LEGISLATIVE COUNCIL.

Tuesday, October 23, 1956.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2.15 p.m. and read prayers.

PUBLIC WORKS STANDING COMMITTEE'S REPORTS.

The PRESIDENT laid on the table the reports of the Public Works Committee on the Salisbury high school (woodwork and domestic art centres) and the Barossa reservoir to Sandy Creek water main, together with minutes of evidence.

QUESTION.

MOTOR VEHICLE INSURANCE.

The Hon. L. H. DENSLEY (on notice)—Is it the intention of the Attorney-General to make a statement on the liability, other than that covered by compulsory insurance, incurred by private motorists in carrying passengers without charge?

The Hon. C. D. ROWE—The Parliamentary Draftsman reports the law on the matter raised is as follows:—

If a private motorist carries a passenger without charge and the passenger is injured by the negligence of the motorist, the motorist is (except in special circumstances which need not now be gone into detail) liable for the full amount of the damage suffered by the passenger. The ordinary compulsory insurance policy which every motorist is obliged by law to take out, insures him against his liability for personal injuries to any passenger, but the policy need not insure him for more than £4,000 in respect of any one passenger, and many policies are limited to this amount.

Whether the damages suffered by the passenger exceed £4,000 or not, the motorist is liable for the full amount of them, but if his policy is limited to £4,000 per passenger he will not be indemnified by the insurance company for any amount in excess of £4,000. He will have to find the balance himself.

A passenger who recovers a judgment for damages against a motorist can claim directly against the insurance company for the amount of judgment up to the limit of £4,000. In practice, the insurance company usually handles and settles the claim of the injured person.

APPROPRIATION BILL (No. 2).

Adjourned debate on second reading.

(Continued from October 18. Page 1085).

The Hon. J. L. S. BICE (Southern)—At the outset I desire to express the pleasure that I am sure all members experience in seeing our colleague, Mr. Cudmore, in his place again. I understand he has had a very miserable time but no doubt we will hear his voice in debate in the very near future.

Like other members I express regret that the Government has found it necessary to budget for a deficit of £853,000. The continued progress of the State naturally involves rising administrative costs and, although certain legislation passed by this Parliament has alleviated the position somewhat, it has not been sufficient to overcome the lag. Some years ago when the Government was making an effort to regain its right to collect income tax I spoke in support of the attitude, as I do now. However, I remember that while I was speaking on that occasion the Chief Secretary looked at me in a very questioning way which caused me to think that there must be some catch about the matter. I subsequently made inquiries and found that there were considerable difficulties associated with the collection of income tax by the States. Nevertheless, I think that the Commonwealth Government's return of only 27 per cent of the income tax collected in this State is a very poor effort, and I hope that the Government will again take up the cudgels in this matter. I will always support any effort it makes in that direction.

I was very pleased to hear recently that with the establishment of the Mount Gambier East timber mill, the State looks forward to the possibility of exporting some of our surplus softwood timber. Sir Wallace Sandford was always very interested in the question of afforestation and I always enjoyed listening to him explaining what a tremendous asset our pine forests were. That very important mill at Mount Gambier will be a great asset to this State, as will those at Nangwarry and Mount Burr. The private mills which are operating in the South-East have for some time been sending quite a lot of softwoods to Victoria and New South Wales. I believe our State forest sawmills have been a very valuable factor in keeping the cost of fruit cases and dried-fruit cases down to a more reasonable level than would have been the case had the output of these factories not been improved. They have proved a very great acquisition to us.

I pay a tribute to Mr. Edmonds for the information he supplied in connection with our upper South-Eastern lands. Members have heard me on previous occasions with regard to the value of these lands, and we know the influx of population into these areas and the tremendous amount of improvement carried

out, firstly by the A.M.P. adjacent to Keith and secondly by private families who have done a magnificent job in dealing with these lands. At one time we considered this area quite hopeless, and from my personal experience I know that much of it would not have carried a sheep to 30 acres. Much of this scrub country could carry hardly any stock, but today it is carrying up to two sheep to the acre because of the advent of capital and the scientific investigations which have been carried out by the Waite Research Institute and the activity of our Department of Agriculture.

These people have done a magnificent job, and I hope that some of the £600,000 which has been made available to the University will go to the Waite Research Institute to enable scientific work to go on. I believe that land which today is considered only suitable for carrying stock will ultimately prove, with the advent of further scientific research, to be capable of being used for mixed farming. That is what I feel could ultimately happen on that upper South-Eastern land. We know that cereals can be grown on it. In 1912 Coonalpyn was looked on as being a hopeless proposition from the agricultural point of view, but the agriculturalists from Yorke Peninsula who have gone there are now growing up to 40 bushels of grain to the acre. Those farmers were prepared to apply their scientific knowledge to their agricultural practices, and that is something that is going to improve the finances of this State and ultimately, I hope, enable us to again balance our budgets.

I listened with great interest to Mr. Story's speech about flood troubles along the River Murray. I pay tribute to the generosity and the activities of the people of this State in regard to the disastrous fire that occurred two years ago and now in relation to this devastating flood. It is difficult to hazard any opinion on its effect. The Government has been fortunate to secure the services of Sir Kingsley Paine to look after the difficulties associated with re-establishment of the settlers. As Mr. Story said, nobody can yet assess the damage caused to trees and vines. The Commonwealth Government generously subscribed £2,000,000 to assist people affected by the Maitland flood, and I hope it will be equally as generous in this case, because the Murray Valley settlers have lost fruit trees, which do not come into production for a considerable time, whereas the people affected by the Maitland flood lost mainly pasture land.

The Murray flood will cause great loss to fruitgrowers and dairymen. As an early settler on the reclaimed swamp land at Mobilong I have some knowledge of the problems of dairymen. The metropolitan area will face difficult problems in obtaining a supply of whole milk. Fodder can be grown in the reclaimed areas fairly quickly. I have grown mangels, maize and other crops in this area, and I know that good results can be obtained, but it is a difficult and long job to re-establish pastures.

In the early 1900's the late Samuel McIntosh, who was Director of Irrigation, valued our reclaimed swamps at £100 an acre, and compared them with the Bacchus Marsh dairying land. This was a very good comparison, because Bacchus Marsh supplies a great portion of Melbourne's dairy produce and our swamp areas provide most of Adelaide's requirements. Perhaps the Government is imposing too great a task on Sir Kingsley Paine.

The Hon. K. E. J. Bardolph—Are you not writing down his capacity?

The Hon. J. L. S. BICE—I am not speaking disparagingly of him. In my opinion he is one of the most careful assessors of damage that one could meet. I have a vivid recollection of the action he took associated with farmers' debt adjustment and also the work he did following the great fire of January 2, 1955. People like Mr. Arthur Gordon, who has had tremendous experience in irrigation, are doing an excellent job. He was associated with the construction of the banks on the Mypolonga reclaimed area, and then became resident inspector of leases at Cadell, and latterly has been associated with the irrigation projects of the Irrigation Department. His Honor, Mr. Gordon, and a practical irrigationist would make a very good team to arrive at the decisions which will have to be submitted to the Government in connection with the Murray flood.

