mentioned. I do not think that the trust will have such a tremendous public appeal that people will be rushing in to pay their guineas; and it would take a lot of people paying guineas to make up a substantial sum.

The Hon. C. R. Cudmore—And it takes a lot of collecting.

The Hon. A. J. MELROSE—My friend is speaking from experience. Enthusiasm in subscribing is one of those things that wanes very quickly, and in my opinion the fund has to be very great indeed to be worth-while in order to be able to acquire things while they are still available, or save mansions from being pulled down and replaced by service stations. I think the field of private bequests is not as strong as it was generations ago. Incomes have tended to come down; we all know we are riding on the sheep's back and although the price of wool is steadier costs are still rising, and probably there is not a great urge on the part of the wool barons and others connected with the sheep industry to make funds available. Further, the incidence of heavy taxation during the post-war years has been such as to curb that sort of thing. Finally, I can find no mention in the Appropriation Bill of any provision for this trust, and it is perfectly obvious, if there is any truth in what

I am putting, that the trust would have to go at least for 12 months without having funds adequate for its purpose. However, I support the Bill and wish it a better and happier start than I fear it will have.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"The Council."

The Hon. A. J. MELROSE—In the Appropriation Bill, probably quite rightly, there is no provision for the trust, because until it comes into existence the Government can hardly be expected to recognize it. However, I should like to hear some encouraging comments from the Minister to let us know whether there is any intention better than merely allowing the Council to run the National Trust on what subscriptions it can scratch together from enthusiasts.

The Hon. C. D. ROWE (Attorney-General)—I do not think that it would be possible for me to give any definite answer to the question at this stage. Considerable progress has been made in getting the various bodies interested in the formation of the trust to agree to have their activities brought together and have a trust created to which people can make bequests or subscriptions. The Government could not make a grant until such time as the trust was in being, as the honourable member said, and no consideration has been given to the question, so I am afraid it will have to wait until the succeeding year before I can make any better statement.

Clause passed.

Suggested new clause 7—"Exempted from rates and taxes".

The Hon. Sir. FRANK PERRY—I agree with Mr. Melrose that the question of funds for the trust will be of vital importance and I would like to know whether subscriptions mentioned by him, ranging from one guinea to 100 guineas, would be free of tax. The trust will have to rely on subscriptions from the public, and I know that gifts for educational purposes or hospitals are granted an exemption.

The Hon. C. D. ROWE—I would not like to express an opinion as to whether subscriptions to this trust would be allowed as deductions for income tax purposes. However, I will look into the matter and advise the honourable member. He will realize that it is not within the powers of this Government to decide the matter.

Suggested new clause 7 agreed to.

Clause 8 passed.

Clause 9—"Rules".

The Hon. C. R. CUDMORE—I think it was Mr. Bardolph who raised the question as to whether regulations under this Bill had to be submitted to Parliament, and I pointed out that it was quite clear that regulations in so far as they affect the right of the public to enter upon premises owned by the trust, and that sort of thing, have to be laid before Parliament under the provisions of clause 8. I point out, however, that under this clause the local domestic rules, as it were, of the trust do not have to come before any body, and a majority of the Council could wipe out the various institutions who have the right to be represented on the trust. It may be said, of course, that they would be the most interested people and would not wipe themselves out, but I see no harm in further tightening the provision by including also alteration of rules. Accordingly I move to insert the following new subclause:—

(2) Section 38 of the Acts Interpretation Act, 1915-1949, shall apply to any rules made by the Council repealing, amending or adding to the rules in the said schedule, but nothing in that section shall affect any right of the trust to disallow any such rules at such annual general meeting.

That means that only a general meeting can disallow suggested new rules. My suggestion is that the ordinary procedure under section 38 of the Acts Interpretation Act shall apply not only to regulations under clause 8 but to any alteration of rules under clause 9.

The Hon. C. D. ROWE—The honourable member raised this point in his speech on the second reading and I have had an opportunity to consider his amendment. I believe it is desirable and the Committee would be well advised to accept it.

