LEGISLATIVE COUNCIL.

Tuesday, October 30, 1956.

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

QUESTIONS.

QUEEN VICTORIA MATERNITY HOSPITAL.

The Hon. K. E. J. BARDOLPH—I ask leave to make a statement with a view to asking a question.

Leave granted.

The Hon. K. E. J. BARDOLPH—The following paragraph appeared in last night's *News* relative to additions to the Queen Victoria Maternity Hospital:—

Pumps are now removing the strongly flowing water at the rate of 3,000 gallons an hour. Sections of the building would have to be redesigned to cope with the heavy underground water pressure, a spokesman for the builders, Fricker Bros., said today.

Can the Minister of Health say what precautionary action had been taken by the Architect-in-Chief's Department prior to the commencement of the building, and what other action has since been taken by the department?

The Hon. Sir LYELL McEWIN—The statement is not quite true to fact. This is not a Government hospital and therefore has nothing to do with the Architect-in-Chief, although the Government is interested to the extent that it has placed a substantial amount on the Estimates for the building of extensions at the hospital. I cannot understand the source of the information, because as far as the architects are concerned there is no problem, and a revision of matters already taken into consideration in the drawing of the plans is not required.

The Hon. K. E. J. BARDOLPH—In view of that statement, will the Minister take the necessary steps to counteract the press statement, which creates a bad atmosphere, whether the matter concerns a private architect or the Architect-in-Chief's Department?

The Hon. Sir LYELL McEWIN—I know of no action I can take. I have already stated that there is no architectural problem. There is nothing further I can say about it. I am not responsible for what appears in the press. I have already given the honourable member the information which has been obtained from the architects, who say there is a small flow of water underground, but nothing that has not already been provided for in the plans.

CONTROL OF TAXI CABS.

The Hon. Sir Frank Perry for the Hon. C. R. CUDMORE (on notice)—In view of the intended visit of the Chief Secretary and Deputy Commissioner of Police to the "Hub of the Universe," London, early in the new year, will the Government seriously consider deferring the whole question of the licensing and control of taxi cabs until after receiving their report and recommendations?

The Hon. Sir LYELL McEWIN—Substantial agreement has been reached between local government authorities and taxi interests upon the question of the form of control which should be exercised, but it is not known if complete agreement will be reached in time for the matter to be considered by Parliament this session.

TOWN PLANNING ACT AMENDMENT BILL.

The Hon. C. D. ROWE (Attorney-General), having obtained leave, introduced a Bill for an Act to amend the Town Planning Act, 1929-1955. Read a first time.

The Hon. C. D. ROWE—I move—

That this Bill be now read a second time.

The purpose of the Bill is to make two amendments to the Town Planning Act. The first amendment provides an expeditious method of registering easements in the name of the Minister of Works and the council concerned. When land is subdivided, it frequently occurs that it is necessary to provide for easements to the Minister of Works or the council in order to provide for the laying of sewer or water mains or to provide means whereby surface water may be adequately dealt with. In general, provision for mains and water drainage is made in the streets but it often occurs that, for the economical provision of services or drainage, it is desirable that easements be granted so that the main or drains may be taken through some of the land subdivided. As regards some housing areas, it has been found by the Engineering and Water Supply Department that it is more economical to run the sewer main along the line of the back fences rather than in the street but, of course, it is necessary, in such circumstances, that the Minister of Works should have an easement over the land in which the main is laid.

At present, it is necessary for all these easements to be separately granted to the

Minister of Works or the council, and for the certificate of title of the land to be appropriately endorsed, whilst it is usual for a certificate of title to the easement to be issued. All this is productive of expense and delay although it is obvious that, where an easement is sought over land not included in a new plan of subdivision, this procedure must be followed. However, when a plan of subdivision is being prepared, it frequently occurs that consideration is given to what easements are necessary to provide for sewerage, water supply and drainage and the land intended to be used for these purposes is shown on the plan.

Clause 2 provides that where the plan of subdivision shows that any land is intended to be subject to an easement of this nature, the effect of the deposit of the plan will be to vest in the Minister of Works or, as the case may be, the council an easement for the purpose shown. The clause goes on to define the rights which are created by the easement. The rights so given are those usually set out in a separate document creating an easement. In addition, the clause provides that the Registrar-General will make an endorsement on the appropriate certificate of title showing that the land affected is subject to the easement. It will not be necessary for the Registrar-General to issue a certificate of title for the easement.

The amendment proposed by clause 2 should be beneficial and its results can perhaps be best expressed in an extract from a minute of the Registrar-General in which he says it will effectively secure the easements at once and dispense with the preparation and registration of instruments.

Clause 3 deals with a different topic. Section 3 of the Town Planning Act provides that the Act only applies to plans which divide land into allotments for use for residences, shops, factories and like premises and does not apply to plans dividing land into allotments to be used for agricultural and similar purposes. That is, the Act only applies to plans of urban land and not to plans dealing with agricultural land. Until 1934, provisions for some control over the subdivision of agricultural land were contained in the Municipal Corporations Act and the District Councils Act but when the Local Government Act, 1934, was enacted these provisions were omitted and it is probable that, under the conditions then existing, there was no need to continue the provisions in question.

However, since the introduction of the recent amendments to the Town Planning Act providing that subdividers of land should undertake various duties and responsibilities it has become apparent that, in instances, the subdividers have turned their attention elsewhere and that, unless there is some degree of control over the subdivision of agricultural land, undesirable consequences will follow. Subdivisions of land into allotments from two or three acres upwards are taking place, particularly on main roads up to twenty miles or so from Adelaide. The allotments to be sold are often described as "farmlets" and as the subdivision purports to be for rural purposes, there is no obligation to lodge plans of subdivision for approval under the Town Planning Act. In many cases, the subdivision abuts on a main road and the subdivider provides, on the plan, for a new road about 300 feet back from the main road and perhaps for other roads at somewhat similar distances.

This has a number of consequences. The council cannot object to the new road being laid out on the plan but it is then saddled with what may be, from the council's point of view, an unnecessary road which, in due course, someone will expect to be made by the council. In instances, roads of this kind which have been laid out on a plan are virtually impossible to drain and, if the council had any control, it would never permit the roads to be placed where they are.

Furthermore, at some time in the future, a plan of re-subdivision could be prepared cutting the farmlet into building blocks of the usual size and such a plan escapes the requirements laid down in the Act for plans of subdivision. It would appear that the roads previously mentioned have been laid out on the plan with a view to this future subdivision. One of the most important aspects of the practice is that it can and is bringing about ribbon development along the busy main roads leading out of Adelaide and it is generally agreed that ribbon development of this kind is undesirable.

It is therefore proposed by clause 3 to enact provisions substantially similar to those which up to 1934 were contained in the Municipal Corporations Act and the District Councils Act. The clause provides that, before a map or plan dividing land in a local government area into allotments or showing any new road or subdividing any such land is deposited in the Lands Titles Office, it must be approved by the Town Planner. The plan must be submitted in duplicate to the council which may object to the plan. Any such objection is to be dealt with by the Town Planning Committee

which, under the 1955 Act, is given the general duty of considering plans of subdivisions of urban land.