For many years we have given much consideration to the sewering of certain country towns. There are places like Mount Gambier, Naracoorte, Port Pirie, and Victor Harbour which should receive the earliest possible attention. If my colleague, Mr. Condon, were here today he would immediately interject that the Public Works Committee had already recommended that work at those places be proceeded with. Section 8 (2) of the 1946 Act provided that the sewerage rate in country drainage areas should be 1s. 9d. in the pound. Subsection (1) set out that the minimum sewerage rate on any land or premises comprised in an

assessment in a country drainage area should be £2 12s. a year for land or premises connected with the sewers, and not less than 12s. for other land and premises. In 1955 the rate was altered to 2s. 6d. in the pound and an alteration was also made in the other part of the section.

I believe the 1955 Act permitted action to be taken to deal with the towns I have mentioned. Mount Gambier and Naracoorte, particularly, require urgent consideration. Representatives of the Health Department went to Mount Gambier about two years ago and raised the urgency of the matter, and recently Dr. I. G. Campbell, of Naracoorte, in the *Naracoorte Herald* of October 18 stressed the importance and urgency of sewering that town. The Minister of Local Government is aware of the urgency of the matter. In each of these two towns the people rely on underground water for their domestic supplies, and in Naracoorte the effluent from the septic tanks is being pumped into the creek which runs through the town. This creates offensive smells with always the possibility of the outbreak of disease. I suggest that the Government should see if it is possible to deal with the requirements of Mount Gambier, Naracoorte and Port Pirie for a start. I support the second reading.

The Hon. L. H. DENSLEY (Southern)—I am also very pleased to see Mr. Cudmore back with us again, and to notice that he has recovered his health. It is a matter of concern to us all that the Budget should disclose further rising costs, not that we are not aware of this position in our daily activities, but the position is pin-pointed when we look at the Budget figures. The Government has made a very big attempt to avoid as far as possible involving an increase in the items affecting the cost of living. The increased charges to be levied are those which might most easily be borne in a time when everyone is called upon to make some sacrifice in the public interest. We can rely upon the Chief Secretary, who is a man not only of immense capacity and drive, and who is doing a remarkable job in the interests of South Australia, together with his colleagues, to see that no avoidable waste takes place.

I am tremendously interested in the progress being made in hospitalization, not only in the metropolitan area, but throughout the country. When driving past the new hospital being constructed at Woodville I have been very impressed to see the almost fantastic progress that is being made. When I first came into this House about 12 years ago many questions were asked as to when the Western Districts Hospital was to be commenced. Once the plans and specifications were finalized, after having been altered a number of times to appease hospital authorities, and the work was put in hand, progress was remarkable. The personal interest and enthusiasm of the Minister of Health has had much to do with this progress. I am pleased that he will be going abroad before the next session. I feel sure that his capacity will enable him to gather information which will be of tremendous value to South Australia. Ministers who are doing very valuable work for the State should travel overseas and see what is being done in other countries and, if possible, learn some lessons with regard to the progress being made there. There have been considerably increased costs in most hospitals because of increases in wages and the costs of goods, and unquestionably hospitals have become more difficult to run, but we appreciate that everything possible will be done in the interests of this State.

I was interested in a remark passed by Mr. Bice with regard to the grant to the University. I point out that the Waite Agricultural Institute receives a special grant from the Department of Agriculture, and I think that amount was £115,000 this year. Mr. Bice can rely on the fact that the Waite Research Institute will continue to make progress with research work in the coming years. Some of the buildings which have been occupied by the C.S.I.R.O. will be vacated in the near future and will be occupied by South Australian scientists on very important research work. I agree with Mr. Bice that we have had tremendous value from the Waite Research Institute since its inception, and I think we will continue to get full value from its work.

I wish to comment briefly on the work done by the Workers' Educational Association which receives a grant of only £1,750 from the Education Department. The W.E.A. is not only carrying on good work in the metropolitan area but is branching out into country districts, and it provides a source of adult education which is proving very valuable to country people. At present there are only eight groups in operation in country centres, and they are centred within four towns. In the Keith branch there are 70 members attending lectures. I understand that the Education Department proposes to increase adult education throughout country areas, particularly those adjacent to technical and high schools where the staff is

available to do this work. Quite apart from that, the W.E.A. can easily move into districts where it is not so easy for the Education Department to give the individual attention which is desirable. I mention those points in order that consideration can be given to making further finance available for this very important work. There are quite a number of classes that are valuable to country people, and I think all members will agree that study of any sort is of very great value to all people.

I listened with attention to Mr. Story the other day and am fully in accord with his suggestion that a committee be set up to make inquiries and recommendations with regard to the flood position. I stress that the setting up of that committee is a matter of extreme urgency and should be done at the earliest possible moment. The flooding of this country has, of course, been a national disaster. On the other hand, the River Murray is a great national asset, and if South Australia had a few more rivers like the Murray running through it we could easily be a very much wealthier State. I hope that this matter will be taken up not only with urgency but with an outlook that realizes the full responsibility of the State and the Commonwealth to the people in that area.

We have enjoyed extreme prosperity over the last few years, but our prosperity could easily be broken up by such a disaster as has taken place along the River Murray if the position is mishandled. On the other hand, if it is properly handled we can build up our prosperity to an even greater degree than we are enjoying today. I think the Commonwealth has certain obligations in this matter, and no doubt the Premier will have this in mind when he attends the Premiers' Conference. The obligations of the people of South Australia do not cease with the demand upon the Commonwealth Treasury for money for rehabilitation purposes. If we are to build up the capacity to produce in that area at such a speed that will not only maintain but increase our prosperity, the general public must be prepared in one way or another to support the rehabilitation of that area. We have already made a large voluntary contribution for the relief of distress in the area, and if it becomes necessary to provide a very much greater sum for rehabilitation purposes I hope the Government will not hesitate to tell the people in an endeavour to get them to co-operate.

I hope that very shortly we may hear of some definite move with regard to the rehabilitation of the Murray area. I am sure that it is one of the most pressing problems which the Government has on hand, and one which properly handled will help not only to maintain but increase the prosperity of South Australia. I support the Bill.

The Hon. K. E. J. BARDOLPH (Central No. 1)—On behalf of the Opposition I extend our best wishes to Mr. Cudmore at seeing him this afternoon. We appreciate his recovery and return to this House, because his contribution to the debates has been sadly missed. My only purpose in rising is to review some items that have already been discussed, particularly the deficit in this State's finances. Some members are of the opinion that the only way out of this difficulty is to clamp down on expenditure by restricting developmental works, but members of the Opposition take the opposite view. We feel that this State, like the others, should pursue a big developmental programme. Much capital will be needed to carry out the various projects that have been on the schedule for a number of years. I am utterly sick of hearing the wails of some economists, and those people who do not know the workings of Parliament, who paint a picture of dire distress. During the war these people did not preach financial stringency. Finances were then a secondary consideration; all that was needed was men and materials. We spent over £1,000,000 a day during the war; I know that some members will say that we have to pay for it now, but we will not do so unless we develop Australia and put this State on a business-like basis.