New subclause inserted; clause as amended passed.

Schedule and title passed.

Bill reported with an amendment and a suggested new clause and Committee's report adopted.

INDUSTRIAL CODE AMENDMENT BILL (PENSIONS).

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

LAND AGENTS BILL.

In Committee.

(Continued from November 9. Page 1476.)

Clause 37—"Land salesman to be registered."

The Hon. C. D. ROWE (Attorney-General)—I move—

To strike out "Provided that this section shall not apply where the person is" and insert "or".

The amendments to this and the next clause are both for the same purpose and are designed to improve the wording of the Bill. At the same time they alter the onus of proof in favour of the defendant in proceedings for offences under clauses 37 and 38. These clauses make it an offence to act as a land salesman when not registered as such or to employ an unregistered land salesman. At present, a defence is provided in each case by a proviso that the land salesman is registered as a manager under the Bill. The amendments strike out the provisos and place the onus on the prosecution of showing that the land salesman is not registered either as a land salesman or as a manager. The amendments effect a definite improvement to the Bill.

The Hon. C. R. CUDMORE—I support the amendment.

Amendment carried; clause as amended passed.

Clause 38—"Employment of land salesmen."

The Hon. C. D. ROWE—I move—

To strike out "Provided that this section shall not apply where that other person is" and insert "or".

I have just explained the effect of this amendment.

Amendment carried; clause as amended passed.

New clause 38a.—"Exemption of employees at branch office of approved stock and station agent."

The Hon. C. D. ROWE—I move to insert the following new clause—

38a. (1) Notwithstanding the provisions of this Part, if the manager of a branch office of an approved stock and station agent is a registered land salesman or a registered manager, any person in the service of that agent and employed at that office, shall not by reason only of that service or anything done in the course of that service be required to be a registered land salesman or a registered manager.

(2) In this section—

"approved stock and station agent" means a person carrying on business as a stock and station agent and approved by the Attorney-General for the purpose of this section.

"branch office" means an office other than the head office for the State of a person carrying on business as a stock and station agent.

The purpose of this clause is to provide that where the manager of a branch office of a firm of stock and station agents approved by the Attorney-General is registered as a land salesman, it shall not be necessary for any other person employed at the office to be registered. Under the Bill, any person acting as a land salesman must be a registered land salesman. The question has been raised of the registration as land salesmen of persons employed in branch offices of stock and station agents. The effect of the Bill at present is that if any person employed at a branch office of a stock and station agent incidentally takes any part in negotiating the sale of a property, an offence will be committed unless he is registered.

Thus at present under the Bill it would be necessary for a stock and station agent, in order to be sure of complying with the law, to have several members of the staff of each branch office registered as land salesmen. At any time in such an office, it may be necessary for an employee not ordinarily engaged in land transactions to negotiate regarding a sale of a property or to play some part in negotiating the sale of a property. The Government considers that it is unnecessarily burdensome that every person who may take any part in negotiating a land transaction in a branch office of the business of a stock and station agent should be registered as a land salesman, and accordingly proposes that it shall be sufficient compliance with the Bill if the manager of a branch office is registered as a land salesman (or is a registered manager). The amendment will give legal effect to the practice which has been followed for several years in the administration of the present legislation.

The Hon. C. R. CUDMORE—What the new clause provides has been actually happening by agreement between the companies concerned. Although the word "person" is used, under the Acts Interpretation Act "person" includes a company. I believe that the present practice was the result of an arrangement made by the former Attorney-General some five years ago, but now we are including everything relating to the registration of land salesmen and so on in the Act. Provision for this was made in the regulations before. Therefore, anything of this kind should be included in the Act. I support the new clause.

New clause inserted.

Clause 39 passed.

Clause 40—"Fidelity bond or certificate in lieu of fidelity bond."

The Hon. C. R. CUDMORE—Regulation 47 exempted people from the necessity of appearing personally before the court on an application for a licence. It read:—

Where no objection has been lodged against an aplication for registration as a land salesman, or for renewal of any such registration, the applicant need not appear before the court on the hearing of the application, unless the court orders him so to attend.

