## LEGISLATIVE COUNCIL.

Wednesday, October 31, 1956.

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

### QUESTION.

INDUSTRIAL SAFETY STANDARDS.

The Hon. F. J. CONDON—Has the Attorney-General's attention been drawn to a statement in this morning's press by a gentleman from overseas regarding the lag in industrial safety standards in this country?

The Hon. C. D. ROWE—My attention has been drawn to a statement apparently made by a gentleman named R. E. Tugman, who said that industrial safety standards in Australia lagged far behind those in Great Britain or U.S.A. I notice that he arrived here only yesterday and apparently made that statement before the *Advertiser* went to press, so I imagine he had not had much opportunity to inspect safety standards in this State. As far as I know they are comparable with those anywhere in the world, and from my observations since I have been Minister I believe that they are carried out with very great efficiency. I do not think that we need be worried about our record.

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ENFIELD HIGH SCHOOL.

The PRESIDENT laid on the table the final report of the Parliamentary Standing Committee on Public Works on the Enfield High School (including woodwork and domestic art centres), together with minutes of evidence.

PRISONS ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Chief Secretary), having obtained leave, introduced a Bill for an Act to amend the Prisons Act, 1936-1954. Read a first time.

The Hon. Sir LYELL McEWIN—I move—

*That this Bill be now read a second time.*

The purpose of this Bill is to provide for the appointment of a Deputy Comptroller of Prisons. In recent years there has been a considerable increase in the duties of the Sheriff, both in his capacity as Sheriff and as Comptroller of Prisons. First, there has been a substantial increase in the number of prisoners. The average number of prisoners in gaol each day was 284 in 1950, but is now 479. Second, Gladstone Gaol has beeen re-opened, thus increasing the administrative responsibilities of the Sheriff. Third, criminal and circuit sittings of the Supreme Court are longer than they used to be, and now take up a considerable amount of the Sheriff's time. It has been found necessary in recent years to hold additional circuit sittings and there are now six of these sittings each year. There has been an increase in the probation work carried out by the department, and also in the number of writs to be executed.

The growth in the work of the Sheriff's Department is indicated by the annual revenue This has risen from £8,011 in 1950 to £60,466 in 1946. The Sheriff's duties often take him away from Adelaide. He is required to inspect Gladstone Gaol and Kyeema Prison Camp from time to time. In addition, he goes to Mount Gambier and Port Augusta with the circuit court, and this means an absence of about ten weeks a year.

The frequent absence of the Sheriff from Adelaide causes inconvenience particularly since, under the Prisons Act, there are a number of functions which can only be performed by him in his capacity as Comptroller of Prisons. Thus, the Comptroller's authority is required for the transfer of a prisoner from one prison to another or from prison to hospital. The Sheriff's difficulties were to some extent alleviated by the appointment several years ago of a permanent Deputy Sheriff. This appointment, however, while enabling the Sheriff to delegate his functions as Sheriff, does not enable him to delegate hie functions as Comptroller of Prisons. The increase in the work of the department now necessitates the appointment of a Deputy Comptroller as well as a Deputy Sheriff. Ordinarily such an office could be created under the Public Service Act, but in this case a Bill is required, since the deputy can only be enabled to exercise the statutory powers of the Comptroller by amendment of the principal Act.

The Government is accordingly introducing this Bill. It provides for the appointment of a Deputy Comptroller of Prisons by the Governor. The Deputy Comptroller is required by the Bill to exercise and perform such of the powers and duties of the Comptroller as the Comptroller directs. The Bill also provides that where the Comptroller is absent from duty, or the office of Comptroller is vacant, the Deputy Comptroller may exercise and perform the powers and duties of the Comptroller under the principal Act, or any other Act of Parliament.

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

## FRIENDLY SOCIETIES ACT AMENDMENT BILL.

The Hon. SIR LYELL McEWIN (Chief Secretary), having obtained leave, introduced a Bill for an Act to amend the Friendly Societies Act, 1919-1954. Read a first time.

The Hon. Sir LYELL McEWIN—I move—

*That this Bill be now read a second time.*

The Bill deals with a number of matters raised by the Manchester Unity Friendly Society, the United Friendly Societies' Council and the Public Actuary. In general the provisions of the Bill apply equally to societies and their branches. For brevity, I will not mention branches in explaining provisions of the Bill, although many of the provisions apply also to branches.

For convenience, I will explain the matters dealt with by the Bill in the order in which they arise. Clause 3 re-enacts the provisions of the principal Act dealing with the objects for which societies may raise funds. The clause clarifies and improves these provisions generally. In addition, a number of alterations of importance to friendly societies are made. First, the amount of assurance which a member may effect with a society is raised from £500 to £1,000. This alteration has been requested by the Manchester Unity Friendly Society. Its purpose is to make more attractive the facilities offered to members of societies. The Public Actuary has advised that the request is a reasonable one. The present maximum of £500 was fixed in 1949. A considerable increase is obviously justified by the fall in the value of money since 1949.

Second, the clause provides for reimbursing to members expenditure incurred by them on medicines. Until recently medicines were supplied to members under contracts made with chemists by societies. Chemists now, however, refuse to supply medicines under contract, so that, except where members have access to chemist shops conducted by friendly societies, they can no longer obtain medicines through their membership. Accordingly it is proposed to provide for reimbursing to members expenditure incurred by them on medicines. The opportunity has been taken at the same time to provide for reimbursement of expenditure by members on dentistry, physiotherapy, eye tests and spectacles. At present there is no provision at all in the principal Act for optical benefits and dentistry and physiotherapy can only be provided by a society under contract with a dentist or physiotherapist. Provision is also made for optical benefits to be provided under contract.

Third, a friendly society is empowered to raise a fund for establishing homes for the aged or infirm. This power has been requested by the Manchester Unity Friendly Society. There is precedent for it in other States. The Government takes the view that the establishment of homes for the aged or infirm by friendly societies will be generally beneficial.