The Town Planner may refuse approval to a plan if any road shown is less than 40 feet in width or cannot be made or drained without undue expense, if the effect of giving approval would be to enable a future subdivision to be made contrary to the present provisions of this Act or for a number of other minor reasons. If the Town Planner refuses to approve of a plan there will be an appeal to the Town Planning Committee.

It will be seen that the controls proposed over these subdivisions of rural land are very much less stringent than those now contained in the Act and applicable to urban land. Section 101 of the Real Property Act provides that before any land is divided into allotments the plan of subdivision must be deposited with the Registrar-General. By requiring a plan of subdivision of rural land to be approved by the Town Planner before it is so deposited there should be adequate control over the undesirable features of the subdivision of rural land with a minimum of interference with ordinary subdivisions of such land.

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

PRICES ACT AMENDMENT BILL.

(Continued from October 25. Page 1231.)

On the motion for the third reading,

The Hon. Sir FRANK PERRY (Central No. 2)—This topic has been a bone of contention since about 1949, and certain members have consistently opposed price control. In this session particularly the Bill has been fully debated and several divisions taken on it, and the Council has taken care that it should be well informed from both points of view, namely, from the Government's angle that price control should be continued for another year, and from the viewpoint of those who feel sure that at some period the break must be made and that the sooner it is made the sooner will ordinary trading methods return.

A public meeting was called for the purpose of discussing the matter, but I do not propose to comply with any suggestion that we should seek to amend the Bill at this stage. I feel that, although members of this Chamber are desirous at all times of knowing what public opinion is, they recognize that it is their responsibility to vote in accordance with the knowledge they gain and the judgment they reach after fully considering the various aspects brought forward in debate. They can inform themselves from any sources available to them. I therefore indicate again my opposition to this legislation and my desire that as soon as possible it will be expunged from the Statute Book, so that we can return again to ordinary competition, which has been the practice in this State for generations.

The Hon. Sir ARTHUR RYMILL (Central No. 2)—In my second reading speech I spoke at considerable length to explain my reasons for opposing the Bill and I do not propose to repeat all those reasons. However, I would like to mention one or two matters that are really paradoxical. It was said that this Bill is an attempt to control monopolies, but I believe its effect is to build them up and drive the small man out. We have already seen instances of the way in which small men have been driven out of business by price control, and I think that is a great tragedy, not only for the men themselves, but for the State.

We have also heard that the Bill it a protection against trade associations, but as I pointed out during the second reading, it is having the effect of strengthening them. The amendment that I submitted drew attention to the fundamental lack of justice in this Bill and in the whole subject of price control. Those supporting the Bill have shown that it is impossible to have a right of appeal, and have produced convincing arguments in support, but those very arguments show that there can be no justice in this legislation because, if a determination cannot be reviewed, justice cannot reside in it. It seems apparent that the Bill will pass this Chamber and thus become an Act of Parliament, so all I can say in conclusion is that I hope we will not see a similar Bill in this Chamber again.

The Hon. E. ANTHONEY (Central No. 2)—It is unusual to debate a Bill on its third reading, but I rise again to say that I oppose this measure, not on any capricious grounds, but after having considered the effects the legislation has had and I think will have in the future on the economy of the country. There is a growing feeling of dissatisfaction with price control from different quarters. Although people might have thought at one time that it was a good thing and really controlled prices, they have come to realize that it does not do so; that instead it causes inflation. No amount of speech will alter the vote in this Chamber, but I trust that during

the recess the Government will consider the economic aspects of price control, and that before next session it will clear the Statute Book of this obnoxious legislation.

The Hon. A. J. MELROSE (Midland)—I would not have risen but I did not think I should vote against the third reading of this Bill without saying something. Many years have elapsed since the war, and we have had unprecedented good seasons, so if South Australia cannot now stand on its own feet without price control, it will never be able to do so. I find it impossible to be convinced that it is necessary. I know, as other members do, of many anomalies and injustices suffered under this legislation, but my objection to it is, as I said, that if we cannot afford to do without it now we will never be able to do so. I feel that it is the general opinion of members that we should not be influenced by pressure groups, but we cannot help noticing that a meeting held last night gave evidence of the widespread disapproval of the continuance of price control. The Government should permit the setting up of an unbiased court of appeal. I oppose this legislation, and will continue to do so.

The Hon. F. J. CONDON (Leader of the Opposition)—Somewhat diffidently, I am going to support the third reading because, taking the attitude that I do, I have no other alternative. The Opposition could defeat this Bill if it so desired, and it may have done so if quarterly adjustments had not been done away with. This measure is only window dressing; it has very little effectiveness, but taking everything into consideration the Opposition has no alternative but to support it, because we must have some protection for the workers while their wages are pegged. The workers in this State have lost 19s. a week because the powers that be stopped quarterly adjustments, and this is the only State that has done so. Recently the cost of living in South Australia increased by 7s. a week. Despite the fact that wages have been pegged in South Australia for the last three years, the cost of living is still increasing and may still further increase if there is not some protection. We were told that if quarterly adjustments were abandoned inflation would disappear and things would right themselves, but the result has been the opposite. It is with reluctance that I support the third reading, but possibly I will have to continue to support such legislation until quarterly adjustments are reinstated. The workers and consumers generally have been penalized to a greater extent than those in any other State. Although the Government is interfering too much in many directions, I feel that I must support the third reading on the grounds that as the basic wage is fixed, there must be some form of protection against rising costs.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I have said on many occasions that no one would be happier to abandon this type of legislation than the Government, because that is Government policy, but Government policy does not always mean surrendering to principles concerned with its policy. I should like to correct one or two statements. It has been suggested that the Bill was to control monopolies and deal with trade associations, but I do not think there is any mention of them in it, although it might have some effect on their activities. Monopolies are dealt with under another Act.

There have been statements in the press and the question of a fair deal has been raised. During the course of the second reading debate I quoted a communication from the Prices Commissioner dealing with chemists. It was in the press that the guild had replied to that letter, the inference being that what I had said was untrue. The reply of the guild after that meeting had nothing to do with it. I was speaking of the period prior to the question of control. The issue was whether they knew anything about the position before control was proclaimed. It cannot be said that anything I said to the Council was untrue. There was no misrepresentation in any portion of it. I noticed in the press some of the remarks made at a meeting held last night to deal with the question of price control. A picture appeared in the press of a person at the meeting holding up a leg of mutton.

The Hon. F. J. Condon—That was pulling your leg.