Under the Bill, if an applicant has to appear he would appear before the board and not the court, but there is nothing in the Bill to make it clear whether a person has to appear or not. If the board is satisfied with the written application, or the bond, the person will not have to appear, but the old regulation expressly provided that unless there was an objection he did not have to appear. If a company appointed a new manager in the country would he have to come down to the city and appear before the board or not?

The Hon. C. D. ROWE—I think the matter is covered in the Bill. Clause 39 provides that the application shall be in writing, and that the statements in the application shall be verified by a statutory declaration made by the applicant. Clause 40 provides that a bond shall be provided and if the board is satisfied, the applicant can then be licensed. There is nothing in the Bill to say that he must attend personally. It would therefore indicate that the intention is that the present procedure is to continue.

Clause passed.

Clauses 41 to 49 passed.

New clause 49a—"Suspension of registration of land salesman while not in service of a land agent."

The Hon. C. D. ROWE—I move to insert the following new clause:—

49a. During such time as a registered land salesman is not in the service of a land agent, his registration shall be deemed to be suspended and shall have no force or effect.

This clause deals with a matter raised by the Real Estate Institute. Its purpose is to provide for stricter control over the activities of land salesmen. Under the present legislation, and also under the Bill, there is nothing to prevent a registered land salesman from doing purely casual work as a land salesman not under the direct control of a land agent. In fact, some persons at present registered as land salesmen do only such work. The Real Estate Institute has suggested to the Government that provision should be made in the Bill to ensure that a land salesman can only operate under the control of a land agent. The Real Estate Institute is of the opinion that it is undesirable that persons should be entitled to act as land salesmen unless they are under such control. The Land Agents Board supports the view of the Real Estate Institute, and the Government has agreed to include a provision in the Bill dealing with the point. This amendment therefore provides that during such time as a registered land salesman is not in the service of a land agent his registration shall be deemed to be suspended.

During my speech in reply on the second reading, I indicated the difference between a land agent, who is the principal and who has to satisfy certain stringent requirements before he can be registered, and the land salesman, who is purely an employee. The intention of this clause is to make certain that a land salesman is, at all relevant times, under the control of a principal and that he does not do the work of a land agent without being so licensed.

The Hon. C. R. CUDMORE—I support the clause. The whole object of this Bill is to tighten up the position as to these people selling land, but I am surprised that the Real Estate Institute should have thought this clause was necessary, because surely if a man ceases to be employed by a land agent the first thing that the land agent would do would be to get his bond back. Surely land salesmen would not be wandering around on somebody else's bond buying and selling land, because the land agent would apply for a cancellation of the bond.

The Hon. C. D. ROWE—I think that once a bond is given, the licence is granted for 12 months and not for a shorter period, so the bond must be given for that period.

The Hon. C. R. Cudmore—Could not the agent apply to have it cancelled?

The Hon. C. D. ROWE—There is some doubt about that. A person may be employed as a land salesman for a firm, and if he leaves that firm and joins another or continues on his own account the bond will still be in force. The purpose of the clause is to make certain that he is at all times under the control of a land agent.

New clause inserted.

Clauses 50 to 52 passed.

Clause 53—"Registration of managers."

The Hon. C. D. ROWE—I move—

To delete "Part IV" and to insert "sections 39, 40, 41, and 43 to 49 (inclusive)".

This amendment is designed to clarify the meaning of the clause, which at present provides that Part IV, which deals with the

registration of land salesmen, shall apply with the necessary modifications to the registration of managers. The amendment clarifies this provision by setting out the sections of Part IV which are intended to apply.

Amendments carried; clause as amended passed.

Clauses 54 to 57 passed.

Clause 58—''Duty of land agent with respect to moneys received in the course of his business''.

The Hon. C. D. ROWE—I move—

In subclause (2) to delete ''separate''.