The clause also increases the maximum sickness benefit payable by a society from £3 3s. to £7 7s., and increases the maximum annuity payable by a society. At present a society cannot pay an annuity of more than £52 per annum. The Bill enables an annuity to be paid at a rate not exceeding £5 5s. a week. The clause sets out which benefits are to be provided for in separate funds, and enables benefits for which separate funds are required to be provided for in one fund if the Public Actuary consents.

Clause 4 increases the amount which a society may pay to a member from a superannuation fund from 10s. to £5 5s. a week. At present, the principal Act limits the amount which a society may pay to a member from a superannuation fund to 10s. a week. At the moment, no societies are conducting such funds, but several are considering doing so. They desire that the maximum weekly payment should be increased. The request is a reasonable one. The limit of 10s. has not been altered since 1886.

Clause 5 enables a society to establish a small loan fund. The Manchester Unity Friendly Society has asked that friendly societies should be enabled to do this. Such a fund would, if properly conducted, be a desirable facility for members, and the Government is prepared to grant the request, subject to suitable safeguards. A provision for the establishment of such funds is commonly found in other friendly societies legislation.

Clause 5 provides among other things that a member of a society may not borrow more than £100 from the society's fund. Also the amount held on deposit in the fund is limited to an amount fixed by the rules of the society or two-thirds of the total amount borrowed from the fund by members, whichever is the less. An officer of the society who takes part in the management of the fund is prohibited from borrowing from the fund.

Clause 6 makes a minor amendment to the principal Act. The principal Act requires the Public Actuary before he registers rules made by a society to be satisfied that the rules will not adversely affect the financial soundness of the society. It would be more appropriate

if the Public Actuary was required to be satisfied that the rules would not adversely affect the financial soundness of any fund of the society, and the clause provides accordingly.

Clause 7 provides that a cheque in payment of medical, hospital or certain other benefits may be signed by only one trustee of a society. At present, the principal Act requires every cheque drawn by a society to be signed by two trustees and countersigned by an officer of the society. In recent years there has been a great increase in the payment of medical and hospital benefits by societies and this requirement has caused considerable inconvenience. One society in the year 1955-56 dealt with 92,934 medical claims. The United Friendly Societies Council has asked that the signature of only one trustee should be required for such payments. The request is reasonable in the circumstances and the clause gives effect to it.

Clause 8 enables a society to lend to a member up to 90 per cent of the surrender value of an assurance effected by him with the society. The Public Actuary has suggested that societies should be enabled to lend money in this way, and the clause provides accordingly. It will provide a further useful facility to members of societies.

Clause 9 prohibits a society or branch from lending money to a trustee of the society or branch respectively. It is considered that if societies are empowered to establish small loan funds and to lend money on the security of assurances, trustees should be prohibited from borrowing from their society or branch. It will be remembered that clause 5 similarly prohibits an officer taking part in the management of a small loan fund from borrowing from the loan fund.

Clause 10 repeals the provisions of the principal Act dealing with the payment by a society of sums payable on the death of a member or the wife or widow of a member and enacts new provisions dealing with this matter. The existing provisions of the principal Act purport to set out the manner in which a sum payable on death should be paid, but are incomplete and difficult to interpret. The clause, instead of setting out the manner of payment, empowers societies to make rules with respect to the payment of such sums. The question is one which can be left to societies to settle for themselves, and is best so left.

Clause 11 re-enacts a provision of the principal Act dealing with the proof of death required to be produced by a person claiming a sum of money payable by a society on the death of a person. The clause enables the death to be proved by an official death certificate or certified extract from an official register. The principal Act at present only provides for proof of death by the certificate of a doctor or coroner. There is no reason why death should not also be provable by a death certificate or a certified extract of an entry on a register of deaths. The clause also generally improves this provision.

Clause 12 makes an alteration to the principal Act consequential upon clause 3, and also authorizes the transfer by a society of sums to the management fund from another fund where the rules provide that a proportion of the contributions for that other fund may be paid to the management fund. At present, though under the principal Act the rules of a society may provide that part of the contribution to a fund may be used for management purposes, the money cannot be transferred to the management fund without the consent of the Chief Secretary. This restriction is unnecessary in the circumstances.

Clause 13 deals with the return which a society is required to furnish annually to the Public Actuary. Paragraph (*a*) of the clause makes an amendment of a drafting nature to the provisions dealing with the return, and paragraph (*b*) requires somewhat fuller details to be given by societies to the Public Actuary than are at present required. Clause 14 makes a minor amendment to the principal Act which does not require explanation, and clause 15 is of a consequential nature. This is an important Bill and I appreciate the consideration of honourable members in allowing me to have Standing Orders suspended to enable me to give the second reading today. I feel that in so doing it will give honourable members an earlier opportunity to examine the details of the Bill immediately copies are available.

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

## ADMINISTRATION AND PROBATE ACT AMENDMENT BILL.

Read a third time and passed.

## ROAD AND RAILWAY TRANSPORT ACT AMENDMENT BILL.

Read a third time and passed.

## STOCK DISEASES ACT AMENDMENT BILL.

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

## STOCK LICKS ACT REPEAL 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.*

Its object is to repeal the Stock Licks Act, 1931, and to bring stock licks within the provisions of the Stock Medicines Act, 1939. The Stock Licks Act provides for the registration of stock licks, and requires a person selling a stock lick to deliver an invoice certificate to the buyer stating that the stock lick is registered, or if the stock lick has not been registered, stating certain particulars with respect to the stock lick. Since the Act has been in operation, only 11 stock licks have been registered under it.

The Stock Medicines Act prohibits the sale of a stock medicine unless it has been registered under the Act by the Stock Medicines Board. There are several hundred stock medicines registered under this Act, and the sale of stock medicines is effectively controlled under it. Under the Stock Medicines Act it is provided that the expression "stock medicine" does not include a stock lick, so that at present it is not necessary to register a stock lick under that Act.

For some years the Stock Medicines Board has experienced considerable difficulty in determining whether certain substances are stock licks or stock medicines and has recently recommended to the Government that the Stock Licks Act should be repealed and stock licks brought within the provisions of the Stock Medicines Act. This would simplify the board's task of administering the Stock Medicines Act and would provide a more effective control over the sale of stock licks. The Government has accepted the recommendation of the board and is accordingly introducing this Bill.