Mr. Bice, who spoke about the sewerage of Port Pirie, Naracoorte and Mount Gambier, knows that the capital expenditure on these schemes is non-productive. They are social services and all that can be expected from them is a benefit to the people. Years ago during an election campaign the Government made extravagant promises in relation to the development of water supplies and sewerage, yet many parts of the State are still without these much needed services.

The Hon. L. H. Densley—Simply because costs have gone up.

The Hon. K. E. J. BARDOLPH—I concede that, but bewailing that fact does not supply these much needed services that the people demand. That reminds me of a story I heard about a certain drain in the City of Adelaide. When an engineer was brought in a long time ago to report on altering its course, he said, "Well, Charlie, that has been there since I was a boy," as much as to say that it need

not be altered. That applies to the remark made by Mr. Densley. All the good things that have been done by this Government have been done by Parliament. The Leader of the Opposition has often said that, and I endorse his remarks. Had it not been for the sanction of this Chamber and the House of Assembly no finance would have been available to carry out the acquisition of the Adelaide Electric Supply Company, the establishment of the Leigh Creek coalfield, the development of the Nairne pyrites mine and the sulphuric acid plant.

On no occasion have members of the Opposition in either House attempted to frustrate the Government in such matters, although I have seen members of the Government Party vote against the Government's proposals. The Chief Secretary could tell members that had it not been for the support of the Opposition in this Chamber various Government measures would not have been passed, and the same applies to the House of Assembly. We should give credit to the members who have been responsible for developmental programmes.

That brings me to conflicting opinions that have been publicized by various leading authorities with regard to our economic position. The Rt. Hon. H. E. Holt, who is a member of the Commonwealth Government, in a report issued on August 30, 1956, said:—

Since the war actual weekly earnings per worker have risen by 27 per cent in real terms, despite shorter working hours. There are other indicators also of the material improvement in living standards; for example, the number of motor vehicles has almost trebled, the annual production of domestic refrigerators has increased seven fold, washing machines 25 fold, the number of telephones by 72.4 per cent. The number of persons per room in houses has fallen significantly and so on.

I mention that to pay a tribute to the workers. Later, Mr. Holt said:—

The output of the steel industry has increased by 83 per cent in the past five years.

Later in the report appeared the following statement:—

Migrants have substantially helped produce about 900,000 more tons of steel a year. The price of locally-produced steel is approximately £44 per ton, so that local consumers can buy 900,000 tons of steel a year at £36 per ton cheaper than it would cost if imported, thus reducing their costs by some £32,400,000 a year.

That statement, which did not come from a Labor man, shows that the workers and management in that industry can claim the credit for saving the Australian people £32,400,000 a year.

The Hon. L. H. Densley—Did he say anything about cheap refrigerators?

The Hon. K. E. J. BARDOLPH—No, he did not. That matter comes under the Prices Commissioner. All those facts indicate that there is co-operation between employers and employees in industry, as Mr. Condon, Mr. Shard and Mr. Bevan have pointed out. I think South Australia stands out as a beacon light in that respect; this co-operation cannot be found in any other State, as can be seen from the minor industrial disputes that occur in other places. Some economists, who are very low down on the ladder, although they might be able to run the country theoretically, could not do so on a practical basis, and those workers engaged in industry and the control of industry are well aware of this.

An interesting reference to the economic position in Australia was made by no less a person than Professor Downing, Professor of Economics at the Melbourne University. As members know, economists make an economic survey of our financial positon and potentialities and from their deductions issue a statement as to what will happen in the next few years. On the question of capital expenditure, Professor Downing said:—

On this issue my personal opinion is that we should grasp opportunities for development when they offer. We have a great country to develop and at present we have a mind to develop it. It will be extremely difficult to recreate this mood when incipient depression offers us the opportunity of idle resources with which to carry out development.

When Governments and business men have many promising projects they want to carry out, it seems best to hold back consumption as much as possible and let them go ahead. At some stage they are going to have fewer promising projects—that will be the time to allow consumption to expand. For it is these developmental projects which are going to bring us higher living standards. If 4 per cent extra investment now is going to yield us a permanent 1 per cent addition to production it will not take us long to make up for the temporary sacrifice of consumption needed to make the investment possible.

That is a very liberal statement, and was also promulgated by Mr. Chifley as Prime Minister. Honourable members know that even in the time of war his Government was planning for the aftermath of war, and history now records what that Government did. The blue prints were ready, and when hostilities ceased the changeover for the large numbers of members of the armed forces was a very peaceful one. That was only because the Government and its advisers had prepared a policy which could be adopted at short notice. In 1956 we find a similar statement being made by the Professor of Economics of the Melbourne University. This gives the answer

direct to those calamity howlers outside this House and another place who are attempting to create a dismal picture of the economic future of this and the other States.

I know it is true that the deficit with which the Government is faced is mainly due to capital expenditure. Capital expenditure on Government projects cannot be immediate revenue-producing, as is indicated by a Bill we have before us dealing with the Woods and Forests Department and the sale of uranium oxides. I raise my voice in protest against the policy being adopted towards the mendicant State Governments by the Grants Commission. It has got away with dictating to the State Governments, and we find in the monthly bulletin issued by the National Bank of Australasia this comment:—

Precise estimation of the competitive position of Australian industry in any overall sense is impossible, but one important official body, the Tariff Board, last month sharply drew attention to the disadvantages of our high cost level. In its annual report for 1955-56 the board comments that, taking wages as the major element in production costs, Australian rates are still increasing very rapidly, partly owing to the present confusion in wage determination. Though wages in other major countries are also showing increases—thus moderating to a slight extent the cost disadvantages which might otherwise ensue—the Tariff Board notes that disparities resulting from the substantial rises of earlier years remain.

The Tariff Board was created by the Commonwealth Parliament to inquire into submissions made to it for the protection of Australian industries. I take a strong view that such boards outside the functions set forth by Parliament, take unto themselves the right to express opinions on the economic existence of those engaged in industry. The board was created to expand small industries and protect industries against competition from overseas where the wage levels are much lower than those in Australia. Wage rates do not concern the Tariff Board. The same applies to the Industries Development Committee, of which Mr. Densley and I are members. All that committee is concerned in is the establishment or enlargement of industries in the interests of the economic life of the State. The Act under which the committee works specifically states that award rates shall be paid in industry. That indicates that the Government recognizes the need for machinery to continue economic stability. Whatever the wage rates are, they have been fixed by a constituted tribunal. The Tariff Board in its report goes on to say:—

Apprehension is also expressed by the board at the final outcome of the recent increase of 10s. per week in the Federal basic wage. However, favourable developments include an easing in the pressure on labour resources and reductions in absenteeism and labour turnover, but there has been a sudden increase in the incidence of industrial disputes.