The amendment improves the wording of the provisions of the Bill relating to land agents' trust accounts. The intention of the Bill is that a land agent should in future be prevented from paying into his trust account money other than money which he has received in his capacity as a land agent. At present the clause requires a land agent to pay money received by him in his capacity as a land agent into a ''separate'' trust account, and prohibits him from paying any other money into that account. The reference to the account as ''separate'' does not add to the meaning of the clause, and could lead to difficulty in interpretation. This amendment accordingly deletes the word from the clause. If ''separate'' is left in the clause, it might mean that the land agent would have to have a separate trust account for each land transaction. The intention of the Bill is that he should have a separate trust account to cover all his land transactions as distinct from transactions he may have in other departments of his business. The position will be clarified by this amendment.

Amendment carried; clause as amended passed.

Clauses 59 and 60 passed.

Clause 61—''Preparation of instruments.''

The Hon. A. J. MELROSE—As I read this clause, it means that no-one can employ a typiste to type documents without the land agent being guilty of an offence.

The Hon. C. D. ROWE—Land agents who are not land brokers have been preparing documents under the Real Property Act. It has been thought advisable that that practice should not continue and that in future, apart from cases in which a man prepares a document under that Act for his own private transaction, such documents shall be prepared only by a legal practitioner or a land broker. That document would naturally be drafted by the broker or the solicitor. The mere fact that it has to be typed by someone else would not create an offence under this Act. I can assure the honourable member that there would be no danger of some minor employee being held responsible so long as a solicitor or broker prepares the document.

The Hon. C. R. CUDMORE—This clause has been the cause of a tremendous amount of argument and discussion. During the second reading I said that I would like a provision that no person except a solicitor shall prepare these documents. That is the proper thing, and it is done in other States. However, we cannot do that because we have land brokers. A legal practitioner is entitled to prepare documents and he has unqualified people in his office, but he is responsible for the documents. It cannot be suggested that either a land broker or a solicitor preparing those documents does everything himself; of course he does not. Some land agents have no land broker in their employ and they have been preparing these documents illegally. This clause is to tighten that up, but I do not think there is any difficulty about minor employees who seal the envelopes or do other things that are necessary, because it is the agent who is responsible.

The Hon. L. H. DENSLEY—A few inquiries have been made about this by country land agents who have been in practice for many years. Mr. Cudmore said they have been preparing these documents illegally, and if that is so there is a good reason for tightening up the matter, but in other cases, such as veterinary practitioners and physiotherapists, if they have been in practice it has been the policy to allow them to carry on.

The Hon. C. D. ROWE—The position is I think that some land agents, not necessarily but mainly in the country, have been preparing these documents and they have been paid for doing so. The strict law has been that they are not entitled to prepare them and certainly cannot sue to recover their fees. I think the answer to the point raised is that if these people want to continue doing it they must either take the course at the School of Mines or obtain a certificate from the Registrar-General of Deeds so that they can register themselves as land brokers, which would improve their status and would be in accordance with the policy of the Bill to tighten things up. The land agents in the town in which I practise have always instructed me to prepare their Real Property Act documents for them and that custom has, I think, worked quite satisfactorily. I believe that the clause is in the interests of the general public to ensure

that these important documents will be prepared by people who know what they are doing, and I hope it will be accepted.

Clause passed.

Clause 62— "Advertisements."

The Hon. C. D. ROWE—I move—

In the third line after "disposal" to insert "not being letting."

The intention is that if a land agent advertises a property for sale he must include his name and address in the advertisement, but if he advertises a property for letting and discloses his name he might get an application from a person with whom he may be on friendly terms but whom he may feel would not be a desirable tenant. To avoid embarrassment to either party it is proposed that in the case of letting a land agent may advertise under a non-de-plume.

Amendment carried.

The Hon. C. R. CUDMORE—I would like to be clear on this. If a company puts out an advertisement about a sale of land will it have to include the name of the company and the fact that it is a licensed land agent?

The Hon. C. D. ROWE—That will be the position.

Clause as amended passed.

Clause 63 passed.

Clause 64—"Contracts relating to subdivided land voidable in certain cases."

The Hon. C. D. ROWE—I move the following amendments:—

In the third line of subclause (1) to delete "made whether before or after the commencement of this Act."