The details of the Bill are as follow:—Clause 2 repeals the Stock Licks Act. Clause 3 amends the Stock Medicines Act. It alters the definition of "stock medicine" so that it will include a stock lick. Clause 4 makes a consequential amendment to the Stock Foods Act. Clause 5 provides that when a stock lick has been registered under the Stock Licks Act and is subsequently registered under the Stock Medicines Act, the Treasurer may refund the registration fee paid under the Stock Licks Act, less 5s. for each year of registration under that Act.

Under the Stock Licks Act, a fee of £5 5s. is paid on registration and no further fee is payable. A person who has paid this fee and is now required by this Bill to register the stock lick under the Stock Medicines Act, would, unless some refund were made, have cause for complaint, particularly where he has registered the stock lick comparatively recently. The scheme proposed by clause 5 is estimated to involve the repayment of about £19. Clause 6 provides that a person will not be required to register a stock lick under the Stock Medicines Act until after the expiration of twelve months from the commencement of the Bill. This provision will give persons dealing in stock licks ample time to register under the Stock Medicines Act and to dispose of old stocks.

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

## BARLEY MARKETING 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.*

Its principal object is to extend the life of the Australian Barley Board. If the Act were not altered, the board would have to cease operations and go out of existence after disposing of next year's barley harvest. It is proposed by the Bill to extend the life of the board for another five seasons, so that the principal Act will apply to barley grown up to the season of 1962-1963. An organization such as the Barley Board has to plan ahead and in the interests of efficiency it is desirable that the board should know a reasonable time in advance whether it is to expire or continue. For this reason the board asked that the question of extending its life should now be considered. The Government decided to seek Parliamentary approval for an extension of the board for a further five years. Clause 7 contains the amendment required for this purpose.

The Bill also proposes some other amendments of the principal Act which the Barley Board has asked for. Clauses 3 and 4 deal with illegal purchases of barley from growers. One of the basic requirements of the barley marketing scheme is that barley growers must sell their barley through the board. The Act places an obligation on the grower not to sell or deliver barley to any person other than the

board, except with the approval of the board itself. However, in recent years the board has found that in some cases merchants have approached the growers directly and bought barley from them without consent of the board. It is clear that if a grower sells his barley to such persons he commits an offence; but the legal position of the buyer is not so clear. Some judicial decisions are to the effect that a person who buys a commodity from a person who sells it illegally is himself guilty of aiding and abetting the offences and punishable accordingly. In other cases the contrary view has been taken. It is proposed by clause 4 to place the responsibility for illegal sales on the buyer as well as the seller. The clause makes it an offence for a person to buy barley from a grower without written consent of the board. Like the other provisions in the Bill, this provision will not apply to barley sold in the course of interstate trade.

Clause 5 provides that all offences against the Act or the regulations can be dealt with summarily. At present the Act does not provide for summary procedure. This omission occurred in the preparation of a uniform Bill for both Victoria and South Australia. The provision in question was not required in Victoria. But it is, of course, desirable in this State. It could be included in the regulations, but it is preferable to have it in the Act.

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

## FORESTRY 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.*

Section 6 of the Forestry Act, 1950, provides for the constitution of the Forestry Board. The section provides that the board is to consist of three members, that one of the members is to be the Conservator of Forests, and that the other members are to be appointed by the Governor on the nomination of the Minister. With the increase of the business of the Forestry Department, it is considered by the Government that provision should be made permitting the increase of the number of members of the board. Clause 2 therefore amends section 6 to provide that the board is to consist of such number of members as the Governor from time to time determines but that the number of members is to be not less than three nor more than five. The present Act makes no provision as to the number of members necessary to constitute a quorum of the board. If the membership of the board is increased, provision of this nature will be necessary and clause 2 therefore provides that the Minister may from time to time fix the number of members necessary to form a quorum of the board.

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

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

Second reading.

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

*That this Bill be now read a second time.*

The main purpose of this Bill is to extend the duration of the Landlord and Tenant (Control of Rents) Act by another twelve months, that is, until December 31, 1957. House building in South Australia has continued at a high rate and the position as regards the commencement and completion rates of houses is the most satisfactory in the Commonwealth. This is amply evidenced by particulars given in the current bulletin of the Department of National Development which deals with building progress during the March quarter of this year, the latest quarter upon which information is available. During this quarter the commencement rate of new houses and flats fell by 3.9 per cent throughout Australia as compared with the March quarter for 1955. It fell in every State except South Australia, the fall being as high as 25.8 per cent in Tasmania. In South Australia, however, the commencement rate increased by 9.3 per cent, and 2,003 dwellings were commenced in this State during the quarter.

The position as regards the completion of dwellings also favours South Australia. The overall completion rate fell by 2.5 per cent. In this State the completion rate increased by 12.9 per cent, and 1,851 houses were completed. The only State where this completion rate was exceeded was Tasmania where the increase was 27.4 per cent but the bulletin points out that this marked rise in completion indicated that, as jobs were completed and fewer new contracts were let, labour was diverted to those projects that remained unfinished. At the end of the 1956 March quarter there were 6,446 dwellings under construction in South Australia as compared with 5,481 for the previous year. In every other

State the 1956 total of dwellings under construction is less than that for 1955. It is therefore not surprising that the bulletin contains the comment that in South Australia the increase in the completion rate, together with the corresponding increase in commencements, reflects a continuing boom in house building in the State.

The bulletin summarizes the Australian house building position as follows. There was a small but noticeable fall in activity in the March quarter in New South Wales, Victoria and Tasmania, a continued downward trend in activity in Queensland, a period of under employment of building capacity in Western Australia and a continued strong level of activity in South Australia. These statements are abundant evidence that the housing problem in this State is being attacked with vigour and some success, but the position is still that the supply of housing is insufficient to overtake the housing shortage which, in large degree, was brought about by the virtual cessation of building in the war years and which has been accentuated by the very large increase in population during recent years.