It concludes the report by making very slight references to the responsibility on those controlling industry.

I pay a compliment to the Education Department and all its officers, the Hospitals Department under Dr. Rollison and, indeed, all Government departments on their valuable work, for South Australia is in the fortunate position of having a fine set of responsible officers conducting Government affairs. I have pleasure in supporting the second reading.

The Hon. R. R. WILSON (Northern)—It is disappointing to learn that the Government has to face up to a deficit of £853,000. The Treasurer advised the Commonwealth Grants Commission that he would require a special grant of £6,582,000, but it agreed to only £5,800,000, leaving £782,000 more which the Treasurer requires to carry on the affairs of the State until June 30 next. Yesterday I attended a local government conference at Renmark which was concerned mainly with three items—finance, permanency of levees and rehabilitation.

In this Bill there is provision for £500,000 to assist flood relief and we have already passed the Appropriation (Flood Relief) Bill for £300,000, but it is difficult to estimate exactly what sum will be needed for relief and rehabilitation. Seepage has already destroyed a number of trees and will continue to do so. Sanitation problems also will arise, and I foresee considerable trouble in the summer months through mosquitoes and other pests becoming prevalent. I thought that the Chief Secretary summed up the position very well when he said that the only limit in assisting these people in distress was the limit of finance. As a people we have been through severe times before; we have had bush fires, and droughts, and depresion years and we who have survived understand the plight of the people in the flooded areas. Many of them have lost everything and the question of rehabilitating them is a big one.

There were many referencees at yesterday's conference to the apparent apathy of the Federal Government and Federal members, but I cannot make myself believe that that apathy exists, for Federal members have been to the flooded areas, and I think that every member of Parliament, both Federal and State, is anxious to do all that is possible to assist the people, irrespective of Party. Mr. Bice said

he hoped that the Federal Government would provide finance in the same way as it had done in connection with the Maitland flood, and those attending the conference yesterday had this well in mind.

Mr. Story gave us an excellent speech last Thursday. He is actively engaged in the fruit industry, and while his own property has survived to some extent, though it may still suffer further damage, he knows better than any of of us what is involved in this terrible disaster. We are fortunate in having in Parliament a man who understands the situation so thoroughly. The money required to rehabilitate the irrigation settlements as we would like to see them restored may well run into millions of pounds, and I think that every individual will have to face up to the losses he has sustained and do as much as possible towards his own ultimate recovery. A deputation consisting of the chairman of each district council in the Upper Murray area has been arranged to wait on the Premier in the near future. It is hoped that their representations will be carried to the Commonwealth Government and that assistance adequate to the magnitude to the disaster will be forthcoming.

I am sorry that Mr. Condon is absent today through business reasons that have taken him to another State. An excellent article appeared in the *Advertiser* last Thursday regarding his long record as secretary for 50 years of the Federated Millers and Mill Employees' Association. He boasts proudly, and with every justification, that there has been no industrial dispute in that industry in the whole of that time. It was recorded that in 1909 his union was successful in having the 12-hour day reduced to eight hours. The honourable member never misses an opportunity of telling us of the plight of the flour milling industry. However, that is not the fault of any Government, but simply arises from the fact that overseas consumers require whole wheat and not flour. That is the sole reason why so many mills have been closed and so many employees in the industry forced to seek other avenues of employment. Mr. Condon is the type of legislator who is of the greatest value to any State because he has good balance and can always see the other fellow's point of view. I pay him a very sincere tribute for his long and honourable record of service.

The sum of £112,000 is provided for war service land settlement. Upon inquiry I find that this amount is provided because valuations of settlers' blocks are now being made. To this stage the settlers have been paying only interest on the money advanced. Valuations are made on the basis of potential production or cost of development, whichever is the lessor, and the writings off that will have to be done will involve a very large sum, of which the State will bear two-fifths and the Commonwealth three-fifths. Most of the writing off, I am advised by the Minister, will be in respect of irrigation blocks because, I presume, of low prices of products and heavy expenditure in connection with irrigation.

An amount of £15,250,000 is set down for railways. My purpose in singling out this item is to refer to the transport of stock. In his second reading speech the Minister said that the railways were meeting strong competition from road transport. Not many years ago Yorke Peninsula had the same problem as Eyre Peninsula and producers were not allowed to bring their stock beyond Melton where they had to be entrained. Stock from Eyre Peninsula must be put on trains at Port Pirie. A deputation from Eyre Peninsula that waited on the Minister of Lands representing the Minister of Railways advanced the argument that it took four times as long for stock to reach the abattoirs per medium of the co-ordinated service as to bring them direct by road. Recently, a settler submitted sheep for sale at the Wirrulla market where the highest price offered was 55s., which he refused. He brought them around to Adelaide on his own truck and they realized 98s. That is an illustration of the losses that the settlers are sustaining through not being able to bring their livestock directly to the abattoirs. I think that Eyre Peninsula should be put on the same basis as Yorke Peninsula is now and I feel sure that the railways would not lose any revenue. I hope the Minister will see fit to give the people whom I represent in that area an opportunity to bring their livestock straight through to the abattoirs instead of suffering a loss.

The Hon. N. L. Jude—What about fat lambs?

The Hon. R. R. WILSON—Fat lambs should go to Port Lincoln. Lower Eyre Peninsula is very well served with the freezing works at Port Lincoln, and the farmers are breeding crossbred lambs. Upper Eyre Peninsula is not suitable for the production of fat lambs, and carries mostly merinos. That is all the more reason why the farmers there should have an opportunity to obtain a market. I have much pleasure in supporting the Bill.

Bill read a second time and taken through remaining stages.

JUSTICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 18. Page 1081.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I rise to speak on this measure mainly for the purpose of eliciting information on one or two points. In England justices of the peace play a much more important part in dispensing law than they do in Australia where mainly they deal only with minor cases in the courts and witness legal documents. The Attorney-General pointed out that articled clerks were permitted to appear in court today only by permission of the court. If this Bill is passed they will be enabled to appear on behalf of the instructing solicitor without the specific permission of the court. I should like to know whether this will apply to first, second, third or fourth year articled clerks.

The Hon. C. D. Rowe—Under the latest regulations a clerk becomes an articled clerk only in his last year at the University.

The Hon. K. E. J. BARDOLPH—That satisfies my point, as it will be only a fourth-year law student who will appear in the courts. Opposition members agree with the proposal for compulsory medical examinations. This is on all fours with other legislation, as for example in the question of compulsory X-ray examinations for tuberculosis, where the Government has power to require medical attention; it is also applicable in respect of venereal diseases.