The Hon. Sir LYELL McEWIN—And it had been shorn. You cannot temper the wind to the shorn leg. It was bare mutton shorn of all the facts. As regards the control of mutton and beef prices, there is no continued interference by the Prices Department. I believe the prices being paid for mutton leave a little over the ceiling price and that beef is below the ceiling price and the average is fairly satisfactory. No blame can be attached to the Prices Commissioner for these prices, because they are fixed by a committee, half of which is representative of the trade itself. Apparently

there must be someone satisfied. The committee's recommendation has not been interfered with by the Prices Commissioner, and the butchers get a reasonably good go.

The Hon. K. E. J. Bardolph—Why don't you introduce committees in other branches of trade?

The Hon. Sir LYELL McEWIN—Where committees can be used they are used. I think that someone had something to say about electrical contractors' prices. I do not think that the industry is terribly hard pressed at the moment. One interesting feature about that is that when a recent survey of the industry was made it disclosed a particularly buoyant position, but nevertheless the Commissioner did grant an increase in electrical charges. They were arrived at by allowing for three things—firstly, all material costs incurred since the application of price control were taken into consideration, secondly increased labour costs, and an increase in the overhead rate were allowed, and thirdly an additional 2½ per cent profit margin was provided. Not only were all the costs allowed for, but an increased profit margin. This decision was very well received and as a result the Electricity Trust, which concurred with the basis of the relief given, congratulated the department on the manner it had gone about finalizing this complicated matter, and it bought 150 copies of the new electrical prices order from the Government Printer to distribute to its staff as a price fixing basis.

I do not care what is said, the Prices Com-Commissioner is fair. When appeals are brought to the Premier, the whole of the departmental report is made available to the people who appealed, and they are given every opportunity to come back and refute the department's contentions in fixing prices. I know that debates on a third reading are unusual, but such debates are becoming fairly usual on this particular measure. I would be glad to see that condition not occur. I was particularly generous to the House on this occasion, and in moving the second reading gave quite an informative speech to try to remove any complaints that arose on a previous occasion. No division was called for on the second reading, but had there been there might have been some justification for bringing the matter forward again.

I cannot see any purpose in raising this matter again, and reiterating over and over again opinions without reasons. What it amounted to was, "I am of this opinion and have always been and I am always going to have these views regardless of circumstances." No-one can say that the question has not been well debated, and that is as it should be, because I realize that there are many opinions on the subject. I think that the majority of opinions under existing conditions and existing control confirm a continuance of the legislation.

The Council divided on the third reading.

Ayes (12).—The Hons. K. E. J. Bardolph, S. C. Bevan, J. L. S. Bice, F. J. Condon, J. L. Cowan, E. H. Edmonds, Sir Lyell McEwin (teller), W. W. Robinson, C. D. Rowe, A. J. Shard, C. R. Story and R. R. Wilson.

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

Majority of seven for the ayes.

Third reading thus carried.

COMPANIES ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

The principal purpose of this Bill is to require a foreign company, that is, a company incorporated outside the State, to open a branch share register in the State if the company carries on business in the State and has any shareholder resident in the State. The Bill also deals with a number of other less important questions which have been raised in the last few years. Broadly speaking, the law regards the property in shares as situated in the State or country where they are registered. This means that on the death of a shareholder the shares are dutiable under the law of that State or country. If the shareholder is domiciled elsewhere, the shares may be subject to a considerably higher rate of duty than they would have been had they been registered in this State or country of domicile, and may even be dutiable twice. Further, in order to deal with the shares, his executors or administrators will be required to incur the expense of re-sealing the probate or letters of administration.

Many foreign companies carrying on business in the State have branch registers in Adelaide. South Australian shareholders are accordingly able to register their shareholding in the State and avoid these difficulties. However, many large foreign companies which have a considerable number of local shareholders and carry on business in the State

do not maintain branch registers. The local shareholders are accordingly at a considerable disadvantage. Representations have been made to the Government that a foreign company carrying on business in the State and having shareholders resident in the State should be required to maintain a branch register in the State. It has been pointed out that Western Australia has for some time successfully required foreign companies to establish branch registers. The Government is satisfied that it would be to the general advantage to adopt the proposal and is accordingly introducing this Bill.

Clauses 12 and 13 deal with the establishment and keeping of branch registers. Clause 12 requires a foreign company which is registered in the State, has a share capital and has any shareholder resident in the State to keep a branch register at its registered office in the State for the purpose of registering shares of members resident in the State who apply to have the shares registered therein. A company prohibited by its constitution from inviting the public to subscribe for its shares is not required to establish a branch register. This will mean that a foreign private or proprietary company will not be required to establish a branch register.

A foreign company registered at the commencement of the Bill is allowed six months in which to establish a branch register, if it is incorporated in the Commonwealth, and twelve months if it is incorporated outside the Commonwealth. Clause 12 requires a foreign company, on the application of a member resident in the State, subject to regulations, to register in the branch register shares registered on another register kept by the company, and also, on application, subject to regulations, to remove shares from the branch register.

The remaining provisions of Clause 12 are of an ancillary nature, dealing with such matters as the keeping of the branch register, and the transfer of shares registered on the branch register. They follow as closely as possible the provisions of the principal Act dealing with the keeping of a share register by a South Australian company.

Clause 13 makes it clear that a foreign company which fails to keep a branch register in accordance with the Bill will be deprived of the right to sue in South Australian courts. At present the principal Act provides that a foreign company which carries on business in South Australia contrary to the provisions of the principal Act cannot sue in South Australian courts. Clause 13 also makes an amendment to the principal Act consequential upon Clause 12.

For convenience, I will explain the remaining matters dealt with in the Bill in the order in which they arise. Clause 3, 4 and 5 deal with a matter raised by the Law Society. Under the principal Act, a public company may by resolution determine to be a private company, but, if the company has invited the public to subscribe for shares or debentures and as a result has issued shares or debentures to members of the public, the resolution has no effect until confirmed by the Supreme Court. The Law Society has submitted that this requirement causes hardship where there is no opposition to the conversion, and is out of line with the procedure provided by the principal Act for the conversion of a public company intoi a proprietary company.

The Government takes the view that no useful purpose is served by requiring the confirmation of the Supreme Court in every case where shares or debentures have been issued to members of the public following an invitation to the public to subscribe. The Government proposes that, instead, a person aggrieved by the conversion should be enabled to apply to the Supreme Court to disallow the resolution. It is considered desirable to make this procedure available in every case where it is proposed to convert a company into a private or proprietary company, and not only where a company has isued shares or debentures following an invitation to the public to subscribe. Clause 5 accordingly provides that on the passing of a resoluton for the conversion of a company into a proprietary or private company, aggrieved persons may apply to the court to disallow the resolution.

Clauses 6 and 15 enable the Registrar of Companies to refuse to file a prospectus which appears on its face not to comply with the provisions of the principal Act. It is at present the practice of the Registrar's office to examine prospectuses and reject those which appear not to comply with the provisions of the principal Act. Though it may well fall within the scope of the Registrar's general powers, the practice is not specifically authorized by the principal Act. It is considered desirable to give specific authority for it. The practice is one which assists companies and is of service to the public generally.