Whilst the rate of applications for housing to the Housing Trust cannot be regarded as an exact assessment of the housing shortage, and it must be remembered that there is some duplication of applications between the various schemes, the fact that 11,751 applications were made to the trust during last financial year under its various housing schemes whilst the corresponding figure for the previous financial years was 10,806 is abundant evidence that the housing shortage is still with us, although it is by no means as acute as it was some years ago and is being overcome. The Government is therefore of opinion that it is necessary to extend the operation of the Act further and this is provided for in clause 6 of the Bill.

During the past few years, there have been very substantial relaxations of the controls created by the Act. Business premises have been completely freed from control. Similarly, there is now no control as to rents or evictions over dwellinghouses completed since December 3, 1953, over premises which were not let between the beginning of the war and December 3, 1953, or over dwellinghouses let under a lease in writing for two or more years. Where the premises consist of a shop and dwelling this exemption from control relates to a lease for one year or more. Again, where the parties to a lease agree in writing to a tenancy for a fixed term, there is no control over the rent payable under the lease.

As regards rents to be fixed under the Act, the law has been progressively altered to give increases in rent and the present position is that the rent of a dwelling is fixed on the basis of the standard rent prevailing at September 1, 1939, plus 33⅓ per cent whilst full allowance must be made for increases in rates, taxes, costs of maintenance and other outgoings. As regards control of evictions, the Act has been progressively altered in favour of landlords. At present, if a landlord needs his house for himself, his son, daughter, mother or father he can become entitled to possession by giving six months' notice to the tenant. In a number of other cases, possession can be obtained with six months' notice without the court having power to examine the relative hardships of the parties. In cases of breach of tenancy by the tenant, the Act gives no protection to the tenant. In addition, many grounds are prescribed where notice to quit may be given for a short period but where the court will have regard to the relative hardships of the parties.

The Government is therefore of opinion that the Act should be continued in operation for another year in its present form with the exception of the amendments proposed in clauses 3, 4 and 5. Clause 3 amends section 55c of the Act. This section was enacted in 1955 and it provides that the lessor of a house may give six months notice to quit to the tenant on the ground that the house is reasonably needed for occupation by the lessor, his son, daughter, mother or father. The notice to quit must be accompanied by a statutory declaration stating the facts upon which the notice to quit is based. In subsequent proceedings before the local court, the court will not take the hardship provisions into account. Clause 3 extends section 55c to cover the giving of a notice to quit for the purpose of facilitating the sale of the house. The existing requirement as to a statutory declaration will apply to such a notice to quit.

Clause 4 provides that a member of the forces who is engaged on war service or operational service outside Australia and his wife will be regarded as protected persons for the purposes of the Act. Whilst subsection (1*a*) of section 72 provides that service in Korea or Malaya is deemed to be war service, the definition of "protected person" in subsection (1) only includes discharged members of the forces, war pensioners, their wives and widows. It is considered that, whilst a member of the forces is serving outside Australia, he and, in particular, his wife should be given

the protection afforded by the Act to protected persons and clause 4 makes provision accordingly.

Clause 5 deals with a matter which, in the opinion of the Government, requires legislative enactment. A number of agencies are now operating in Adelaide which, for a fee, will supply to an inquirer the address or addresses of premises which are available for letting. The fee may be as much as £10 to £12. After payment of the fee, the addresses are supplied. The rents of the premises at the addresses supplied are usually high and the accommodation is often poor. It is obvious that this practice can lead to extortion from persons unfortunate enough to be in need of housing. Similar practices in the United Kingdom led to the enactment of the Accommodation Agencies Act, 1953, and clause 5 is substantially similar to the relevant provisions of that Act. Clause 5 provides that it will be an offence to demand or accept money for registering a person's name in a list of prospective tenants or for supplying the addresses of dwellings which may be available for letting. It is provided that the clause is not to affect the payment of the remuneration of an agent who acts for an owner and is paid by the owner and that the clause will not apply to the fees of a solicitor acting as such.

It is also provided that if a person procures the letting of a dwelling to another person the clause will not apply to the payment of a fee after the service is rendered. Obviously, an agent acting for the owner or a solicitor is entitled to his proper remuneration. Similarly, if a person actually procures the letting of a house to another person, he should be entitled to be paid for his services. It is also provided by the clause that if any amount is paid in contravention of the clause and the person accepting the money is convicted of an offence under the clause, the convicting court may order him to repay the money to the person by whom it was paid. In the event of such an order not being made, the person by whom the money was paid will be entitled to sue for its recovery.

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

## CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL.

In Committee.

(Continued from October 30. Page 1260.)

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

The Hon. Sir ARTHUR RYMILL—Yesterday I gave the reasons why I would oppose this clause, my first being that it would raise academic questions, which have always been frowned upon. Secondly, if this Chamber recognizes the principle that there should be appeals on these academic matters, it would be difficult for it to resist taking the final step of affecting the position of the accused. I realize he is protected under the Bill, but it would be difficult for us to resist the idea that his position should not be altered. My third reason is that in a case in which there is public interest and in which a decision is reversed on a point of law, the public would feel that the result should be reversed, or at least that there should be a re-trial. As far as I know, this provision does not exist in any other British community except New South Wales, and I do not think we should follow that State's principle and be the only other place to do so.

Clause negatived.

Clause 16—"Attorney-General may appeal against sentence."

The Hon. Sir ARTHUR RYMILL—My first reason for opposing this clause is that when a criminal has been dealt with and sentenced that should be an end of it; he should not have the matter hanging over his head while an appeal is brought. That is the principle in these cases in all British communities. I do not feel that any great purpose can be served by this new section, because all the judges sit as single judges in the criminal jurisdiction and thus, even if there is not a level of sentences that the Crown might desire in one particular session, over-all the results would be the same. Courts of criminal appeal, which deal with appeals by the accused, are very reluctant to alter the sentences of trial judges, because they have been in a position to see the demeanour of witnesses and know more about the case than could be learnt by reading the evidence. Thirdly, the Crown should not be concerned about the result in any one particular case; its motive is to deter the public from committing similar crimes. For this reason the sentence in any one case is not important; it is the aggregation of sentences that counts. Under the present set-up we get the opinions of all judges of the Supreme Court on the sentences imposed, and that should be sufficient. As far as I know, New South Wales is the only other British community that has a law providing for this type of appeal.