Clause 5 seems rather complicated to the layman. It would appear that children can be dealt with in three ways—firstly, under the Maintenance Act, secondly in the Juvenile Courts and now it is proposed to bring them under the Justices Act. I would like to know whether the Government thinks it wise to invest justices of the peace with recommittal powers in respect of children who have previously been dealt with by magistrates. The Opposition is of opinion that the Government should set up a panel of members of the Law Society to advise the Government from time to time on proposed amendments to the law dealing with the rights of the subject.

The Hon. Sir Frank Perry—This Bill comes from that source.

The Hon. K. E. J. BARDOLPH—According to the Attorney-General it comes, in one instance from the Law Society, and in the other, as regards the question of bail, from two stipendiary magistrates, Mr. Johnston of the Port Adelaide Court, and Mr. Clarke of the Adelaide Police Court. They are both estimable gentlemen and I am not suggesting that they are wrong, but the Attorney-General will agree that we must maintain confidence in the courts in the face of all the isms that are attempting to undermine our institutions. Although justices of the peace do excellent work on behalf of the community I am of the opinion that they are not sufficiently trained in law to deal with these matters which may be referred to them which have been previously dealt with by stipendiary magistrates, who must be lawyers before they can be appointed. On the question of bail, I think it is impossible to make some people good and I think that many of them will estreat their bail whoever provides it. With those few remarks I have pleasure in supporting the second reading.

The Hon. Sir FRANK PERRY (Central No. 2)—I am pleased that no great opposition was shown by the previous speaker to the proposals in this measure. It seems to me that the Attorney-General has been very diligent this session in bringing up-to-date matters that have evidently been allowed to drift. I know of nothing that has happened to warrant urgent action. In the matter of provisions regarding children attaining the age of 18 years, I do not know whether the Attorney-General is seeking to control the rock-'n-roll epidemic which is giving a little trouble at present, but I cannot see that any objection can be raised against this Bill, which has been drawn with the approval of the Attorney-General on the recommendation of a committee of magistrates and law officers appointed for the purpose.

Although alteration of the law is somewhat dangerous and should be only done after careful examination, the alterations proposed in this instance seem to be quite reasonable. For instance, the increasing of a fine of £5 for children of 18 years to £50 is merely in keeping with present-day money values. The provision enabling a child to plead guitly at any time during proceedings, is, again, quite reasonable and no objection can be raised to it.

The first part of the Bill permits articled clerks to appear in court. As I understand from the Attorney-General that an articled clerk is a clerk who is in the last year of his law course this seems to be a sound proposal.

Probably the training of lawyers nowadays is much more advanced in the fourth year than it was when this Act was passed and consequently an articled clerk in his last year of training should be competent to take minor cases. The imprimatur

placed on the Bill by the committee must be accepted, I think, by this Council. I cannot imagine that any committee would deal with a matter such as this except in the interests of both the law and the parties concerned, and the reading of this Act prompts me to think that the alterations have been made with that viewpoint in mind. I am unable to criticize the Bill in any way, and I support it.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"New warrant where child attains 18 before execution."

The Hon. C. D. ROWE (Attorney-General)—Mr. Bardolph raised certain points with regard to the effect of this clause, but I have again read very carefully the remarks I made during the second reading and I feel that the information he sought is already contained in the explanation. I think the purpose of the section is quite clear, and it will lead to more effective working of the administration of the law. I do not think there is any necessity to add anything further.

Clause passed.

Remaining clauses (6 to 25) and title passed.

Bill reported without amendment and Committee's report adopted.

LOCAL COURTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 17, Page 1058.)

The Hon. C. D. ROWE (Attorney-General)—There were one or two matters raised by Sir Arthur Rymill during the second reading debate on this Bill which I think call for some explanation. With regard to the extension of the equitable jurisdiction of the Adelaide Local Court, he suggested that the proposed amount of £1,250 might be too high. His argument, I think, was that in cases where amounts approaching the limit of the jurisdiction were in issue, the parties would often not be willing to accept the decision of the local court without an appeal to the Supreme Court.

The Hon. Sir Arthur Rymill—That was in relation to will cases only.

The Hon. C. D. ROWE—That is so. Sir Arthur's point was that although the object of giving the jurisdiction to the local court is to obtain a cheaper procedure, this object would not be achieved if the parties were involved in a further appeal. I think there are some answers to this. The first is that actions of this kind would usually not be commenced until after the solicitors concerned had conducted some negotiations, and if it appeared in the course of the negotiations that the defendant intended to appeal from the decision of the local court if it went against him, it is probable that the plaintiff would commence the action in the Supreme Court. In any event, if the action were commenced in the local court and either party thought that it was desirable to obtain a decision from the Supreme Court in the first instance, he could apply under section 262 of the Local Courts Act for the transfer of the action to the Supreme Court. Section 262 reads as follows:—

> Any one of the judges of the Supreme Court, on the application at chambers of any party to any action pending under this Part shall have power then and there, or if he thinks fit after the hearing of a summons served upon the other party, to transfer the same to the Supreme Court, upon such terms (if any) as to security for costs or otherwise as he may think fit.

However, it is quite possible that there would be some cases in which there was little dispute as to the facts or law and in which the local court action would be the simplest way of getting a speedy and inexpensive decision.

The other point which Sir Arthur Rymill raised was whether the equitable jurisdiction ought not to be conferred on all local courts and not only on the Local Court of Adelaide. At present not many actions are brought in the local court in its equitable jurisidiction, and under present circumstances it is better that they should all be concentrated in the Local Court of Adelaide, where the judge and the staff have had the most experience. No doubt country magistrates could handle equitable cases, but the cases coming before any one magistrate would be so few and far between that he would get little opportunity of becoming expert in such matters. While the equitable business remains at its present level it is better to concentrate it in the Adelaide court.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 17. Page 1051.)

The Hon. S. C. BEVAN (Central No. 1)—This is a legal Bill of considerable importance and I congratulate the Attorney-General on his efforts to remove various anomalies under

the Act. It is not easy to frame a law that will be perfect in its operation, but the Attorney-General has done a good job in all legal matters, particularly in the Bill now before us. He must have done much research before presenting it.

Clause 3 amends section 77 by striking out the words "of a sexual nature (not being an offence punishable on summary conviction)" in subsection (1) and inserting in their place the words "mentioned in subsection (8) of this section." Section 77 (1) will then read:—

In every case where there is reason to suspect that an offender guilty of any offence mentioned in subsection (8) of this section is suffering from a venereal disease, the court or judge sitting for the trial of that offence shall direct that two or more legally qualified medical practitioners named by the court or judge, inquire whether the offender is so suffering.

We must then turn to new subsection (8) to discover the offences to which the section will apply. This new subsection names 24 sections of the Act and one section of the Police Offences Act, all of which deal with sexual offences. Section 77 (4) provides that unless the Governor is satisfied upon the report of two legally qualified medical practitioners that an offender is no longer suffering from venereal disease at the expiration of his term of imprisonment, he can order that he be detained during Her Majesty's pleasure. Section 77 (5) provides that the Governor may direct the release of the offender if he is satisfied on a report by two or more medical practitioners that the offender so detained is no longer suffering from any venereal disease. It is apparent that this provision has as its object the control of venereal disease, and we all know what the effects of such disease could be if let go uncontrolled.