In the first line of subclause (1) (I) (*c*) after "The" to insert "allotment"

In subclause (1) (I) (*c*) to delete "plan of the subdivision deposited in the Lands Titles Registration Office or the General Registry Office, as the case may be" and to insert "land."

In subclause (1) (I) (*c*) after "subdivision" to add "or other information sufficient to enable the land to be readily identified."

These amendments are for the same purpose, and are designed to improve the provisions of the Bill relating to contracts for the sale of subdivided land. Upon reconsideration of these provisions, it has been decided that they should apply only to contracts made after the commencement of the Bill. They at present apply to contracts made both before and after the commencement of the Bill. As has been explained, slight alterations have been made in the law applicable to subdivided land contracts by the Bill and it is preferable that these alterations should not be given any retrospective effect. As a result of these amendments any rights with regard to subdivided land contracts arising under the repealed Acts will be preserved by the Acts Interpretation Act, and not by the Bill, as at present.

Clause 64 sets out the particulars which are to be included in a contract for sale of subdivided land. Under paragraph (*c*) of subclause (1) the number of the plan of the subdivision is required to be stated in the contract and also the name of the subdivision. It has been pointed out that, in practice, the number of the plan is not ordinarily known and can only be ascertained by a search, and it was suggested that clause 64 should instead require the allotment number to be stated in the contract and that as an alternative to stating the allotment number and the name of the subdivision it should be possible to give other information sufficient to enable the land to be readily identified. The Government is of opinion that this suggestion would improve the Bill and has accordingly agreed to it. A client might instruct a land agent to sell an allotment of land. Out of 50 allotments which he may be instructed to sell the land agent may sell only one and as the Bill stands it would be necessary for him to search the subdivisional plan of every allotment. The amendment provides that as long as the allotment is properly identified in the contract it shall not be necessary to search the subdivisional plan. I feel that the amendment will still protect the purchaser and I recommend its acceptance.

Amendments carried.

The Hon. C. D. ROWE—I move—

To strike out the whole of paragraph II of subclause (1).

This last amendment to clause 64 deals with another matter. The clause requires that a contract for the sale of subdivided land for which the consideration is more than £500 shall be executed in the presence of two witnesses neither of whom shall be the vendor, the vendor's agent or any person employed by the vendor's agent. This provision is taken from the Land Agents Act. It was originally enacted in 1927 at a time when frauds with respect to the sale of subdivided land were frequent and Parliament found it necessary to take drastic steps to deal with the evil. The Real Estate Institute has submitted that it is no longer necessary for this provision to be retained on the Statute Book. Amongst other things, it is suggested that the amount of £500 mentioned is no longer realistic, having regard to the fall in the value of money. As a result of the representations made by

the Real Estate Institute the Government has agreed to delete the provision. At one time land salesmen toured the country and sold farmers much vacant suburban land. That does not occur nowadays and I feel that it is no longer necessary that there should be two witnesses who have nothing to do with the agent or his firm and consequently there is no further need for this provision in the Act.

Amendment carried; clause as amended passed.

Clauses 65 to 68 passed.

Clause 69 ''Application of sections.''

The Hon. C. D. ROWE—I move—

To delete ''whenever'', after ''made'' to insert ''after the commencement of this Act'', and to delete the whole of the proviso.

The purpose is to ensure that clauses 66, 67 and 68 shall not have retrospective effect.

Amendment carried.

The Hon. C. D. ROWE moved—

To delete the whole of the proviso.

Amendment carried; clause as amended passed.

Clause 70—''Provisions as to bonds''.

The Hon. C. D. ROWE—I move—

After ''pounds'' in subclause (1) to add ''Provided that a bond for the purposes of Part IV or Part V may be given by some other surety approved by the Attorney-General''.

This amendment deals with land salesmen's fidelity bonds. The Bill at present provides for all fidelity bonds under the Bill to be given by insurance companies. At present, under the regulations made under the Land Agents Act, a land salesman's bond may be given instead by a surety approved by the Attorney-General. It has been pointed out that this provision is of great value in certain cases, and that it is desirable that it should be preserved.