The Hon. S. C. BEVAN—I oppose the clause, because I feel that there should not be any right of appeal by the Attorney-General after a criminal court has heard evidence, determined a case on its merits, and passed sentence. Many cases may be similar, but the

circumstances could be different. One of the reasons given for introducing this clause was that as a convicted person could appeal against his sentence, the Government feels that it should have the same rights. However, a defendant who appeals runs the risk of having his sentence increased. This clause is contrary to the principles underlying previous laws, and just because New South Wales has a similar provision is no reason why we should adopt it. If it is passed, a convicted person could be brought back before a court of appeal six months after his conviction.

The Hon. C. D. ROWE (Attorney-General)—Obviously there are two sides to every question, but I believe this clause could well be left in the Bill. There is a principle in British justice that a man is innocent until proved guilty, but we are not concerned with that principle in this clause, because it deals only with the sentence imposed on a person who is found guilty. This matter arose from representations made to the Government some time ago by people and organizations that felt that the penalty imposed in a particular case was not adequate, and when we looked into the matter we found that the Crown could not take any action.

If it is logical for the accused to be able to appeal against a sentence that he feels is too severe, it is logical that the Crown should have the right to appeal against a sentence it feels is not severe enough. The safeguard is that an appeal by the Crown cannot go ahead without the certificate of the Attorney-General, who no doubt would not issue a certificate unless he felt that the sentence was manifestly too short. The Crown has always had a right of appeal against sentences imposed by courts of summary jurisdiction, and I cannot see why the position should be different in a Supreme Court action. For these reasons, the Crown should be able to intervene in appropriate cases and see that a sentence that is manifestly too light is brought into line with what should be the appropriate sentence. This law has been in operation in New South Wales since 1924 and has worked reasonably satisfactorily there. I have heard no complaints about its operation.

The Hon. A. J. MELROSE—It seems to me that the Minister's argument is unsound. Magistrates and judges are very carefully hand-picked by the State to administer the law and mete out justice. It is quite right that any person should have the right of appeal, if he feels that insufficient attention has been given to some of the arguments in his defence and that they should be gone into more fully, but it seems far less logical that the State, which has appointed the judges, should have the right to differ with the umpire when he gives a decision. That is sufficient reason for opposing the clause.

An even stronger reason would be that the provision operates only in New South Wales. From newspaper reports one could not feel so secure in the hands of the New South Wales judiciary as in the hands of the South Australian judiciary. Therefore, we should not try to adjust our attitude on this question to fit in with a precedent in that State. If this right of appeal is granted to the Crown, surely certain officers in the Crown Law Department will be lifted above the judges? I doubt whether any one in a sober mind would consider that desirable. As Mr. Bevan said, the trial judges have the advantage not only of hearing the evidence, but also of measuring up the veracity and attitude of those who give evidence. We would be well advised to defeat the clause.

The Hon. E. ANTHONEY—I oppose the clause. If these proposals had been submitted to the judiciary beforehand I feel certain that their Honours would not have accepted them. When the Crown appeals against the judges of the Supreme Court it amounts to a vote of no confidence in them. The Government should be the last to do that.

The Hon. F. J. CONDON—I oppose the clause because I think it is very unjust. The only reason given for its inclusion was that some busybody might come along and complain that a person should have been given a longer term of imprisonment. The clause would interfere with the freedom of the individual.

Clause negatived.

Clause 17—"Time for appealing."

The Hon. C. D. ROWE—This clause is consequential on clause 16, and is now unnecessary.

Clause negatived.

Progress reported; Committee to sit again.

## ASSOCIATIONS INCORPORATION BILL.

Adjourned debate on second reading.

(Continued from October 30. Page 1258.)

The Hon. E. H. EDMONDS (Northern)—My experience in this Council has been that the great majority of Bills coming before us amend existing legislation, and rarely do we get a Bill which completely repeals an Act, as this Bill does. Where an Act is subject to numerous amendments it reaches the stage where it is desirable that it should be consolidated and

made more convenient for reference. Otherwise, one often has to refer not only to the Act, but hunt around to find the numerous amendments that have been enacted and ascertain their implications. We have ample justification on this occasion to have the old Act repealed and a completely new measure presented.

Over the years the Associations Incorporation Act has been of great assistance to those associated with organizations, which, for the sake of a better term, I would call unofficial organizations. For instance, in country districts many of us have had experience with local charitable, sporting and similar organizations. As an illustration, a public hall and the land may have been vested in trustees, who are local residents. There are times when the setting up of a controlling body presents much difficulty. It is all right whilst the named trustees are still resident in the district and easily approached, but sometimes one or more may leave the district. Before it is possible to carry out an important transaction with the project, the signatures of the individual trustees are required. This applies when it is necessary to arrange finance to extend operations. Although the financial institution concerned may be prepared to assist as required, it is always necessary for the trustees named to be jointly and severally responsible for any financial assistance given.

The position is simplified to a great extent when the organization is incorporated under the Associations Act, under which there is a common seal, which is the organization's authority to transact all business in terms of the constitution, with the sanction of the majority of members of the body concerned. The responsibility of the chairman and secretary is sufficient to carry out practically any transactions associated with it. An important alteration proposed in the Bill is the inclusion in the definition of the organizations and bodies which come under it.

If members peruse clause 4 they will see set out therein the bodies which come within the definition of association, and it is a wide field. The Act provides for objections to the incorporation of any body by means of an application to the Supreme Court for an injunction. That could be quite a costly procedure and involve a good deal of time, so, to simplify the matter, while still providing adequate safeguards, the Bill provides that objection may be made to the Registrar, subject to an appeal to a local court. The Bill sets out the grounds upon which such an appeal may be made, and the Registrar may refuse to register an association upon certain grounds.

Another new provision is that an incorporated association must have a public office and someone—presumably the secretary or the president—whose signature can be accepted under the authority of the seal of incorporation. I commend the Bill to members as a very useful piece of legislation.