The Hon. E. Anthoney—Do you think these powers should be handed over to the police force?

The Hon. S. C. BEVAN—They will not be handed over to the police force, but to other authorities. One seldom hears about this disease nowadays, and it could be argued that because of that fact this legislation is not necessary, but I believe it is because of legislation enacted in the past that the disease has been almost stamped out. Because of this, I support the amendment, but I feel it would have been simpler if the words had all been written into section 77 (1). Clause 4 is very similar to clause 3; it amends section 77a, which deals with detention of persons incapable of controlling their sexual instincts, and provides that the words "of a sexual nature" in section 77a shall be struck out and the words "mentioned in subsection (9) of this section" shall be inserted in their place. New subsection (9) sets out the offences to which this section shall apply, and they are the same as provided for by new subsection (8) of section 77. Surely it would have been simpler to have brought about the amendment in another way.

The Hon. E. Anthoney—What point is the honourable member making?

The Hon. S. C. BEVAN—It would have been simpler in section 77a to say:—

In every case where a person has been found guilty of an offence mentioned in sections 48, 49, 50, 51, 52, 53, 55, 56, 57b, 58, 59, 60, 61, 62, 63, 64, 65, 66, 68, 69, 70, 71, 72, and 255 of this Act and in section 23 of the Police Offences Act, 1953, and any other offence where the evidence indicates that the offender may be incapable of exercising proper control over his sexual instincts, the court or judge sitting for the trial of that offence may at its or his discretion direct that two or more legally qualified medical practitioners named by the court or judge, inquire as to the mental condition of the offender, and in particular whether his mental condition is such that he is incapable of exercising proper control over his sexual instincts.

The same applies to section 77. If this were done everything would be found in one subsection of each section.

The Hon. E. Anthoney—The court will accept the medical practitioners' opinion.

The Hon. S. C. BEVAN—I am not arguing that.

The Hon. C. D. Rowe—Surely your point relates to a matter of draftsmanship.

The Hon. S. C. BEVAN—That is so. Surely the amendment could have been made in subsection 1 of each of the sections, which would have simplified the matter. Clause 6 amends section 300 of the principal Act and inserts a completely new section, which contains a number of subsections. The Minister has given a very good explanation of the reason for this new section, so I will not attempt to deal with it, although I would appreciate further information on new section 300e, which provides:—

Where an order fixing a term of imprisonment to be served in default of payment of a fine or forfeiture is made against a person present before the Court or judge, and the Court or judge does not allow time for payment, and the fine or forfeiture is not immediately paid, that person may while the default continues be detained in custody without the issue of any writ for the term so fixed subject to any reduction thereof under section 300g.

My first comment is in relation to the words "so fixed." New section 300e (5) (b) lengthens the term of imprisonment from six months

to 12 months on a writ of *capias*. I was wondering why in the circumstances there should be an increase.

The Hon. C. D. Rowe—The words "so fixed" refer to the first line of section 300 (c) where an order fixing the term of imprisonment shall be served in default of payment of a fine.

The Hon. S. C. BEVAN—If I interpret the subsection correctly, it means that an order could be made against a person for imprisonment for default of the payment of a fine or forfeiture. The judge, using his descretion, could refuse to allow time for payment, and the person could be immediately taken into custody and held for such time as the default continued. If my interpretation is correct, these provisions might already apply in relation to a person who is not able to pay immediately and not being allowed time to pay, could be imprisoned. I fail to see how the authorities could expect him to be able, under the circumstances, to liquidate the debt. The person concerned would have no option but to serve the full term of imprisonment. It might be argued that this is contained in the common law at present, but that does not make it right.

I can appreciate that there are circumstances which would influence a judge to refuse to allow time for payment. The person concerned may be described rightly as a bird of passage, and the judge, knowing that, would not grant time because he would realize that there would be difficulty in locating him for the serving of a writ, as he may have fled to another State. On the other hand, it could happen to an ordinary working man when perhaps a friend or relative, through unfortunate circumstances, had run foul of the law and this man had gone bond for him. In the circumstances, he would have to forfeit his bond. He could be called before the court, and, not having the money available, he could then be ordered detention until the fine ahd been paid, and if he had paid portion of the fine, the sentence could be reduced accordingly. In such circumstances, it would be a hardship, and the State would have to keep him in gaol for perhaps six or 12 months. If he had been given the opportunity to continue work, undoubtedly he could have paid in instalments.

The Bill proposes to delete paragraph (*b*) of subsection (1) of section 313 of the principal Act which includes:—

> The Court may grant time for the payment of any fine and permit payment thereof by instalments and impose a term of imprisonment in default of payment of the fine or of any instalment thereof.

A similar provision is also contained in section 300, which relates to allowing time for the payment of fine or forfeiture. Assuming that my interpretation is correct, the section seems to be conflicting. It is provided that the court can have discretionary power to allow time for the payment of a fine on instalment, but on the other hand we have a provision which states that the presiding judge shall not allow time, and the person can be imprisoned.

Other clauses in the Bill relate to habitual criminals. Clause 9 deals with the deletion of section 322 of the principal Act relating to habitual criminals working at a trade. The present law provides that if after two years an habitual criminal has not been returned to prison and has not been liable to be returned to prison, he ceases to be an habitual criminal. Amendments proposed relate to the release of habitual criminals. It is quite apparent that considerable research has been made into this question, and it was felt that it would be possible from time to time to release these people under conditions which are not at the moment permissible. The new section includes the following:—

> If, during the period of three years following the release of an habitual criminal on licence under this section, he is not recalled by the Governor, he shall cease to be an habitual criminal at the expiration of that period unless the Governor orders to the contrary.

The present law provides that if after two years an habitual criminal has not broken his bond or not committed any other offence to bring him into custody, he is no longer an habitual criminal. I feel that the original provision of two years is sufficient and should be retained, instead of providing for the additional 12 months.

Clauses 13 to 24 deal with appeals and appear to be more practicable than the present provisions. My only comment relates to clause 16 under which the Attorney-General may appeal against a sentence if he considers it to be too light. The section I refer to is 352a, which reads:—

> The Attorney-General may appeal under this Act to the Full Court against any sentence passed after this subsection comes into operation on the conviction of a person on information of an offence committed whether before or after this subsection comes into operation.

After the court has heard all the evidence and submissions, a sentence is imposed, and I feel that should be the end of it. It seems to me to be unjust that some other authority can appeal simply because he thinks that a

person may have got off too lightly. Surely the judge is the approprite authority to fix a penalty. I do not see any reason for the insertion of that clause. The Attorney-General said that there had been considerable inquiry into the matter before this amending legislation was introduced, and that the Government felt that the provision should be inserted in the Bill. He went on to say that that procedure is followed in New South Wales. I do not feel that we should do something in this State merely because it is done somewhere else. If we followed the other States in all respects the workers would now be receiving an increase of 19s. a week in the basic wage.