Clause 7 deals with advertisements of prospectuses. Under the principal Act an abridged prospectus may be published in a newspaper

subject to certain conditions. One condition is that the number of shares subscribed for by the directors should be indicated in the advertisement. This information is not required in a full prospectus, and there seems therefore no reason why it should be required in an abridged prospectus. Clause 7 accordingly deletes the requirements from the principal Act.

Clause 8 provides that in future it will not be necessary for a company to number fully paid up shares. The principal Act at present requires all shares to be distinguished by numbers. The Law Society has drawn attention to the fact that no purpose is served by requiring fully paid up shares to be numbered, and has pointed out that in England and Victoria such shares need no longer be numbered. In the circumstances it has been decided to follow the example of England and Victoria in this matter.

Clauses 9 and 10 are consequential upon Clause 8. Clause 11 requires a no-liability company to state the date of the holding of its last annual meeting in its annual return to the Registrar. The clause also increases the penalty for failure by a no-liability company to file its annual return within the prescribed time from £5 a day to £10. The object of these amendments is to tighten up control over no-liability companies. Some years ago the affairs of a number of no-liability companies were, as a result of complaints, investigated by the Auditor-General. It was found that they had been allowed to get into great confusion. Among the more outstanding deficiencies in the management of the companies was that important requirements of the principal Act had not been complied with. Balance sheets had not been prepared, annual meetings had not been held, and annual returns had not been lodged. These amendments are designed to facilitate the enforcement of these requirements.

Clauses 14 and 16 deal with share hawking. In recent years there have been a number of complaints that salesmen have been touring country districts selling so called "units" in a company called Australian Primary Oils Ltd. These "units" are contracts by which the company undertakes, among other things, to plant and tend olive trees on a block of land near Bordertown, and to pay the proceeds of the undertaking to a trustee. A prosecution was instituted against one of the salesmen for share hawking contrary to the Companies Act, but the prosecution failed. It was held that the "units" were not shares within the meaning of the relevant provisions. The decision in this case considerably weakens the effectiveness of the laws against share hawking.

The Government has given careful consideration to what should be done about the problem, and has decided to extend the provisions of the principal Act which make it an offence to go from house to house offering shares to members of the public so that they will prohibit house to house sales of rights or interests in businesses of any kind, subject to certain exceptions. It is proposed at the same time to make the offence that of going from place to place, as well as from house to house, offering shares or such rights or interests. Decided cases indicate that this alteration would greatly facilitate the enforcement of the provision.

Clause 14 is consequential upon Clause 16. Clause 16 makes it an offence to go from place to place offering to any member of the public any interest for subscription, purchase or exchange. "Interest" is defined to mean shares or any right or interest entitling a person to participate in the profits, assets or realization of any financial or business undertaking or scheme, other than the undertaking or scheme of a friendly society, industrial and provident society or building society. It does not include any right or interest under a contract of insurance. "Place" is defined to include a house, but not to include office premises. The clause also applies with respect to such an interest a provision of the principal Act which enables a court on convicting a person of sharehawking to avoid a contract for purchase of the shares and to order re-payment of the purchase price.

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

ASSOCIATIONS INCORPORATION BILL.

Adjourned debate on second reading.

(Continued from October 25. Page 1217.)

The Hon. F. J. CONDON (Leader of the Opposition)—This Bill repeals the Associations Incorporation Act but the Council should be very careful in considering any Bill for the repeal of legislation and be sure that good reasons are given for it. As no convincing reasons have been brought forward I cannot see why this Act should be repealed and another put in its place; it might have been better to amend the existing legislation. The Act was designed to confer privileges on non-profit making organizations for charitable or educational purposes, and to exempt such organizations from the requirements of the Companies Act because they were not associated

with trade or industry. However, it is somewhat difficult to understand why racing clubs can be registered under the Act unless it is on the ground that members themselves provide the necessary funds. In certain racing clubs it is the public that supplies the funds, but those club members who make their own sport and pay for it deserve some consideration.

Occasionally it is necessary for an incorporated association to change its name, or some rule of its constitution, or substitute the names of new office holders, and so forth, and in such instances it should be unnecessary for the association to be required to pay any charge, as it does now. I think charitable institutions in particular should be exempted. The Act contains 26 sections, only a few of which will be altered. The interpretation section defines associations as:—

"Association" includes churches, chapels, and all religious bodies; schools, hospitals, and all benevolent and charitable institutions; associations for the purpose of recreation and amusement, or for promoting or encouraging literature, science, and art, and all other institutions and associations formed, or to be formed, for promoting the like objects or any other useful object.

It then excludes certain associations for the purpose of trading or securing pecuniary profits. I ask members to consider whether we are doing a good thing in repealing the Act. Section 4 provides that notice may be given in the press by an association of its desire to be incorporated. Clause 5 deals with this matter, and provides that the notice shall contain the name and address of the person by whom it is given. The Act provides that application can be made to the Supreme Court to restrain the person giving notice from all further proceedings; the Bill proposes that the Local Court shall be the authority and this will possibly minimize the expense. I presume that the Local Court will have the same power as the Supreme Court under the old legislation. The Bill is an important one, and I think it should receive close consideration.

The Hon. E. Anthoney—Does it alter the law much?

The Hon. F. J. CONDON—If it does not do so, why amend the Act? It has been on the Statute Book for a long time, and I do not think it would have been there without good reason, but no good reasons have been given for its repeal.

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

STOCK LICKS ACT REPEAL BILL.

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

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL.

In Committee.

(Continued from October 24. Page 1163.)

Clause 5 and title passed.

Bill reported without amendment and Committee's report adopted.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 24. Page 1161.)

The Hon. Sir ARTHUR RYMILL (Central No. 2)—I join with those who congratulated the Attorney-General on the cleaning up process—one might almost call it a spring cleaning—that he has given to a number of legal technicalities that have been deserving of this treatment for a long time. I am in agreement with about 95 per cent of what he has done. I propose to criticize one or two sections of this measure, although I hope the Attorney-General will realize that what I will say is in the nature of constructive criticism, and certainly is not intended to try to create any difficulties for him in this very laudable process.

I agree with 24 of the 26 clauses of this Bill. I do not agree with the principles underlying clauses 15 and 16, and my present feeling is that I should vote against them. Clause 15 follows the lines of a provision enacted in New South Wales in 1951 whereby, when a person is tried on information and acquitted, the judge shall, if so requested by counsel for the Crown within a certain time, reserve a question of law arising in connection with the trial for decision by the Full Court.

The clause also provides that any determination of the Full Court shall not in any way affect the court or invalidate any verdict or decision given at the trial. That means that, whatever the result of the case stated to the Full Court may be, the position of the accused will not be altered in any way; the object is that the law should be clarified if there has been a wrong decision on a question of law. Such a question in those circumstances becomes a purely academic one. The effect of the decision of the Full Court will be nil as far as the accused is concerned, or in regard to any other matter at that stage. The only effect it could have would be on future questions. The deciding of an academic question is something that

the courts have always frowned upon. I know that I have tried to get some declaratory statements from the Supreme Court to clear up points of law that were of interest to a section of the public, but the court would not make them on that basis. I suggest that that principle should apply to the legislature also and we should discourage the thrusting on courts of academic questions.