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

## METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL.

*Adjourned debate on second reading.*

(Continued from October 30. Page 1262.)

The Hon. E. ANTHONEY (Central No. 2)—As far as I can gather the Bill involves no new principles but merely gives the board the right to extend its operations over a wider area, largely at the request of the Mitcham and Salisbury councils. Owing to the very rapid expansion of these areas it is a very natural demand on the part of the councils to have the services of the board extended to them. I listened with interest to Mr. Robinson yesterday when he gave us a very informative talk on the ambit of the Abattoirs.

The Hon. F. J. Condon—He did not tell us about the losses at Port Lincoln.

The Hon. E. ANTHONEY—I do not want to enter into that, nor into the argument as to whether the board should compete with any other body, although I think a little competition generally is a very good thing. I have heard no complaints about this board being a repressive monopoly, and although it issues an annual report there is little in it beyond statistical information, which does not help members very much regarding general policy and so forth. I understand that the Public Service Commissioner conducts an investigation into the efficiency of the institution every three years, but I can find no report on it. Presumably it is furnished to the Minister and does not become a public paper. It is evident, however, that the organization is carrying on quite satisfactorily and profitably as it returned a surplus of £127,000 last year. I have no complaints to make and therefore support the Bill.

The Hon. Sir FRANK PERRY (Central No. 2)—The Bill simply seeks to extend the scope of the Abattoirs Board and I do not think that any member has any great objection to that or criticism of the work of the board. I appreciated Mr. Robinson's speech yesterday

as it covered fully the work of the Abattoirs and made a brief forecast of future possibilities. It seems to me that any monopoly, private or Government, must be subject to criticisim if it is not to become an autocratic body with a demanding way that becomes objectionable.

The Hon. F. J. Condon—What became of the abattoirs for Kadina?

The Hon. Sir FRANK PERRY—That has not developed for reasons I do not know, but I think that in future, if the development of our agricultural areas is to continue, there must be additional abattoirs. It will not be long before the present establishment is surrounded by homes and it is advisable that some consideration should be given to the establishment of other abattoirs further afield. As a city member I am not particularly concerned with stock or the price of stock, but am more concerned with the quality of the meat I have to consume. The abattoirs was once controlled by municipal corporations, but Parliament in its wisdom took the authority away from them and vested it in the board. Consumers do not mind if meat is slaughtered at the metropolitan abattoirs or by private industry in some other area. The Noarlunga Meat Works should have the right to supply a certain portion of its output to the metropolitan area if it complies with the standards specified by the board. Court action was taken in relation to this company, which won the case, and presumably will continue operations.

A company slaughtering for export has rejects and must have a sale for them. It seems to me that the Government would be wise to consider using some outside abattoirs, because the city is spreading and the metropolitan abattoirs will be serving an area 12 miles south of Adelaide. I do not oppose this measure, but I feel that at some time an examination will have to be made into the monopolistic character of the Metropolitan Abattoirs Board to see whether, by decentralization of the slaughtering of stock, producers and consumers will be better served. Any type of industry should have the right to grow, and the more outside abattoirs can slaughter the better will be the job they do, and the lower the price will be to the consumers. I support the second reading, but hope at some future time to see an indication of decentralization, which should be the policy of the Government in this matter.

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

## COMPANIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 30. Page 1257).

The Hon. S. C. BEVAN (Central No. 1)—This Bill deals mainly with two matters—the registering of shares held by persons domiciled in South Australia in companies incorporated outside the State, and the sale of shares from house to house. The first matter could only apply to businesses operating in this State. In recent years overseas companies have been encouraged to invest capital in Australia, including South Australia. Many foreign companies have opened offices in this State, and have encouraged the public to invest in them. At present it is not necessary to register a branch company's shares, and as explained by the Minister, considerable expense and inconvenience can be caused on the death of a shareholder to his executors or administrators, beneficiaries under his will, and the revenue collecting authorities of this State. This Bill will remedy that, and will protect the interests of shareholders and prospective shareholders.

Section 37 (3) provides that a company limited by shares, not being a no-liability company, may by special resolution alter its name by inserting the word "proprietary" immediately before the word "limited." Apparently the purpose of the amendments in clause 3 is further to clarify the meaning of "proprietary company," and are in the main self-explanatory.

Sections 38 and 39 deal with the conversion of a company to a private or a proprietary company. To remove anomalies it is proposed to delete section 38 and references to it in other sections. Section 39 will be deleted and a new section inserted in its place, which appears to me to be a further safeguard of the interests of all concerned. At the moment a person has no right to apply to a court to disallow a resolution made by a company; clause 5 will give this right.

There are a considerable number of clauses dealing with share capital and debentures, but I do not wish to comment on them. Clause 12 provides for the keeping of branch registers for the registering of shares held by persons resident in this State. A penalty of £100 is provided for every day during which this provision is not complied with. It may appear rather severe, but it is justified in the circumstances.

Clause 16, which relates to restrictions on the offering of shares for subscription or sale,

is very important and is necessary because of share hawking in the country. It was considered that this type of hawking was not in conformity with the principal Act. A prosecution was instituted but failed because it was felt that in actual fact shares were not being sold under the terms of the Act. Such practices deprive unsuspecting persons of large sums, and could affect people who could not afford to lose their savings in such investments. Because of the failure of the prosecutions referred to, it would appear to leave the position wide open for unscrupulous salesmen to dispose of shares. They could make false representations that an investor could enjoy rich returns from the investment, knowing that the law as at present could not touch them. If the Bill is passed it will be illegal for any person to participate in house to house sales of shares. A fitting penalty is provided for any offences. For a first offence the penalty is not to exceed £100, and for a second or subsequent offence provision is made for a fine not exceeding £100 or imprisonment not exceeding 12 months, or both. I feel that such a penalty will be a deterrent. If a person, after having been convicted for a first time, is foolish enough to indulge in further illegal practices, he will know what is coming to him. The Bill offers protection to the general public against unscrupulous salesmen and assures reasonable safeguards against a continuance of the practice. Considerable attention has been given by the Attorney-General in rectifying undesirable practices. I support the second reading.