The Hon. C. D. Rowe—At present the accused has the right of appeal against a sentence, and this Bill proposes that the Crown shall also have a right of appeal.

The Hon. S. C. BEVAN—Clause 15 provides that counsel for the Crown may, within 10 days of the acquittal of a person tried on information, request the trial judge to reserve a question of law for decision by the Full Court. The Attorney-General said in his second reading speech:—

The Full Court is empowered to hear and determine the question, but its determination does not affect any verdict or decision given at the trial. Under the principal Act, unless the accused appeals, a sentence cannot be reviewed. From time to time a sentence is imposed in the Supreme Court which is not consistent with the sentence usually imposed for the offence in similar circumstances, or which otherwise appears inappropriate. The Government believes that all sentences imposed by trial judges should be subject to review so that inappropriate sentences can be varied and proper standards laid down by the Full Court. The Government therefore proposes to enable the Attorney-General to appeal against a sentence imposed in a criminal trial by the Supreme Court. There is a precedent for the Government's proposal in New South Wales where such a right of appeal exists.

I claim that the Government is interfering with the rights of judges to determine matters before it. There would be circumstances in one case which would not apply in another.

The Hon. Sir Frank Perry—It is still only an appeal.

The Hon. S. C. BEVAN—I appreciate that, but the court has already dealt with the matter. A person may be fortunate in getting a lighter sentence than somebody else, but I suggest that if that happens it is because of different facts. The court determines the matter and fixes a sentence, and I feel that should be the end of it. I appreciate the Attorney-General's point that the individual can appeal if he feels he has been harshly treated, and apparently the Government feels that the Attorney-General should have a similar right.

I feel that the Attorney-General has put a considerable amount of work and research into the preparation of this Bill, which indicates that he is doing everything possible to bring these laws up-to-date and remove anomalies. I support the second reading.

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

ENFIELD GENERAL CEMETERY ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 18. Page 1086.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—This is a short measure amending the previous legislation passed in 1944 when the Enfield General Cemetery Act was passed establishing the trust. One of its purposes is to increase the interest rate, which at the time of the establishment of the trust was 3½ per cent. As pointed out by the Minister in introducing the legislation, it is necessary to increase the interest rate because the Government is called upon to pay a higher rate of interest on the money which it receives from the Loan Council.

The Bill provides that the interest rate in future is to be fixed by the Treasurer. A recent *Government Gazette* gave notice of an increase of about 20 per cent in the trust's charges. I do not say that it is not entitled to increase charges, because it has something like 60 or 65 acres of ground under its control and it leases ground for a period of 50 years. If the relatives of the deceased person who is buried there desire to have a renewal of the ground for burial purposes, they can renew the lease, but if there is no application made at the end of that time the ground reverts back to the trust.

The Opposition agrees with the measure which is necessary because of changing economic circumstances. Those responsible for controlling the trust are rendering an excellent service to the State.

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

LIMITATION OF ACTIONS AND WRONGS ACTS AMENDMENT BILL.

Returned from the House of Assembly without amendment.

LAW OF PROPERTY ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL.

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

TRAVELLING STOCK WAYBILLS ACT AMENDMENT BILL.

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

ROAD AND RAILWAY TRANSPORT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 18. Page 1087.)

The Hon. S. C. BEVAN (Central No. 1)—This measure has as its purpose the authorizing of a levy on interstate hauliers using roads within South Australia over which they transport goods. The Government now hopes, after having given careful consideration to the whole matter, that it will be in a position to overcome the difficulties of section 92 of the Commonwealth Constitution. We are all aware that this is no easy matter, and it has been made more difficult by decisions of the High Court and the Privy Council. Charges have been levied previously on interstate hauliers, but, because of the phraseology of section 92, were successfully appealed against.

Roads in South Australia generally are in bad shape, and considerable sums are being spent on their maintenance. Some of our highways were never constructed in the first instance to carry the volume of heavy traffic now passing over them, with the result that they are quickly deteriorating and constant attention is required to keep them in repair. Large sums have been spent on road-making equipment which has not been made full use of. Some of this expensive machinery is left lying idle in the open to rust. Heavy impositions have been placed on motorists and hauliers operating only in South Australia by registration fees and petrol tax to raise money for building and maintaining highways.

Because of the high petrol tax levied and collected by the Commonwealth Government, that Government should stand up to its obligations and assist the States by making available to them for road making a far greater allocation of the money collected. Roads should be made a first priority for defence needs, and should be the responsibility of the Commonwealth. Even in peace-time it is essential that our highways should be in first class order to allow quick transport of goods. A further unjust anomaly is that no additional tax is collected from vehicles propelled by diesel oil, which inflict just as much damage on roads as petrol-driven vehicles. A tax equivalent to the petrol tax should be levied on them.

The Bill provides for a levy of one penny a ton mile of the tare weight of vehicles of over two and a half tons tare weight that use roads in South Australia. This charge seems to be reasonable, as many of these vehicles are operating at a nominal fee. A fee of about 25s. a year is paid in New South Wales for some of them, and this entitles them to operate on roads in other States. Surely it is only fair and reasonable that they should contribute towards the upkeep of roads they are using and about which they continually complain. Their associations lose no opportunity to criticize the authorities for the condition of the roads, yet they use them without making any contribution towards their upkeep.

The Hon. E. Anthoney—I do not think the hauliers object to the proposed fee, do they?

The Hon. S. C. BEVAN—I would not say that they do not object; all the evidence has been that they have always objected, which has been proved by the appeals they have made to the High Court and the Privy Council. If they did not object, why didn't they pay the fee that was levied?

The Hon. Sir Arthur Rymill—Because they considered they were being overcharged.

The Hon. Sir Frank Perry—And they were right, weren't they?

The Hon. S. C. BEVAN—I know it was proved that they were right. This Bill provides for the collection of tax and for keeping records. It also provides that any person making false or misleading statements in those records shall be liable to a fine of £100. There should be a deterrent against these hauliers' false and misleading statements, therefore I do not consider the penalty is too great. The first paragraph of section 92 of the Federal Constitution provides:—

> On the imposition of uniform duties of customs, trade, commerce and intercourse among the States, whether by means of internal carriage or ocean navigation, shall be absolutely free.

What is meant by those last few words? Can they be construed to mean that no charge whatever can be levied on vehicles carrying goods interstate? It that is correct, it appears to me that this legislation could be declared to be invalid, because the State might not have power to levy any charge. On the other hand, the Government has gone into this matter exhaustively, and it has had the highest of opinions on it, so I believe that it has found that this proposed action is within the Constitution and the rights of the States.

Sir Frank Perry—Has similar legislation been introduced in other States?