My second reason for opposing clause 15 is that if Parliament accepts it, it will be very difficult for it not to take the further step of affecting the accused. If it is passed it could be said that we are acknowledging the principle that there should be an appeal, and that the accused should therefore be retried. That would be against the principles of British justice. Thirdly, there is a danger that the public will say the same thing in a case that might be of public interest. A man might be acquitted, the superior court might say that there was a wrong decision in law, but the man would not be brought back for trial, so the public, if there had been intense feeling about the matter, would say that the accused should be brought back before the court.

The Hon. Sir Frank Perry—Wouldn't there be a lapse of time?

The Hon. Sir ARTHUR RYMILL—Yes, there would be. However, that is the difficulty that could be created with academic questions on matters that have already been disposed of. Fourthly, with all respect to New South Wales, which is often referred to as the senior State, I do not think the activities there in respect of criminal proceedings are necessarily the choicest examples to follow. I know that members of the Labor Party will agree that fortunately our juries are selected from the Legislative Council roll and in this way we get responsible juries. Although they do not decide points of law, nevertheless many of the difficulties arising in New South Wales may well have been caused by the activities of juries which, we are often told, are not always on the same high plane as those in this State.

The Hon. F. J. Condon—Are you in favour of women on juries?

The Hon. Sir ARTHUR RYMILL—I am not in favour of thrusting down anyone's throat something they do not want. My experience is that many women do not want to serve on a jury. As regards those who do, that is a different matter. Finally, in dealing with this clause Parliament can always step in if the law has been wrongly determined by the court. The Supreme Court in its criminal jurisdiction is not bound by its own decisions. Any matter could be rectified.

I also challenge clause 16, which provides in effect that the Crown can appeal to the Full Court against a sentence passed, and that would have the effect of altering the actual sentence. It is a time-honoured tradition in British courts, as I understand it, that this should not be. When a man has been sentenced that is the end of the situation as far as he is concerned unless he himself chooses to appeal, because the British conception of justice is such that he shall have every opportunity to free himself or to ameliorate his term. I have found over the years that legal traditions should not be lightly thrust aside, because when such things have survived for so many centuries there are always good reasons for their surviving in that form—reasons which are not always comprehensible on the surface or apparent on the face of it.

I feel that here no good purpose can be served by the suggested method of reviewing sentences—quite apart from the fact that the accused has the thing hanging over his head, which I feel is not desirable. The Attorney-General gave as a reason for this clause that proper standards should be laid down by the Full Court—that is, the standard laid down by the single judge who sentenced the prisoner should be subject to review by the Full Court in order to obtain a proper standard. The criminal jurisdiction is not administered by only one judge. Each judge takes criminal cases from time to time, and thus lays down his own standard, and these same judges in the aggregate form the Full Court. So, really there is not much difference between the standards laid down by judges individually, and those they lay down when they get together in the Full Court. Each of them makes his sentences when serving his month in the Criminal Court, and thus you get a general line-up. In that sense, I do not think the clause gets us much further forward.

Another objection is that although certainly the clause is limited to appeals by the Attorney-General, unfortunately quite a lot of pressure can be brought to bear on him by his departmental officers when they are dissastisfied. After all, they are the people who do the work and they have the right to make recommendations, which is quite proper and thus we could become involved in quite a spate of appeals. I do not say it would happen, but conceivably it could happen. That would not be desirable. Further, the trial

judge sees the witnesses and hears the way they give their evidence. He sits through-out the whole case, and I would say he is the one in the best position to determine what sentence should be imposed. It is common knowledge that appeal tribunals are loth to interfere because they recognize that the trial judge is in a better position than they are in most instances to determine what the sentence should be.

Finally, I feel as a matter of ordinary practice that the Crown should not be concerned about the sentence in any individual case, but only concerned that the sentences have a deterrent effect on the whole of the community. The accused never knows in advance when he commits a crime which judge he will appear before, and I do not think the fact that a sentence may be reviewed has any further deterrent effect. For these reasons I intend at this stage, unless otherwise convinced, to oppose these two clauses. Otherwise, I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 14 passed.

Clause 15—"Reservation of question of law on acquittal."

The Hon. C. D. ROWE (Attorney-General)—I listened with much respect to the matters raised by Sir Arthur Rymill. He was good enough to discuss with me beforehand the points he proposed to raise and therefore I had an opportunity to consider them. It is correct that on this question of law an appeal will be theoretical rather than practical in its effect. It has introduced what is a new principle, and for this reason I am happy to leave the matter entirely in the hands of the Committee.

The Hon. K. E. J. BARDOLPH—In view of the views expressed by Sir Arthur Rymill and the Attorney-General I suggest that progress be reported so that members can go into the matter more fully.

Progress reported; Committee to sit again.

METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 24. Page 1158.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—The Bill extends the activities of the Metropolitan Abattoirs Board to various areas, including portions of the Mitcham, Marion and Salisbury districts. With the increase in building activities in their areas due to the advent of the Housing Trust there is a demand for this service. It would be fitting to pay a compliment to the workers in the meat industry. With some other honourable members I had the pleasure of being a member of a Select Committee which investigated the operations of abattoirs throughout Australia. It was on the recommendation of that Committee that the Act was amended to provide for the appointment of an employee's representative on the board. Prior to that a good deal of industrial friction had occurred from time to time, and I think every member will agree that since that appointment there has been considerably smoother working in this instrumentality; so much so that councils have requested this protection for the consuming public, and consequently I have much pleasure in supporting the second reading.

The Hon. W. W. ROBINSON (Northern)—As pointed out by the mover and Mr. Bardolph, the object of the Bill is to extend the Metropolitan Abattoirs area. The present boundaries embrace all the municipalities in and around Adelaide with the exception of parts of Mitcham, Marion and the district council of Salisbury. The growth that has taken place north and south of the city and elsewhere has created a demand for the delivery of meat from the Abattoirs to quite a number of new suburbs and towns outside the boundaries now controlled by the board. Those areas, we are told, desire the extension of the Abattoirs facilities, and only by Act of Parliament can this be done.

Looking out over the plains from higher altitudes one must be struck with wonder at the vast extension of housing in every direction. That is all to the good; it is only right and proper that our State should expand, and in the last 10 years the metropolitan population has increased from about 460,000 to 506,000 on the 1954 census. However, we must wonder whether it is getting out of proportion. Statistics reveal that the metropolitan population, on 1954 census figures, was 60.63 per cent of the total of the State, and it has probably reached 61 per cent by now. We must ask ourselves how livelihoods can be provided for all the people and how they are to be fed. The Leader of the Opposition sometimes levels criticism at the rural areas for what he asserts to be a falling off in production.