The Hon. Sir FRANK PERRY (Central No. 2)—The Bill achieves several things in the interests of the public, and in some cases of companies. The first part makes it easier for a company to change from a public to a private company. It can do so by a simple resolution if there are no objections to it. This has happened over the last few years, but involves much trouble and expense in an approach to the Supreme Court for such approval. The Bill safeguards any shareholder or debenture holder, who can appeal to the court if he does not agree with the decision of the directors or the shareholders in the change in the form of the company. It will facilitate the procedure of company law. It also provides for the elimination of the numbering of shares, which has been the trend over recent years. Share numbering has gone out of date. The Bill also tightens up the law relating to no-liability companies. I know of a number of such companies which have existed for many years, but which do not trade, and any obligations they have should be cleared up. I am glad to see this provision included in the Bill.

Share hawking was referred to by Mr. Bevan. Parliament has set its face against this practice. It is a pity that we have to protect some people against themselves. The proposed alteration is an important one and will prevent the hawking of shares. It will be rather unfortunate if the Bill prevents Bordertown from getting its olive grove. The main part of the Bill, as I view it, is that part relating to the share register which opens up a very definite alteration of present procedure. It is a development that I am inclined to favour as the investing public in South Australia is growing considerably, and although to quite a degree investments are made in South Australia, there are certain companies that operate throughout Australia and they do not necessarily have share registers in this State; in fact, some of them have only one in the whole of Australia.

I have taken out a list of a few of the bigger companies, and banks may be taken as an indication of a good type of company in which many people would be likely to invest. The A.N.Z. Bank is registered in Melbourne, London and Wellington, New Zealand; the Bank of New South Wales is registered in Melbourne, Sydney, Brisbane, Perth, Wellington, New Zealand, and London. The only bank registered in South Australia besides the Bank of Adelaide is the National Bank, which is registered in Melbourne, Adelaide, Brisbane, Sydney, Perth and London.

The Hon. C. D. Rowe—The honourable member means that they have a share register?

The Hon. Sir FRANK PERRY—They are registered as trading companies but they have share registers only in the places I have named. Difficulties arise in regard to transfers of shares particularly in respect of estates and probate. If a company has not a share register here it is necessary to go to the head office to have shares transferred, and that means the re-sealing of probate and the payment of duties in another State; and, sometimes, duties at unknown rates or differing rates in the various States. It seems therefore that there is a definite advantage and convenience to the public in having a register of shares in this State. Western Australia is the only State that has similar legislation and apparently this Bill follows their Act to a considerable degree. It is a step that will involve the larger companies in a good deal of

work and the Bill goes very fully into the methods by which these registers are to be kept.

The penalty is £100 a day if an application is not lodged by a certain time. Those of us who have had transactions with our Registrar of Companies know that he is very keen on the strict legal interpretation of the Act and allows very little latitude to companies in the carrying out of his duties. Consequently, I view with a certain amount of suspicion the conditions laid down in the Bill without having opportunity to examine them more closely.

It is a simple matter to have a register of shares in one State as an adjunct to a central register in the head office, but it may be another thing altogether to work under conditions prescribed in this measure. I have not had the opportunity to see whether they are the same as the Western Australian conditions, and if they are a good deal of my criticism falls to the ground. However, if they are our own ideas of what a register of shares should mean I think they should be examined very carefully, for we know that the Registrar allows very little latitude for errors, or anything that is overlooked or not strictly in accordance with the law. I do not say that he does not do his duty; all I am saying is that he does it a little too thoroughly.

From a quick examination of the Bill I am not quite sure what a company registered in South Australia means. Does it mean a company that is trading here, or has an agency, or a works or plant actually functioning in the State? Unless that is clearly defined it seems to me that the Bill is very wide indeed. The Bill provides that any company that is registered and has a single shareholder in this State must have a share register in this State. That is a pretty big thing on the face of it. Some companies are very large concerns in their own area, but very small throughout Australia generally; they may function all over the Commonwealth in a minor way and may have odd shareholders all over Australia. If they have only one shareholder in this State and have to establish a register because of that it seems to be going too far, and I think some limit should be placed on the number of shareholders before a register is required.

Of the larger companies trading in South Australia I think the only one registered here is the Broken Hill Proprietary Company. They have a share register in Adelaide. Companies like the Colonial Sugar Refining Company, Australian Paper Manufacturers Limited, Cyclone Company of Australia Limited, and Australian Consolidated Industries have no share registers in South Australia and it will entail them in considerable work to establish themselves here. Six months is allowed for the purpose and I should say that was long enough, but I would like an opportunity to consult some of the people who will be involved before pronouncing my opinion too strongly.

The Hon. E. Anthoney—Will they have to set up an office here?

The Hon. Sir FRANK PERRY—No, they will have to establish a register, presumably at their own office, or with an accountant or a solicitor.

The Hon. C. D. Rowe—This applies only to companies that are registered and carrying on business in this State so they would have registered offices here.

The Hon. Sir FRANK PERRY—They may not have. They could be very small firms with, perhaps, only two or three men here doing erection work or carrying out small jobs. It is a simple matter to register a firm, and a firm cannot sue unless it is registered here, but to establish a register of shares is a very different thing and I would like to have an opportunity of examining this a little closer since the only precedent is to be found in Western Australia.

In general I am in favour of the Bill because the investing public of South Australia is growing in numbers and the most favoured companies are naturally the larger companies. These bigger companies are centred in Victoria and New South Wales, so much of our investment goes to those other States. It would be to the advantage of this State from a revenue point of view, and particularly in relation to probate duties and obtaining probate, for the trustees to have this work to do. It is very nice to have this legislation, but I do not know whether Victoria, New South Wales or other States will have similar provisions. I will support the Bill because I believe it will be to the advantage of the public to have this provision, but I am concerned about the long list of obligations thrust upon whoever has this register. I would like this matter further explained, or to have information from another source.

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

## TRAVELLING STOCK WAYBILLS ACT AMENDMENT BILL.

(Continued from October 30. Page 1265.)