The Hon. C. R. CUDMORE—I welcome the amendment. It simply puts the law in the same position as previously to provide that the Attorney-General can approve bonds given by companies and other people if they are reputable and stable. This avoids the necessity of getting an insurance company to back up a bond.

Amendment carried; clause as amended passed.

Clause 71—''Certificate in lieu of fidelity bond.''

The Hon. C. D. ROWE—I move—

In subclause (1) to strike out ''State or.''

This amendment deals with the deposit of securities with the Treasurer under the Bill. The Bill, following the provisions of the Land Agents Act, provides that State or Commonwealth securities may be deposited with the Treasurer for the purpose of securing the performance of conditions by a land agent, land salesman or registered manager. It is no longer desirable that this provision should include State securities. At present State securities are not issued to the general public and the few that are issued in special cases would not be suitable for deposits by land agents. The amendment accordingly deletes the reference to such securities.

Amendment carried; clause as amended passed.

Clauses 72 to 76 passed.

Clause 77—''Power of board to summon witnesses and take evidence.''

The Hon. C. R. CUDMORE—Powers given under subclauses (*a*) and (*b*) of subclause (1) are for summoning a person before the board and the production of books, papers or documents. Under this the board has the complete powers of a Royal Commission or court, and whether this is desirable I do not know. I should like to know whether the board as at present constituted has these very wide powers, or whether they are now being given to it because it is being made responsible to hear applicants instead of the court. The powers seem to be rather wide and unusual for a board of this type.

The Hon. C. D. ROWE—The board already has these powers under section 29b of the principal Act.

Clause passed.

Clauses 78 to 82 passed.

Clause 83—''Appeals against decisions of the board.''

The Hon. C. D. ROWE—I move—

In the seventh line of subclause (2) to delete ''one month from the giving or making of the order'' and insert ''the time provided in this section.''

This is purely to make the intention of the clause clear.

The Hon. C. R. CUDMORE—I am not clear why the same amendment is not made to subclause (2) where the words ''one month'' appear. It appears to me to be the same thing.

The Hon. C. D. ROWE—Subclause (5) provides that the board shall, if required by any person affected by any order made by it, state in writing the reason for its order, and then sets out the time in which an appeal may be instituted if the board does not state the reason in writing. Under subclause (2) an appeal shall lie to the Supreme Court and shall be instituted within one month from the making of the order appealed against. They are

two different matters, and I think it is in order to make the alteration as suggested.

Amendment carried; clause as amended passed.

Clauses 84 to 102 passed.

Clause 103—"Pending applications."

The Hon. C. D. ROWE—I move—

In subclause (2) after "granted" to insert "or renewed."

This is to cover a minor drafting matter.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments, and Committee's report adopted.

APPROPRIATION BILL (No. 2).

Adjourned debate on second reading.

(Continued from November 9. Page 1484.)

The Hon. E. H. EDMONDS (Northern)—During the period that I have been privileged to occupy a seat in Parliament, I have always regarded the Appropriation Bill as one of the most important and interesting matters with which we have to deal, because it contains a very full statement of the whole of the Government's financial commitments for the current year. In some respects, departmental expenditure is dealt with in great detail. In that regard I refer particularly to the statements and accounts of the Minister of Health as the controller of hospitals. It is interesting also because it enables members to see the realization of efforts that they may have put forward on behalf of their constituents throughout the year, and from the items set out under different headings, to see just what those efforts have led to.

This Council cannot amend the Bill, it being a money Bill, but it can make suggestions. Since I have been in this Chamber I cannot recall any occasion when even suggestions for alteration have been made. Members who have preceded me mentioned that this Budget sets up an all time record. It is certainly an all time record in the total sum and in regard to the expenditure of some departments, particularly the Hospitals, Education, Railways and the Highways Departments, for each of which considerable sums are provided. Substantial though they are, I venture to say that any member could make out a good case for them to be exceeded for worthwhile projects connected with the development of the country and improved facilities.