The Hon. K. E. J. Bardolph—He has never criticized the production of rural areas.

The Hon. W. W. ROBINSON—He very often quotes the amount produced in the 1930-31 season which was over 48,000,000 bushels of wheat and the alleged falling off since, but I looked up the statistics for that year and found that the State produced 54,900,000 bushels of wheat, barley and oats from 5,400,000 acres. By a mere coincidence on the occasion that he last made that criticism the *News* contained a reference to wheat production under the heading "Fifty per cent increase in wheat yield." It referred to the yield per acre and not the total yield, and it went on to say that the yield had increased by 50 per cent in the past 10 years and that the State had produced in the previous year 60,765,843 bushels of wheat, barley and oats from 3,075,000 acres, and in the year 1953 66,000,000 bushels of grain. That indicates that, not only has production not fallen off, but that it has increased in volume and that this quantity has been produced from about two-thirds of the area formerly sown.

My point is that an additional 2,000,000 acres has consequently been made available for other sources of production. In 1930-31 the State had 7,000,000 sheep whereas today it has over 14,000,000. With the prolific seasons that we have enjoyed in the last nine or 10 years we are building up our flocks to the fullest capacity of the land and I believe that this year we will have about 15,000,000 sheep in South Australia. While seasons remain good we can carry that number easily enough, but I visualize leaner years when it will be necessary to have increased facilities for slaughtering stock in the metropolitan area.

This Bill provides for an expansion of the Abattoirs area which will mean increased killings for local consumption. I have gone to some trouble to get figures showing the slaughterings over the last nine to 10 years from which it will be seen that there has been a continual encroachment upon what we know as the export killing capacity. The slaughterings for local consumption, taking sheep and lambs combined, were 641,000 in 1947, 677,000 in 1948, 810,000 in 1949, 784,000 in 1952, 1,111,000 in 1953, 1,124,000 in 1954, 1,016,000 in 1955, with a slight drop for 1956 to 929,000. The average for the last four years was 1,045,000 which is the equivalent of an increase of nearly 500,000 a year.

In 1944 a committee of inquiry recommended that the slaughtering capacity of the abattoirs should be increased from 50,000 to 70,000. That was not done at the time and those associated with the land will remember quite well the 1945 drought when our pastures were unable to carry the sheep and a considerable demand was made on the abattoirs killing capacity. Quite a percentage of lambs died in the yards as well as many on farms and stations because of lack of killing capacity at the works.

The abattoirs at present have a killing capacity of 1,644,000 for local consumption and export combined. Some people will say that there has been a drop in slaughtering for export this year and I agree; I have a cutting which shows a falling off of about 50 per cent, from 450,000 to 223,000. It may therefore be suggested that the capacity of the works is sufficient to meet requirements. That is the case only while we are building up our flocks and while we continue to enjoy bounteous seasons, but I visualize the time when the capacity of our land to carry stock will be fully taxed, and I think we will have reached that stage with 15,000,000 sheep. Consequently, if we get a dry year there will be a tendency to market a much bigger proportion of our stock and the encroachment of local consumption killings will crowd out the export slaughtering capacity. We should therefore earnestly consider that situation so that when the drier seasons come we will be able to cope with the additional numbers that will undoubtedly flow to the works.

Throughout South Australia today there is a demand for young breeding ewes, even Dorset-Merino cross are being purchased and taken to the South-East and elsewhere for breeding, something we did not dream of a few years ago. That all adds up to an increase in numbers that it will be necessary to provide for when the lean years come. Close to Adelaide the Noarlunga Meat Company makes some provision for the slaughtering of stock. Because that company is prohibited from sending a proportion of its rejects to the metropolitan area, it is finding it difficult to operate. Mention was made of the services given by slaughtermen at the works. I do not wish to criticize them, and the provision that Mr. Bardolph mentioned, of having a representative at the works, had my endorsement at the time of the inquiry.

The Hon. K. E. J. Bardolph—As a matter of fact, you gave evidence before the committee.

The Hon. W. W. ROBINSON—I did, but I have been disappointed with the result. I thought a representative on the board would have a greater knowledge that he could convey back to the men, and that we would have better results. My only reason for mentioning this matter is that I read in the press that a

stopwork meeting will be held on November 9. I think the time has arrived when there should be some competition with the abattoirs in South Australia. I do not oppose the Bill; I think an extension of the area is quite justified so that proper inspection can be made of meat in outlying areas. I believe that no inspections have been made of meat in those areas, although this does not apply to the Noarlunga Meat Company, whose killings are examined by a Commonwealth grader each day.

There are quite a number of competitive works in Melbourne, such as Swifts, Borthwicks, Sims Cooper, and Angliss, besides the municipal works and works at Ballarat and Bendigo. I admit that that city is twice as big as Adelaide, but there is competition in the metropolitan market there. New Zealand has 29 abattoirs, killing 17,000,000 sheep each year for export, approximately one-third of their flocks. As this country has these facilities, stock can be killed close to where they are bred and reared, thus obviating wastage in travel, so it has been able to build up an excellent export trade. South Australia can produce lambs that are the equal of, if not better than, those raised in New Zealand, because our pastures are good and we have more sun. If we had better facilities for slaughtering stock in the best manner, we would be able to export more. We have reached the saturation point in stocking, and although the main consideration is wool, we must provide for additional slaughtering of lambs in the metropolitan area, and there can only be proper competition if we compete with the existing abattoirs.

I am not criticizing the abattoirs, but if we had additional works it would help combat the strikes at those works. Only a short time ago people in the metropolitan area had to depend on abattoirs such as the Noarlunga Meat Works for their meat supplies. If these places had not existed they would not have got any meat. I have pleasure in supporting the Bill, but I feel we must make some additional provision for export killing in the near future.

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

ROAD AND RAILWAY TRANSPORT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 24. Page 1160.)

The Hon. E. ANTHONEY (Central No. 2)—Although I support this measure, it does not mean that I necessarily think it is dealing with the matter in the proper way. I cherished the hope that something would result from the conference of the Australian Transport Advisory Council held in this State a few months ago, attended by State representatives and chaired by the Federal Minister, but it brought forth very little. We all hoped that a national road plan would emerge from it, and I believe that such a plan is the only way to deal with this matter. The Government is attempting under this Bill to deal with a problem that has harassed all States for a long time; that is, the unregistered transport vehicles using roads and not making any contribution towards their upkeep. This measure provides that they will have to make some payments, which is quite right, and I think most of the hauliers in this State, and I suppose in other States as well, will be quite happy to pay the charges if they are reasonable.

In company with other members, I have received a long statement setting out a speech made by the Federal Treasurer during the Budget debate, in which he envisaged a 10-year scheme for providing a great national highway throughout the length and breadth of Australia. The matter of finance was gone into and seemed to be thoroughly understood by the Treasurer, but as far as I know no scheme has been evolved. I thought the conference held here a few months ago would announce that this scheme was to be commenced. This Bill is a piecemeal contribution to a big scheme, and High Court decisions have shown the difficulty the Government will face in policing it.