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

## TOWN PLANNING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 30. Page 1253.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the Bill, which has been brought about by the rapid expansion of our urban development into inner rural areas. The original Town Planning Act was passed in 1929, and in 1955 we passed amending legislation providing that the Town Planning Appeal Board would be superseded by a Town Planning Committee. The original Act defined the people who were to constitute the Town Planning Appeal Board, and the 1955 Act provided that the Government had the right to appoint a Town Planning Committee, with the Town Planner as Chairman, and gave it overriding and mandatory powers. I was interstate when the Bill was before the House last year, but I believe that all measures dealing with town planning should be submitted to a select committee of members of both Houses. As pointed out by the Minister, 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 of 1934 was enacted, they were omitted, and it is probable that under the conditions then existing there was no need to continue them. This Bill will re-enact the provisions contained in the Local Government Act prior to 1934. With all this type of legislation we seem to get into a maze of contradictions and submit amendments to get us out of difficulties that arise from amending portions of acts we are called upon to deal with.

The Bill makes two amendments to the Act. The first provides an expeditious method of registering easements in the name of the Minister of Works and the council concerned. I quite agree with this provision, because I know that in other States where there has been subdivision of land the councils enjoy these powers. Under the Greater Melbourne scheme operating in Victoria, the authority enjoys these powers, and can refuse to endorse subdivisions in which easements for carrying away storm waters or providing water are not provided for in the plan. The 1955 Act limited this matter to the metropolitan area, but the Bill will extend it to the places specified in the 1934 Act. When subdivisions are submitted to the Registrar-General of Titles and the Greater Melbourne authority in Victoria, roads have to be made before any homes can be built. All easements for carrying away storm waters and other things are provided.

The Hon. E. Anthoney—They will be provided here under this Bill.

The Hon. K. E. J. BARDOLPH—Yes, and I am in favour of it, because we will not have the sorry spectacle of having roads such as in Housing Trust areas that are quagmires in winter and dust bowls in summer. I think members will agree that this Bill is essential because of the large scale development carried out by the Housing Trust and other building authorities, as it provides for the laying of sewer mains or drains through some of the subdivided land. It has been the custom to provide for mains in the middle of main roads, but in other States they are laid adjacent to the footpaths, so the roads do not have to be pulled up to effect repairs. This is very effective in Western Australia and Victoria.

Clause 2 provides that where the plan of a 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 the council an easement for the purpose shown. It also provides that the Registrar-General of Deeds will make an endorsement on the appropriate certificate of title showing that the land is subject to the easement. The Registrar-General has expressed the opinion that this clause will effectively secure the easement at once and dispense with the preparation and registration of legal instruments. This provision obtains in Victoria, where a plan of subdivision can be submitted, and after the main provisions of the Act have been carried out, the Lands Titles Office may take two or three months to give its official sanction, but the Registrar-General has the authoritative power that the Registrar-General in this State will have under this legislation.

I agree with the Minister that where farm lands are sold on the outer perimeter of the urban area, resubdivision into building blocks is usually contemplated, but the people are avoiding the intentions of the Act. This measure ties up all the loose ends of the 1955 Act, and will give the necessary protection to ensure ordered planning of extensions to the suburbs; consequently, I support it.

The Hon. E. H. EDMONDS (Northern)—I cannot add much to what has been said. The Bill simply means that we will extend the operations of the existing legislation to land outside the metropolitan area. I think the reason for this is that some subdivisions are going far beyond the limited areas previously

specified in the Act, and the way in which they are extending makes it necessary that they be brought within its provisions. I have always been a great believer in the old adage "First of all plan your work and then work your plan." That is what is desired under the Bill. We should plan things first and carry out works when conditions are favourable. It is much better to plan a project than to come back subsequently and undo much of what has already been done. For instance, there has been much unnecessary expenditure and waste of time in remedying errors made in subdivision. Government authorities are charged with the responsibility of providing certain public services such as water supplies and sewers, but sometimes unnecessary expense is involved because these jobs have not been planned in advance. I support the second reading.

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

## BUSH FIRES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 30. Page 1266.)

The Hon. F. J. CONDON (Leader of the Opposition)—This is a very important Bill. Because of the unusually high rainfall this year there is an immense growth of grass and therefore a close watch will have to be kept against the outbreaks of fires. Not only does this apply in the country but also in the metropolitan area. Because of the terrific growth, there will be much danger this summer. In some suburban areas one would think one was in the country because the growth of grass is so excessive. Recently I covered hundreds of miles in New South Wales and was impressed by the precautions taken against the outbreak of fires and the education of the public. Notices are posted throughout country districts. We should do more to educate the public and warn them of the dangers associated with disastrous fires. In New South Wales they have camping areas with fireplaces provided; therefore people are encouraged to use these places and not light fires in the open, thus creating a danger.

It is not only cigarette butts thrown from cars which are responsible for some of our fires in the country, but outbreaks can also occur because of the concentrated heat of the sun on discarded bottles. For this reason people should be educated not to throw bottles about. Early this year we were warned about possible floods on the Murray and I suggest that similar steps should be taken to inform the public of the danger of bush fires. The growth of grass in the country this year is more prolific than for many years and therefore the position could be more difficult than usual. Anything that can be done to prevent fires and to educate the public in this regard will eventually mean a lot to the State.

The Bill is entirely different from that introduced in the House of Assembly, several amendments having improved it considerably. I fully agree with them. I think we are getting as near as possible to perfection in this type of legislation. We are under a debt to the emergency fire services for their voluntary work. Country councils have also done a fine job. However, we still have those who do not look upon the danger of fire seriously. Even in the country there is often no attempt to provide fire-breaks to prevent the extension of fires. If the public could be educated to make sufficient fire-breaks, it would result in much less damage.

Clause 2 authorizes councils to vary the banned period for lighting fires according to circumstances. Provision is also made for the broadcasting of periods of fire hazards. This is a very necessary step and can result in a number of persons coming forward to assist who otherwise would be unaware of an outbreak. The Bill is a good one and I therefore support it.

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

## ADJOURNMENT.

At 4.57 p.m. the Council adjourned until Thursday, November 1, at 2.15 p.m.