When explaining the Bill, the Chief Secretary said that over 30 per cent of the total revenue will come from tax reimbursements and Commonwealth grants. That brings me to a point that has caused me some thought—the relationship between the States and the Commonwealth in regard to taxation reimbursements. In a published report, the Premier stated that the Commonwealth had seized the taxing powers of the States, and by that comment and the remarks associated with it I formed the opinion that the State's financial position was not regarded as a very happy one. I do not desire to open up a debate on the pros and cons of uniform taxation, but it seems to me, after investigations, that if there is dissatisfaction on the part of the States the remedy is in their hands, because we still hope that we have some sovereign rights over our own finances.

Before uniform taxation, Loan moneys came under the Financial Agreement entered into between the States and the Commonwealth, but the collection of income tax by the Commonwealth was provided for in the Income Tax Reimbursement Act of 1942, which was admittedly a war-time measure. That Act was repealed in 1946, but the State did not take over the collection of income tax, which it more or less left open for the Commonwealth Government to do. In 1948 the Commonwealth-State Grants Tax Reimbursement Act was passed. Section 5 of that Act is the authority for the Commonwealth to come into this field, and has been the authority ever since for it to collect income tax and to make reimbursements to us. As the section clears up the position, I will read it for the information of members. It provides:—

> In respect of any year during which this Act is in operation and in respect of which the Treasurer is satisfied that the State has not imposed taxes upon income there shall be payable by way of financial assistance to that State an amount calculated in accordance with the provisions of this Act less an amount equal to any arrears of taxes collected by or on behalf of that State during that year.

In the light of that, the field is still open to the States if they desire to revert to the collection of income tax, because only when they vacate that field can the Commonwealth levy income taxes. I do not think we can justifiably accuse the Commonwealth of seizing our taxing powers. I mention that because of the statement that we receive 30 per cent of the Budget expenditure by way of reimbursements from the Commonwealth. No doubt there is plenty of room for debate as to what system is best suited to the States, but if they desire to come back to the taxation field they have the matter in their own hands.

The amount set down in the Bill for expenditure on roads and local government is £262,189 which, of course, is not the total of the road expenditure for the current year. Evidently the road accounts are kept separately in some way, for we know perfectly well that much more than this is expended.

The Hon. N. L. Jude—It mostly comes from grants from the Commonwealth.

The Hon. E. H. EDMONDS—But apart from that we have motor registration and licence fees which yield well over £1,000,000 so therefore this item of £262,000 can be very misleading to people not acquainted with the true situation. One of the most important things we have to deal with is expenditure on our roads. In so far as education, medical services, railways to a lesser extent, and in other fields we are reasonably well up with our programme, but I regret that I cannot say that our road programme comes within the same category. Frankly, I cannot put my finger on the cause of why there should be such a great lag in our road development. I travel over a considerable portion of the State during the course of a year, and I have been travelling over some main roads for some years where work has been going on, and is still continuing, but obviously very slow progress is being made. Much of our main roads work is being done under departmental supervision; indeed, often with departmental plant, and without detracting from the efficiency of those in charge, I cannot help noticing that in places where contractors are engaged in the work the tempo seems to be much greater than that attained by departmental plants.

In the construction of modern roads it is necessary to have a very solid foundation in preparation for the eventual sealing, and this entails much earth work in many cases. From my observation this is the sort of work which can be efficiently and expeditiously carried out by contractors. I feel sure that the Minister of Roads and departmental officers are alive to the situation, and I know that councils are engaging contractors wherever possible for the parts of the work that they can do. I am not suggesting that they are capable of putting on the final seal—although possibly some of them could—but they could certainly do very much of the preparatory work. We are up against a great difficulty in regard to letting tenders for road construction. The Minister is not in a position to say very far ahead what funds will be available to him; if he can make a guess 12 months ahead he is doing pretty well, and in the absence of a long range programme he is unable to guarantee to contractors a sufficient continuity of work to justify their incurring the considerable capital expenditure necessary to acquire suitable plant. For this reason the operations of contractors are curtailed. Modern road-making machinery and ancillary plant requires a fairly considerable capital outlay and unless we can offer long-term contracts such as to justify this outlay we cannot possibly hope to improve the position by the employment of contractors.