The Hon. Sir Frank Perry—There is an alternative, isn't there?

The Hon. E. ANTHONEY—The alternative is registration. They can either register or pay one penny a ton mile on the tare weight of trucks travelling on our highways on commercial enterprise. It will be easy to collect the registration fee, but it will be difficult to collect the fee calculated on the weight of the vehicle. It is provided that the driver must keep a record, but he could keep two records—one for the officer concerned, and one for himself. I do not say that they will be dishonest, but it is the natural thing—

The Hon. K. E. J. Bardolph—Do you say it is natural to be dishonest?

The Hon. E. ANTHONEY—I am not saying that drivers will be dishonest, but everyone seems to want to take advantage of the Government. At any rate, the temptation will be there. The revenue will be applied to road

maintenance, which is quite right. I draw attention to a matter raised by myself and others in this Chamber with regard to the £73,664 surplus made by the Transport Control Board, which is quite a substantial sum. This amount goes into consolidated revenue, but I believe it should be devoted to the upkeep of our roads, so I ask the Minister to consider the suggestion. I do not oppose this Bill, although it is not the way I would like the matter to be tackled. I hope that road making, which is important from the defence point of view as well as others, will be tackled and that the promise of the Federal Treasurer will come to fruition as soon as possible.

The Hon. C. R. STORY (Midland)—The Bill is an attempt to right an anomaly which has existed for some time in respect of interstate hauliers who are using our roads, but not making any direct contribution towards their upkeep. The legislation is necessary because of a Privy Council decision in 1954 in the Hughes and Vale case. At the time interstate vehicles using controlled roads in this State were called upon to pay certain fees, which were fair and reasonable. It is unfortunate that such a case should have upset what was a fairly reasonable arrangement with interstate hauliers.

The present position is that these hauliers and those engaged in carrying passengers between South Australia and other States are not making any contribution toward the upkeep of our roads, because under section 92 of the Federal Constitution it is laid down that there shall be freedom of trade and commerce between the States. This section has resulted in a harvest for constitutional lawyers for years. I do not suppose that any other section of the Constitution has caused so much litigation.

I would not be qualified to say whether the legality of the Bill will stand up to a decision by the court. I am assured that in the drafting of the Bill due consideration was given to all phases of the situation, including consideration of the judgment in the Hughes and Vale case. I agree entirely with the purpose of the Bill, because I believe we must pay for whatever public utilities we use. In his annual report the Highways Commissioner refers to the finances of his department. Last year the cost of construction and maintenance of roads increased by £767,000 and the total expenditure on roads amounted to £6,751,000. All the petrol tax and the registration of motor vehicle fees, less the cost of administration, was paid into the Highways Department funds, and in addition £100,000 was received from the Loan Account. In essence, the Commissioner said that unless we can find some other source of revenue it may be necessary to curtail entirely the building of new roads and concentrate on keeping existing roads in a state of reasonable repair.

In a State like South Australia, it does not auger well for the future if we have come to such a position of stagnation. We should have some broad plan for developing the country by the construction of roads and railways. It would appear that we will have to look to some other source for income if we are to advance with our roads programme. Heavy interstate vehicles have done considerable damage to our roads. I am not opposed to road transport, realizing its value because of its flexibility and because it is time saving. It is of great importance in opening up country where railways are not economically possible. However, we must insist on getting a fair contribution from those who derive their livelihood by using our roads. An interstate vehicle with a tare weight of 2½ tons or more will be called upon to pay a charge computed on a basis according to the mileage travelled and the tare weight of the vehicle or contribute the ordinary registration fee.

In the Bill we are endeavouring to right a position which was challenged, and I have every confidence that everything possible is being done with this object in view. Hauliers will be called upon to contribute one penny per ton mile or pay the usual fee paid by those operating only within the State. New section 27g sets out the method of payment and the following section relates to records being kept of the operation of vehicles. I do not know how the position will be policed efficiently. The Bill provides that the law will be policed by an officer of the Transport Control Board or a police officer who will be able to challenge an operator on the road. The operator will be obliged to keep proper records of the mileages travelled in South Australia. My knowledge of the law is that it always catches up with the majority f people. Section 27h should be a deterrent to those who would wish to contravene the law, as a fine of £100 is provided.

I have every confidence that the law will be properly policed, although it will be difficult. It will be irksome for the interstate operator, as well as difficult for the Transport Control Board. I think the majority of hauliers realize their responsibilities and are

prepared to pay a reasonable contribution for the use of the roads. It is a very good Bill provided it stands up to any challenge in the courts, which no doubt will arise as soon as it is put into operation. I have always been a great believer that everyone should pay as he goes and if he cannot pay, he should not go.

The Hon. J. L. COWAN (Southern)—On several occasions the High Court has declared invalid similar efforts to raise finances from interstate road hauliers. The professed aim of the legislation is to ensure that they contribute to the maintenance of our roads. As a constant traveller on the highway between Adelaide and Murray Bridge and at times beyond to Bordertown I can say unhesitatingly that there is ample evidence of considerable damage done to this highway by heavy transports. The damage is not only to the surface, but often the foundation is seriously damaged, and this entails costly and difficult repair work. Often this damage is done by vehicles, the owners of which contribute little or nothing toward the upkeep of these roads. Apart from the damage they cause, they are frequently held up through mechanical breakdowns, thereby seriously obstructing the normal flow of traffic. They sometimes remain in this position for one or two days or even longer, and there have been instances where, because of its height, the load has shifted and as a result the vehicle has capsized, scattering the goods over the road, and thus traffic is seriously impeded and much inconvenience caused.

As has already been stated by other speakers, the owners will have two alternatives as to payment. They can either pay on a ton mile basis or take out a registration in the normal way. I agree with the two previous speakers that the first method would be difficult to police. It will require the operators to keep a correct record of the tonnage carried and the mileage covered within the State. At the end of the month they must submit returns to the Transport Control Board with a cheque covering the required amount. These records must be available on the road at any time when required by the board's inspectors or by police officers. All this will require a great deal of policing and a considerable number of records to be kept by the operators. On the other hand, the average registration fee for a vehicle plying interstate is about £200 a year. On a ton-mile basis a vehicle operating from the South Australian border to Adelaide and back to the border would have to pay about £10 for the round trip, and on a vehicle travelling from Western Australia to the eastern States the amount would be about £50, so in that case it would be far cheaper to pay the registration fee for the vehicle in the normal way.