The Hon. S. C. BEVAN—I am not aware of it. Whatever way we look upon it, it is a charge on the vehicles, and therefore the carriage of the goods would not be absolutely free. Undoubtedly, the State Government has made exhaustive inquiries and now feels it is on safe ground. I wholeheartedly support the Bill. Interstate hauliers have enjoyed a great privilege in having the free use of our highways, and in so doing have aggravated the difficulties of their maintenance. Why should they be allowed to carry heavy loads over our roads which have to be maintained from the registration fees and drivers' licence fees paid by South Australians? The sooner the Bill is given effect to, the better.

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

FRUIT FLY (COMPENSATION) BILL.

Adjourned debate on second reading.

(Continued from October 18. Page 1088.)

The Hon. S. C. BEVAN (Central No. 1)—This legislation has been revised as the result of experience in an attempt to eradicate the fruit fly pest. It is imperative that it should be continued until such time as there are no more outbreaks. Prior to 1947 very little was heard of the fruit fly invading orchards and some home gardens in this State, but each year since has brought forth attacks, and if the pest is allowed to go unchecked it will become so prevalent that commercial and home gardens will become a thing of the past. This would have a very detrimental effect upon the community, causing a shortage of locally grown fruit and vegetables, thus forcing the importation from other States at a much higher price than those ruling locally.

In an attempt to stamp out the pest, the Government took action compelling people immediately to report to the Department of Agriculture, any outbreak or suspected attack upon their gardens. The department thereupon made an investigation and if the pest were found it proclaimed an area from which no fruit could be disposed of other than by the department. The stripping of the area was then proceeded with by the department and the products destroyed. Because this action was compulsory the Government considered that it should pay compensation and legislation was introduced for this purpose. Since 1947 no less than £1,095,529 has been paid in compensation by the State. Some people may consider that this amount is too great and that the legislation should now be relaxed, but I remind members that a re-enactment of the legislation became necessary because of an outbreak this year in the Unley district, and without this Bill no compensation would be paid to those affected.

No-one can say what further outbreaks may occur, therefore, I suggest that we cannot relax our efforts to completely stamp out this pest. Clause 3 provides for compensation to be paid to those persons who suffer loss caused by the stripping, spraying, taking of fruit, prohibition of the removal of fruit, or for damage caused in the removal of fruit. As in the past, no compensation will be paid if a proclamation is made prohibiting the growing of certain plants, and they are grown. As the Minister has fully explained the reasons for this, I will comment no further on this provision. I also agree with the reasons given relating to the dates for lodging claims. It is imperative that this legislation should be continued, and I therefore support the second reading.

The Hon. C. R. STORY (Midland)—I congratulate the Government on agreeing to pay compensation to those who had their fruit stripped as a result of the outbreak of the fruit fly at Unley. As I pointed out last year when speaking on a similar measure, I am pleased that these people are being compensated for their losses. Provided that we can keep this pest in and around the city, like a number of other pests I know, it will protect those who are producing fruit for a living. I wholeheartedly support the measure, and compliment the Department of Agriculture on the way it is policing the depositing of fruit at and near the borders of South Australia. Sometimes criticism is levelled because the containers are not cleaned out regularly enough, but an honest attempt is made to see that the fruit is destroyed. Police officers are continually on the roads making snap tests and impressing motorists on the importance of people not bringing fruit from affected areas into the State. I support the Bill.

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

HOMES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 18. Page 1008.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—This Bill amends the Act passed in 1941 and provides for lending authorities such

as the State Bank, the South Australia Superannuation Fund and similar bodies accepting a guarantee from the Government on the amounts advanced under the Advances for Homes Act. The provision still obtains that the Government will lend 90 per cent of the valuation of the property to be purchased on the valuation of the lending authority's valuers. The legislation has already been amended to provide that the interest rate shall be at the rate of 5 per cent if payment is made within 14 days after the due date, and then it is to increase to 5½ per cent if paid later. This Bill provides for an increased interest rate of 6 per cent if the money is paid within 14 days, after which it is increased to 6½ per cent. It is also provided that the Treasurer is not to grant a loan if the interest rate charged exceeds 6 per cent. To some extent that limits the activities of the Advances for Homes Act. This is one of the legacies of the Menzies Government in the new housing agreement, which has already been ratified by Parliament. There has been a general upward trend in interest rates.

The Hon. L. H. Densley—It is rather a legacy of hire purchase and similar activities.

The Hon. K. E. J. BARDOLPH—I am not prepared to accept that. I have already referred this afternoon to my attitude on economists. There are certain matters relating to the every day affairs of our economic life which they could well leave with the banks, which are controlled by the Chifley Labor Government's Bankruptcy Act, and the workers and controllers of industry to deal with. It is all very well for an economist to sit in a secluded Government office and make surveys as to what should be done in relation to State and Commonwealth finances, and issue plans, but if we put some of these economists in our banks, commercial enterprises or trade unions, they would have to put up their shutters within a month. I am not going to say that they do not contribute something towards the economic welfare of the State, but their views must be blended with a certain amount of experience.

The Hon. Sir Arthur Rymill—You suggest that they are not infallible?

The Hon. K. E. J. BARDOLPH—That is exactly my point. They look upon a group of people as a column of figures, and if the formula does not work out they do not take the human element into consideration. I have pleasure in supporting the second reading.

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

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 18. Page 1090.)

The Hon. S. C. BEVAN (Central No. 1)—This measure is for the purpose of rectifying a state of affairs which has existed since 1891 when the amount fixed by law for a surviving spouse in the event of a person dying intestate was £500. In the event of an estate being under £500 the spouse took the whole. It appears from the Minister's remarks that this amount arrived at in 1891 was not related to any circumstances but was considered a fair thing. Since then, however, the other States who had also adopted the English law of the time have amended their legislation and raised the figure to amounts varying from £1,000 to £5,000. This Bill therefore brings South Australia into line with the other States and fixes the sum at £5,000.

At present if a man dies intestate leaving a widow and without issue the widow takes the first £500 and part of the remainder of the estate, the rest going to the next of kin. It is now proposed to increase this amount to £5,000. If the first amount was considered fair in 1891 the proposed figure of £5,000 would be appropriate on today's valuations. I have always been of the opinion that if a man dies and has not made a will the whole of his estate should go to his widow and children; if he himself was a widower at the time of his death his estate should be equally divided between his children; and in the event of his not having any surviving spouse or children, the estate should pass to the next of kin.

When a comparatively young man meets a premature death and has not made a will his widow suffers a loss if his estate exceeds £500. On the other hand, if a person desired portion of his estate to go to other than his wife and children he would take steps to make a proper will to meet his desires, and I therefore feel that it could be rightly assumed that by not making a will a deceased persons's estate was intended for the spouse and children. However, after hearing the Minister's concise explanation of the Bill, I support the second reading.

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

ADJOURNMENT.

At 5.24 p.m. the Council adjourned until Wednesday, October 24, at 2.15 p.m.