The Hon. E. Anthoney—We should have a national scheme.

The Hon. E. H. EDMONDS—I was coming to that. We have reached a stage where our road programme will have to be put on a national basis. During the wartime, we constructed, for example, a sealed road from Alice Springs to Darwin and it is still there today. I cannot see why, if capital can be raised for such a purpose in a national emergency it cannot be raised in peace-time for urgent road construction. I believe that a substantial special loan should be floated for roads. This would enable the Minister in charge of this important national work to assure contractors that they were justified in acquiring the necessary plant. If we did that we might get something done.

The Hon. F. J. Condon—£3,000,000 or £4,000,000 would not go far in the whole of Australia.

The Hon. E. H. EDMONDS—I have not the least objection to spending a few millions of pounds. We did it for other purposes and I can see no reason why we should not do it for this. Although one could talk at length on the various items in the Bill I regard it more as a document of interest showing what we are attempting to do. Taken in conjunction with more detailed information available to us it sets out the expenditure which is enabling us to make progress. One has to admit that, by our expenditure, we are able to show that industry is progressing and that the State is prosperous, and if Dame Nature is kind and if our overseas markets for our products are maintained I can see no reason why the bounteous years we have enjoyed should not continue provided we are all prepared to pull our weight.

I make no apologies for laying the strongest emphasis on the matter of road construction for I consider it to be one of the most important items of Government expenditure. I have been informed on good authority that our inability to construct roads in some of the newly settled areas is holding up their development. I know,

as a member of the Land Settlement Committee who has had opportunities to visit soldier settlements, that some of the settlers who have been on their holdings for two or more years still have only inferior roads to travel on. This is not adding to their comfort or convenience, and is not economical as far as the occupation of land is concerned.

The Hon. R. R. Wilson—And it has retarded progress.

The Hon. E. H. EDMONDS—Quite so, and therefore, as part of the obligation we have entered into, not only to settle returned soldiers on the land but to give them the facilities and amenities they have a right to expect, I hope that something extra will be done in the matter of road construction.

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

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

Adjourned debate on second reading.

(Continued from November 9. Page 1475.)

The Hon. C. R. CUDMORE (Central No. 2)—We started arguing this question of control of rents in 1939 and we have had arguments almost every year since. It therefore gives me pleasure this year to be able to say that I welcome this amendment to the Act because it does afford considerable benefits to the hard-pressed landlord of whom I have spoken on so many occasions. It is simply an amending Bill and does not lend itself to debate on the second reading. The only point to be discussed is whether the legislation should continue or not. I frankly admit that I was astounded and horrified to read in the press that the housing position in South Australia was likely to get worse rather than better in the next two years. This takes my mind back to the introduction of the Housing Trust legislation and my comment that it would inevitably lead to less and less private building and would mean that the Government in the long run would have to accept the responsibility of housing the people; and it is working that way.

Although private builders, building societies, lodges and others can get great help from the Savings Bank and under the Advances for Homes Act, the fact is they are not in a position to compete with the Housing Trust, which has done a magnificent job. If one travels in practically any direction in the metropolitan area one sees houses being erected and one would think that we were catching up with the housing position. Apparently, statistics show that we are not. If the position is getting worse, then there is some justification for the Government continuing some form of rent control. We have passed legislation enabling owners to allow in the rent expenses associated with increased rates and taxes. After an inquiry by a commission, Parliament agreed that rents could be increased by 22½ per cent over those operating in 1939, and last year the percentage was advanced to 27½ per cent. Now it is proposed to increase the figure to 33⅓ per cent. We are gradually improving the landlords' position. This year I can say for once that I have great pleasure in supporting this legislation.

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

ADJOURNMENT.

At 4.52 p.m. the Council adjourned until Tuesday, November 15, at 2 p.m.