I consider that this Bill is not unduly harsh and taxes a number of people who should fairly be taxed. Incidentally, a court judgment was delivered only yesterday on a very interesting case in Victoria relating to an interstate haulier stationed at Naracoorte who went with his vehicle over the border of South Australia only a very short distance to pick up a load of wool and take it back to Naracoorte. From there he went to the wool stores at Geelong. He was prosecuted and, appeal to the High Court, his appeal was upheld. This shows clearly how difficult it is to deal with road hauliers. Like other speakers I feel that the report recently issued by the Highways Commissioner is not at all reassuring regarding our future road programme. He said quite clearly in a few words that in a year or two it will not be possible to construct any more new roads because all available finance will be required to maintain those already existing. He went on further to say that it will be imposible for the Highways Department to continue to finance district councils for the purchase of road-making machinery. These interest-free loans for the purchase of approved road-making machinery have been a great concession to councils, and I am afraid that they will have great difficulty in raising sufficient money by any other means. I support the Bill in the hope that it will be found valid and be the means of augmenting the funds that will be available in future for the maintenance of our roads.

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

BARLEY MARKETING ACT AMENDMENT BILL.

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

TRAVELLING STOCK WAYBILLS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 24. Page 1159.)

The Hon. A. J. SHARD (Central No. 1)—In principle members of the Opposition agree with this measure which does two things. In the first place it relaxes the provisions of the Act in regard to horses because so few are now

transported, and secondly, it makes more stringent measures for the travelling of sheep, particularly when they are being moved from place to place by people who do not actually own them. Any measure that will make it more difficult for people to take things that do not belong to them will always have the support of our Party. I have only one other comment, and that is in respect of clause 5 (*e*) which may create some difficulties in transporting stock to and from the abattoirs after dark, for it provides that if they are being transported half an hour before sunrise or later than half an hour after sunset a stock waybill must accompany them. That could create some difficulties in connection with the abattoirs market and I would like to hear the Minister on that point. Subject to that I support the second reading.

The Hon. R. R. WILSON (Northern)—I support the Bill and commend the Government on its introduction. It is really designed to prevent sheep stealing which has been prevalent for so many years, particularly in the Murray-Mallee and the Upper South-East. I had a large property in the Upper South-East for a number of years and each year I found that more than 100 sheep could not be accounted for. Loss of sheep in these numbers, especially at ruling prices, represents a considerable amount. Under present day conditions it is quite simple to steal sheep with the aid of motor lorries and sheep dogs. With the aid of the dogs there is no trouble whatever in bringing a flock of sheep up to a boundary fence and loading them on to a motor truck by means of a portable ramp. It is a well known that sheep can always be attracted by a light; the best way to get sheep to move at night is to get them to follow a light, and I see nothing that can prevent sheep stealing by these means in the sparsely populated areas. As a waybill may be witnessed by a justice of the peace, ranger, police officer, authorized representative of a stock firm or two neighbours, I do not see that there will be any difficulty, even if the sheep are being transported to the abattoirs. When sheep are being transported on a motor lorry in the daylight the brands are quite easily seen, and the vehicle can can be distinguished by its colour or other marks, but at night it is a different matter and I wholeheartedly support the making of waybills compulsory.

However, I do not think the Bill goes quite far enough; the Act should be further amended to make it compulsory for waybills to be carried with poultry. Many cases have been reported of people canvassing the country camouflaged as skin buyers whereas their purpose is not to buy skins but to make reconnaissances. Only a fortnight ago a man called on my son-in-law in an ordinary motor car to buy skins, but the next day one of the Christmas geese was missing. The stealing of poultry presents no trouble if they know just where to move in the poultry yard, and I think the Act should be amended to prevent this as it is particularly prevalent from now until Christmas time. I have pleasure in supporting the Bill.

The Hon. J. L. S. BICE secured the adjournment of the debate.

FORESTRY ACT AMENDMENT BILL.

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

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

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

BUSH FIRES ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

The Bill makes a number of amendments to the Bush Fires Act. Subsection (6) of section 11 of the Bush Fires Act was enacted in 1955 and provides that a council may, in respect of any season, alter the periods set out in sections 4, 5, 7, 8, 9, 13, or 20 by putting forward or postponing the commencement of the period by up to 14 days or by postponing for up to 14 days the final date of the period. The purpose of this provision is to enable changes in burning periods to be made by a council in respect of any season, having regard to the seasonal conditions.

Clause 2 makes two alterations to the subsection. Firstly, the periods in question may be fixed by the particular section or may have been altered by a council under subsection (1) of section 11. It is made clear by clause 2 that the power given by subsection (6) to make a variation for the one season applies in both instances. Secondly, section 4 sets out stringent conditions for the burning of stubble between October 15 and February 1, and section 5 relaxes these conditions for the

period from the end of January to May 15. Sections 7 and 8 make similar provision as to scrub burning. Clause 2 provides that, if the power is exercised under subsection (6) of putting forward the commencement of the burning periods under sections 5 or 8, the commencement date of the period must not be earlier than the final date for the burning period under section 4 or 7, as the case may be.

Section 13a authorizes the Minister to broadcast a warning of extreme fire hazard on any day and during that day the lighting of fires in the open is prohibited. The section, however, does not apply to the maintaining of fires which may have been lighted. Clause 3 extends the prohibition in section 13a to the maintaining of a fire in the open or permitting such a fire to remain alight.

Subsections (4) and (5) of section 17 deal with the use of internal combustion engines in or near inflammable material. It is considered that these subsections are not altogether satisfactory and clause 4 proposes to repeal them and substitute a new subsection. The new subsection provides that it will be an offence to drive or cause to be driven on any road or land any vehicle propelled by an internal combustion engine so that the vehicle is driven through or within six feet of any inflammable stubble or material unless the vehicle is fitted with an effective spark arrester or muffler.

The amending Act of 1955 provided for the constitution of a Bush Fires Fund to which contributions are made by the Treasurer and by insurance companies. The total contributions by the companies in any financial year are not to exceed the contribution by the Treasurer. The fund is administered by a committee appointed by the Minister and one of the members is appointed from a panel of names submitted by the Fire and Accident Underwriters' Association of South Australia.

Section 46 provides that the committee can make payments from the fund for the purpose of subsidizing the cost of providing fire fighting equipment by organizations formed to fight bush fires and other fires in parts of the State to which the Fire Brigades Act does not apply. The subsidy is limited to two-thirds of the cost of the fire fighting equipment and subsection (2) of section 46 provides that every payment must be approved by the Minister.

The committee has suggested that the scope of section 46 be widened to permit subsidies to be paid to councils, many of which purchase fire fighting equipment and make it available to fire fighting organizations within their districts. The committee feels that such councils should be supported and given the financial assistance contemplated by section 46. Clause 5 therefore re-drafts subsection (1) of section 46 and provides that, in addition to authorizing the payment of subsidies to the organizations now mentioned in the section, subsidies up to two-thirds of the cost of the equipment may be paid to councils for the purpose of providing fire fighting equipment to fight bush fires or other fires in localities outside the parts of the State to which the Fire Brigades Act applies. Bushfires are the concern of everyone this year because of the profuse growth, and these amendments are to assist to make the Act more efficient. I therefore commend it to the consideration of members.

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

ADJOURNMENT.

At 4.53 p.m. the Council adjourned until Wednesday, October 31, at 2.15 p.m.